

<b>Official name in original language</b>	<b>Consiliul Superior al Magistraturii</b>
<b>Official name in English</b>	Superior Council of Magistracy
<b>Address</b>	141B Calea Plevnei, 6 <sup>th</sup> district, 060011, Bucharest
<b>Telephone number</b>	+4 021.319.81.89
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<b>Brief history</b>	The Romanian Superior Council of Magistracy was first established on 1 <sup>st</sup> June, 1909, under the Law that amended the Law on judicial organisation of 1890. During the communist regime (1949-1989), it ceased to exist. In 1991, when the new Romanian Constitution was adopted, the Council became a constitutional body, for the first time in its long history. The Constitutional revision of 2003 brought fundamental amendments with respect to the role, structure and competences of the Superior Council of Magistracy and empowered a fully operational and efficient Council, which started operating in January 2005.
<b>Constitutional or legal status/basis</b>	The Constitution of Romania, Chapter VI – Judicial Authority, Section III, articles 133 and 134, provides the role, structure and attributions of the Superior Council of Magistracy. Art. 133 states that the Council is to act as guarantor of the justice independence.
<b>Legal acts regulating the Status</b>	The SCM statute is regulated by Law no.317/2004 on the Superior Council of Magistracy
<b>Composition:</b>	
Total number of members	19 members
Term of office	6 years
Is there a possibility to be renewed as a member?	No
Do the members have a full-time position or not?	Full-time
<b>Make up</b>	<ul style="list-style-type: none"> <li>- <b>14 magistrates</b> (9 judges and 5 prosecutors, representing all levels of jurisdiction) elected by the general assemblies of magistrates and validated by the Romanian Senate</li> <li>- <b>2 lay members</b>, elected by the Romanian Senate</li> <li>- <b>3 ex officio members</b>: the president of the High Court of Cassation and Justice, the minister of justice and the general prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice.</li> </ul>
Is there a majority of Judges?	Yes (10 judges, including the President of the HCCJ, out of 19 members)

<b>Presidency</b>	<p><b>President:</b> is elected among the members who are also judges or prosecutors for a 1 year term of office; (if the President is a judge than the Vice-president must be a prosecutor and vice-versa)</p> <p><b>Vice-president:</b> is elected among the members who are also judges or prosecutors for a 1 year term of office</p>
<b>Main Competences:</b>	
Career of judges and / or prosecutors	<p>Ensures the observance of competence criteria in the magistrates' career;</p> <p>decides with respect to the magistrates' career (appointment into leading positions, transfer, secondment, proposals for appointment into and the release from the leading positions within the High Court of Cassation and Justice, consultative advice on the proposal of the minister of justice for the appointment into and release from leading positions within the Prosecutor's Office by the High Court of Cassation and Justice).</p>
Judicial training	<p>The SCM coordinates the activity of the National Institute of Magistracy and approves annually the Programme of Professional training for judges and prosecutors</p>
Discipline	<p>Through its sections, the Superior Council of Magistracy fulfils the role of a court in the field of the disciplinary liability of judges, prosecutors and assistant magistrates. The SCM's Plenum settles the appeals brought by judges and prosecutors against the decisions rendered by its sections.</p>
Ethics	<p>Approves the Code of judicial ethics and deontology; ensures the observance of professional ethics</p>
Opinions on legislation / other opinions	<p>The Superior Council of Magistracy elaborates and adopts secondary legislation regarding the judiciary and issues a consultative advice on draft normative acts that refer to the activity of the judicial authority, as well as draft orders and regulations approved by the minister of justice, in the cases provided by the law.</p>
Other competencies	<p>Defends the independence of the Judiciary or the independence, impartiality and professional reputation of judges and prosecutors;</p> <p>Contributes to the efficient organisation and functioning of courts and prosecutor's offices;</p> <p>Approves the search, detention or preventive arrest of judges and prosecutors.</p>
<b>Status of decisions</b>	<p>Administrative nature</p>
<b>Review</b>	<p>According to the Constitution of Romania the decisions of the Superior Council of Magistracy are final and irrevocable except of those concerning the magistrates' disciplinary liability which may be appealed on points of law before the 5 panel judges of the High Court of Cassation and Justice. As well, the SCM's decisions regarding the career and rights of magistrates may be appealed on points of law before the administrative and contentious Section within the High Court of Cassation and Justice</p>

## **Budget**

The SCM has its own budget which is approved annually by the Romanian Parliament. Under the Public Finance Law 500/2002 and the provisions of the Fiscal Responsibility Law 69/2010, the Ministry of Public Finance (MOPF) establishes the expenditure ceiling for each primary spending authority in the judicial sector. The SCM files with the MOPF its own budget proposal which is included in the draft budget law. After the endorsement of the draft by the government, the Parliament approves budgets as a whole.

The budget of the courts or prosecutors' offices is not included in the budget of the SCM, but they are endorsed by the SCM and follow the same procedure. The High Court of Cassation and Justice manages its own budget; the Prosecutors' Office by the High Court of Cassation and Justice is primary spending authority and manages its own budget and the budget of the prosecutors' offices; the Ministry of Justice manages the budget of all the courts, except the High Court.