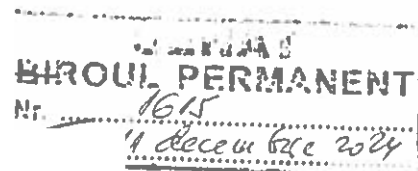


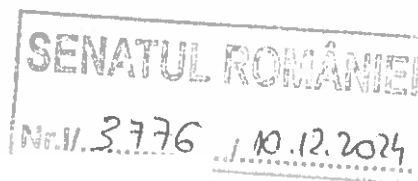


MINISTERUL JUSTIȚIEI



Nr. 2/77391/16.12.2024

Domnului Nicolae-Ionel CIUCĂ
Președintele Senatului
Parlamentul României



Stimate domnule Președinte,

În anul 2020, Comisia Europeană a lansat Mecanismul Uniunii Europene privind statul de drept, aplicabil tuturor statelor membre.

Raportul anual privind statul de drept se află în centrul ciclului anual privind statul de drept, care funcționează ca un instrument preventiv, aprofundând dialogul multilateral și conștientizarea comună a problemelor legate de statul de drept. Până în prezent, au fost publicate cinci ediții ale Raportului privind statul de drept, începând din 2020.

Comisia Europeană a demarat recent procedurile pentru elaborarea celui de-al șaselea Raport privind Statul de drept.

Ca și pentru exercițiile anterioare, prima etapă a procedurii anuale de întocmire a acestui document constă în elaborarea unui raport național, pe baza structurii și componentelor indicate de Comisia Europeană: sistemul de justiție (independența, calitatea, eficiența), cadrul anticorupție, pluralismul media și echilibrul puterilor în stat.

Potrivit chestionarului privind statul de drept, autoritățile naționale urmează a transmite (1) informații privind măsurile luate pentru punerea în aplicare a recomandărilor adresate statului membru în raportul din 2024 privind statul de drept, precum și evoluțiile în ceea ce privește punctele ridicate în capitolul de țară respectiv și (2) orice alte evoluții semnificative din ianuarie 2024, care se încadrează în "tipul de informații" prezentat în secțiunea 2 din chestionar, respectiv evoluții legislative, evoluții în materie de politici, evoluții privind sistemul judiciar și alte autorități independente, precum și orice alte evoluții relevante.

Raportul privind statul de drept publicat în iulie 2024 recomandă României, având în vedere alte evoluții care au avut loc în perioada de referință și pe lângă reamintirea angajamentelor relevante asumate în cadrul Planului de redresare și reziliență:

- Să finalizeze procesul inițiat în vederea luării în considerare a recomandărilor Comisiei de la Veneția privind legile justiției, inclusiv prin consultări și evaluări în vederea îmbunătățirii în continuare a legilor justiției cu o ocazie viitoare.
- Să facă în continuare eforturi în ceea ce privește asigurarea unor resurse umane adecvate pentru sistemul judiciar, inclusiv pentru parchete, ținând seama de standardele europene privind resursele pentru sistemul judiciar.
- Să ia măsuri, în special la nivel operațional, pentru a asigura investigarea și urmărirea penală a infracțiunilor în sistemul judiciar, inclusiv în ceea ce privește infracțiunile de corupție, ținând seama de standardele europene.



MINISTERUL JUSTIȚIEI

- Să introducă norme privind activitățile de lobby pentru senatori și deputați.
- Să își intensifice eforturile de consolidare a normelor și a mecanismelor de îmbunătățire a independenței serviciilor publice de mass-media în materie de decizii editoriale și de guvernanță, ținând seama de standardele europene privind serviciile publice de mass-media.
- Să își intensifice eforturile de asigurare a unor consultări publice eficiente înainte de adoptarea legislației.
- Să continue procesul de obținere a acreditării unei instituții naționale pentru drepturile omului, ținând seama de Principiile de la Paris ale ONU.

În documentul suport transmis autorităților române de către Comisia Europeană (atașat prezentei), aspectele relevante pentru activitatea Senatului se regăsesc în *secțiunea privind echilibrul puterilor în stat, IV A, punctele 1, 2, 3, și IV E, precum și în secțiunea privind pluralismul și libertatea mass-media*. Totodată, vă adresăm rugămintea de a ne comunica demersurile întreprinse pentru îndeplinirea recomandării de a introduce norme privind activitățile de lobby pentru senatori și deputați.

În acest context, vă adresez rugămintea de a ne transmite contribuția dvs., până la data de 24 decembrie 2024 (în format letric și electronic, în limba engleză în măsura posibilului). Precizăm că perioada de raportare este anul 2024 (ianuarie-decembrie).

Comisia Europeană recomandă statelor membre să nu reia informația cuprinsă în rapoartele precedente, ci să actualizeze datele și să furnizeze informații noi. De asemenea, având în vedere că raportul final nu trebuie să depășească 30 de pagini, am aprecia dacă informațiile vor fi concentrate în 5 pagini, la care pot fi adăugate anexe sau link-uri relevante.

Totodată, vă adresez rugămintea de a desemna o persoană de contact din cadrul instituției dvs., în vederea bunei desfășurări a acestui exercițiu, și de a ne comunica datele de contact ale acesteia.

Pentru informații suplimentare, persoanele de contact din cadrul Ministerului Justiției sunt Carmen NECULA, director al Direcției Afaceri Europene și Drepturile Omului (carmen.necula@just.ro, tel. 0372041212) și Mona ANGHENI, director adjunct în cadrul aceleiași direcții (mona.angheni@just.ro, tel. 0372041212).

Vă mulțumim anticipat pentru buna colaborare și pentru aportul instituției dumneavoastră la definitivarea raportului de anul acesta privind statul de drept.

Cu deosebită considerație,

Alina - Ștefania GORGIU
Ministrul Justiției



European Rule of Law Mechanism: input from Member States

2025 Rule of Law Report

1. Introduction

The annual Rule of Law Report lies at the centre of the Annual Rule of Law Cycle, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues. So far, five editions of the Rule of Law Report have been published since 2020.

As every year, the Commission would like to invite the national contact points to provide contributions to the 2025 Rule of Law Report. On the basis of these contributions, further targeted questions may be shared at a later stage of preparation of the 2025 Rule of Law Report, in particular in the context of country visits, or bilateral contacts, as well as the consultation on the draft country chapters prior to the Report's adoption.

The 2025 Rule of Law Report will continue to deepen the assessment under the existing four pillars, and will also follow-up on the implementation of the recommendations to Member States, that were issued as part of the 2024 Rule of Law Report. In line with the Political Guidelines for the 2024-2029 Commission, the 2025 Report will also include a single market dimension. A parallel reflection has been launched with Member States and business stakeholders with a view to collecting views about the scope of the issues to be covered. A further request for contribution will follow specifically on this dimension.

Nature of the contribution

The Commission invites contact points to provide contributions which includes:

- (1) information on measures taken to implement the recommendations addressed to the Member State in the 2024 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter and**
- (2) any other significant developments since January 2024 and up to the date of submission falling under the 'type of information' outlined in section 2.**

The input should preferably be in English and not exceed 30 pages. Relevant legislation or other documents may be referenced with a link (no need to provide the full text). The contributions will be published on the Commission's website upon explicit agreement of the Member States. In order to avoid duplication and excessive administrative burden, please include where applicable explicit references to any relevant contribution already provided by your Member State in a different context (including under Council of Europe, OECD, OSCE and UN bodies or procedures as well the input provided for

previous editions of the Report) or to the previous Rule of Law Reports. Contributions should focus on significant developments since the last Rule of Law Report both as regards the legal framework and its implementation in practice.

Please send us your replies by **24 January 2025** to the following email address: rule-of-law-network@ec.europa.eu. In case you would have any questions or requests for clarifications, please do not hesitate to contact the Commission at the same email address.

2. Type of information to be included:

Under each of the four pillars, the replies should include references to the following types of information:

A) Legislative developments

- Newly adopted legislation
- legislative drafts currently discussed in Parliament
- legislative plans envisaged by the Government

B) Policy developments

- Implementation of legislation
- evaluations, impact assessment, surveys
- white papers/strategies/actions plans/consultation processes
- follow-up to reports/recommendations of Council of Europe bodies or other international organisations
- important administrative measures
- generalised practices

C) Developments related to the judiciary / independent authorities

- important case law by national courts
- important decision/opinions from independent bodies/authorities
- state of play on terms, nominations and expired mandates for high-level positions (e.g. Supreme Court, Constitutional Court, Council for the Judiciary, Prosecutor General, heads of independent authorities included in the scope of the request for input¹)

D) Any other relevant developments

- National authorities are free to add any further information, which they deem relevant; however, this should be short and to the point.

Please also indicate whether the developments reported are linked to the implementation of reforms and investments under the RRP, where applicable. To simplify your answers to the questionnaire, **if there are no developments, you can now simply tick the relevant box**

3. Questions for contribution

Under each pillar, you are invited to provide information on measures taken to implement the recommendations addressed to the Member State in the 2024 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2024 Rule of Law Report and any other

¹ Such as: media regulatory authorities and bodies, national human rights institutions, equality bodies, ombudsman institutions, supreme audit institutions and, where they exist, transparency authorities.

significant developments since January 2024 and up to the date of submission². Please always include a link to and reference relevant legislation/documents (in the national language and/or where available, in English). **Significant developments** can include challenges, positive developments and best practices, covering both legislative developments or implementation and practices.

Information provided in reply to the first question under each pillar, related to the follow-up to the recommendations, does not need to be repeated in subsequent parts of the questionnaire, but can be cross-referenced in the subsequent questions, where relevant. All other questions are not limited to the recommendations, but as in previous years, cover the entire scope of the Report.

² Unless already covered in the input for the previous Rule of Law Reports.

I. Justice System

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the justice system (if applicable):

A. Independence

No developments

If there have been developments related to the independence of justice, please specify which, in particular regarding topics listed below: ...

Relevant topics to be covered in your contribution include:

- *Appointment and selection of judges³, prosecutors and court presidents (incl. judicial review)*
- *Irremovability of judges; including transfers (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (incl. judicial review)*
- *Promotion of judges and prosecutors (incl. judicial review)*
- *Allocation of cases in courts*
- *Independence (including composition and nomination and dismissal of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)*
- *Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (incl. judicial review)*
- *Independence/autonomy of the prosecution service*
- *Independence of the Bar (chamber/association of lawyers) and of lawyers*
- *Significant developments capable of affecting the perception that the general public has of the independence of the judiciary*

B. Quality of justice⁴

No developments

If there have been developments related to the quality of justice, please specify which, regarding in particular topics listed below: ...

³ The reference to 'judges' concerns judges at all level and types of courts as well as judges at constitutional courts.

⁴ Under this topic, Member States are not required to give statistical information but should provide input on the type of information outlined under section 2.

Relevant topics to be covered in your contribution include:

- *Accessibility of courts (e.g. court/legal fees, legal aid, language)*
- *Resources of the judiciary (human/financial/material⁵), remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year),*
- *Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)*
- *Digitalisation (e.g. use of digital technology, including electronic communication and AI tools, within the justice system and with court users, procedural rules, access to judgments online)⁶*
- *Use of assessment tools and standards (e.g. ICT systems, including AI-based systems, for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)*
- *Geographical distribution and number of courts/jurisdictions (“judicial map”) and their specialisation, in particular specific courts or chambers within courts to deal with fraud and corruption cases.*

C. Efficiency of the justice system⁷:

No developments

If there have been developments related to efforts to improve the efficiency of the justice system (e.g. as regards length of proceedings), please specify: ...

Other – please specify

II. Anti-corruption framework⁸

Please provide information on measures taken to follow-up on the

⁵ Material resources refer e.g. to court buildings and other facilities. Financial resources include salaries of staff in courts and prosecution offices.

⁶ Factual information presented in Commission Staff Working Document of 2 December 2020, SWD(2020) 540 final, accompanying the Communication on Digitalisation of justice in the European Union, COM(2020) 710 final and Figures 40 to 48 of the 2024 EU Justice Scoreboard, does not need to be repeated.

⁷ Under this topic, Member States are not required to give statistical information but should provide input on the type of information outlined under section 2.

⁸ Where previous specific reports, published in the framework of the review under the UN Convention against Corruption, of GRECO, and of the OECD address the issues below, please make a reference to the points you wish to bring to the Commission’s attention in these documents, indicating any relevant updates, changes or measures introduced that have occurred since these documents were published.

recommendations received in the 2024 Report regarding the anti-corruption framework (if applicable):

A. The institutional framework capacity to fight against corruption (prevention and investigation / prosecution)

No developments

If there have been developments related to the institutional framework capacity to fight corruption, please specify which, in particular regarding topics listed below: ...

Relevant topics to be covered in your contribution include:

- *List any changes as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention, detection, investigation and prosecution of corruption and the resources allocated to each of these authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic and with foreign authorities. Indicate any relevant measures taken to effectively and timely cooperate with OLAF and EPPO.*
- *Safeguards for the functional independence of the authorities tasked with the prevention and detection of corruption.*
- *Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators.*

B. Prevention

No developments

If there have been developments related to the prevention of corruption, please specify which, in particular regarding topics listed below: ...

Relevant topics to be covered in your contribution include:

- *Measures to enhance integrity in the public sector (including as regards incompatibility rules, revolving doors, codes of conduct, ethics).*
- *Measures to enhance general transparency of public decision-making (including rules on lobbying, asset and interest disclosure rules, gifts policy, transparency of political party financing).*
- *Measures to prevent conflicts of interest in the public sector. Please specify the features and scope of their application (e.g. categories of officials concerned, types of checks and corrective measures depending on the*

category of officials concerned).

→ For the three previous points, please also provide information and figures on their application/enforcement, such as number of detected breaches/irregularities of the various rules in place and the follow-up given (investigations, sanctions, etc.).

- Measures to ensure whistleblower protection and encourage reporting of corruption, including their application (i.e. number of reports received, and the follow-up given).
- Specific measures to enhance transparency, integrity and accountability in sectors with high risks of corruption, with a view to monitor and prevent corruption and conflict of interests, and where applicable measures to prevent and address corruption committed by organised crime groups.
 - Such high-risk sectors could include: public procurement, including construction, transport/infrastructure, defence, cohesion, agriculture, environment, healthcare, citizen/residence investor schemes, large-scale investments of national interest and the spending of EU funds, urban planning.

C. Repression

- No developments regarding the repression of corruption
- If there have been developments related to the repression of corruption, please specify which, in particular regarding topics listed below: ...

Relevant topics to be covered in your contribution include:

- The legal framework on the criminalisation and sanctions for corruption and related offences, including foreign bribery.
- Official data on the number of investigations, prosecutions, final judgments, and the application of sanctions for corruption offences (differentiated by offence if possible)⁹. Please indicate whether the cases: involve legal persons; are related to the implementation of EU or national funds¹⁰; involve high level corruption. Please indicate which data is publicly available and how policy-making is informed by the data.
- Potential obstacles identified in law or in practice to the investigation and

⁹ Please include, if available the number of (data since 2022 or latest available data): indictments; first instance convictions, first instance acquittals; final convictions; final acquittals; other outcomes (final) (i.e. excluding convictions and acquittals); cases adjudicated (final); imprisonment / custodial sentences through final convictions; suspended custodial sentences through final convictions; pending cases at the end of the reference year.

¹⁰ For MS participating in the EPPD, data on cases related to EU funds does not encompass investigations and prosecutions carried out by the EPPD.

prosecution of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning).

- *Information on effectiveness of criminal and non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders.*

Other – please specify

III. Media pluralism and media freedom

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding media pluralism and media freedom (if applicable):

A. Media authorities and bodies¹¹

- No developments
- If there have been developments related to media authorities and bodies, please specify which, in particular regarding topics listed below: ...

Relevant topics to be covered in your contribution:

- *Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies.*
- *Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body of media regulatory authorities and bodies.*
- *Existence and functions of media councils or other self-regulatory bodies.*

B. Safeguards against government or political interference and transparency and concentration of media ownership

- No developments
- If there have been developments related government or political interference or transparency and concentration of media ownership, please specify which, in particular regarding topics listed below: ...

¹¹ Cf. Article 30 of Directive 2018/1808.

Relevant topics to be covered in your contribution include:

- *Measures taken to ensure the fair and transparent allocation of state advertising*
- *Safeguards against state / political interference, in particular:*
 - *safeguards to ensure editorial independence of media (private and public)*
 - *specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their financial and operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions*
 - *information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licences, company operation, capital entry requirements, concentration, and corporate governance*
- *Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners*

C. Framework for journalists' protection, transparency and access to documents

No developments

If there have been developments related to the framework for journalists' protection or transparency/access to documents, please specify which, in particular regarding topics listed below: ...

Relevant topics to be covered in your contribution include:

- *Rules and practices guaranteeing journalist's independence and safety, including as regards protection of journalistic sources and communications, referring also, if applicable, to follow-up given to alerts lodged with the Council of Europe's Platform to promote the protection of journalism and safety of journalists.*
- *Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists.*
- *Access to information and public documents by public at large and journalists (incl. transparency authorities where they exist, procedures,*

costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information).

- *Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits.*

Other – please specify

IV. Other institutional issues related to checks and balances

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the system of checks and balances (if applicable): ...

A. The process for preparing and enacting laws

- No developments
- If there have been developments related to the process for preparing and enacting laws, please specify which, in particular regarding topics listed below: ...

Relevant topics to be covered in your contribution include:

- *Framework, policy and use of impact assessments and evidence based policy-making, stakeholders¹²/public consultations (including rules and practices on the transparent participation of civil society to policy development and decision-making processes, and transparency and quality of the legislative process both in the preparatory and the parliamentary phase.*
- *Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions)*
- *Rules and application of states of emergency (or analogous regimes), including judicial review and parliamentary oversight.*
- *Regime for constitutional review of laws*

B. Independent authorities

- No developments regarding independent authorities
- If there have been developments related to independent authorities, please

¹² This includes also the consultation of social partners.

specify which, in particular regarding topics listed below: ...

Relevant topics to be covered in your contribution include:

- *Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions¹³*
- *Statistics/reports concerning the follow-up to recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies, and supreme audit institutions in the past two years.*

C. Accessibility and judicial review of administrative decisions

No developments

If there have been developments related to the accessibility and judicial review of judicial decisions please specify which, in particular regarding topics listed below: ...

Relevant topics to be covered in your contribution include:

- *Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data)*
- *Judicial review of administrative decisions: short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review).*
- *Rules and practices related to the application by all courts, including constitutional jurisdictions, of the preliminary ruling procedure (Art. 267 TFEU)*
- *Implementation of final judgments by the public administration and State institutions and follow-up given to supranational judgments, including decisions from the European Court of Human Rights, as well as available remedies in case of non-implementation*

D. The enabling framework for civil society

No developments

If there have been developments related to the enabling framework for civil society, please specify which, regarding topics listed below: ...

¹³ Cf. the website of the European Court of Auditors: <https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#>

Relevant topics to be covered in your contribution include:

- *Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration, transparency and dissolution rules)*
- *Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures to protect them from attacks – verbal, physical or on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services, as well as available remedies.*
- *Organisation of financial support for civil society organisations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)*

E. Initiatives to foster a rule of law culture

No developments

If there have been developments related to initiatives to foster a rule of law culture, please specify which, (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society, education initiatives, etc.): ...

Other – please specify