



*"The Superior Council of Magistracy is  
the guarantor of the independence of the  
Judiciary"*

*(art. 133 Para 1 Romanian  
Constitution, as republished)*

**Public Information and Media Relationship Department**

**1 February 2017**

**In the context of the normative acts with impact on the Judiciary as adopted by the Romanian Government, disregarding the principle of decision-making transparency, the Plenum of the Superior Council of Magistracy, in today's session, 1 February 2017, issues the following**

**PUBLIC MESSAGE FOR  
DEFENDING THE INDEPENDENCE OF THE JUDICIARY**

Considering the commitment of the Plenum of the Superior Council of Magistracy to consistently observe and jointly accomplish the action plan for the 6 years term of office, as adopted in its session of 12 January 2017,

Considering the fact that Romania is, as of 1 January 2007, a Member State of the European Union and that upon the accession Romania has committed to reach the main objectives of the justice reform,

Noting the progress in the last 10 years on ensuring the independence, efficiency, integrity of the Judiciary and fight against corruption,

Noting that the accomplishment of such progress has been possible by the strong commitment and significant efforts of Romania, through the Judiciary, through other public authorities and with the support of the civil society,

Being aware of the fact that the independence of justice is not a privilege for the magistrates, but a privilege for the rule of law and for those who want justice to be done, and considering the responsibility of the magistrates, whose independence has been granted by the Romanian Constitution,

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Considering that the manner of adoption of certain normative acts by the Romanian Government, with impact on the Judiciary disregarding the principle of decision-making transparency is a proof for undermining justice and Judiciary,

**According to the recommendations of the European Commission, published on 25 January 2017, under the Co-operation and Verification Mechanism,**

**Considering the domestic legal framework in terms of independence of the Judiciary and the margins of the freedom of speech,**

**Considering the principles of independence and accountability of the Judiciary as granted within international documents, embraced by the Romanian judges' and prosecutors' body,**

**The Plenum of the Superior Council of Magistracy as guarantor of the independence of the Judiciary, reiterates the following:**

The independence of justice is a fundamental component of the Rule of Law, where the three state powers – Legislative, Executive and the Judiciary – should meet within a permanent balance, as the Constitution guarantees the check and balances.

The principles of independence and impartiality are cornerstones for the grounds and the legitimacy of the judicial position in any state.

The independence of the magistracy, as stated in the Romanian Constitution and in the laws of the Judiciary, must be guaranteed by the State. It is the duty of all governments and of the other institutions to observe and oversee the independence of the magistrates' body.

The Executive and the Legislative have the duty to refrain from taking any action that may undermine the independence of the Judiciary.

It is the duty of any EU Member State to provide the adequate resources to enable the magistrates' body to accomplish their duties accordingly.

Measures that undermine progress in the reform of the Judiciary have a major negative impact on Romanian society in general.

**In order to fulfill its constitutional mission, the Superior Council of Magistracy needs the trust and support of the magistrates' body, of the other powers of the State and of the society as a whole.**

**The Superior Council of Magistracy**

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