

COOPERATION AGREEMENT

Consiglio Superiore della Magistratura
Italia

Consiliul Superior al Magistraturii
Romania

COOPERATION AGREEMENT

between

the SUPERIOR COUNCIL OF MAGISTRACY FROM
ROMANIA AND THE SUPERIOR COUNCIL OF
MAGISTRACY FROM THE ITALIAN REPUBLIC

The Superior Council of Magistracy from Romania and the Superior Council of Magistracy from the Italian Republic, hereinafter referred to as the "Parties",

Following the implementation of the Twinning light project "*Increase the efficiency of the system for the professional evaluation of magistrates*" RO2007/19343.07.01, RO 2007/IB/JH-25 TL .

Pursuant the proposal, no 1/26964/1154/2010 sent in October 2010 by the Superior Council of Magistracy from Romania, with the aim to initiate a bilateral cooperation project on the *evaluation of the judicial system*, in order to improve the quality of the justice system and to strengthen public trust in the judiciary.

Pursuant the acceptance of the above proposal deliberated by the plenum of the Superior Council of Magistracy from the Italian Republic in April 2011 (fasc. 96/GE/2009).

Pursuant to cooperation protocol, signed between the Parties on 22 September 2008, that defines a framework of the cooperation between them and is aimed at promoting exchange of the experience between the parties in –among others- following areas: mutual exchange of information in the area of law; exchange of information regarding the organization, powers and activities of the parties; exchange of materials and documents relating to operation and functioning of the administration of justice, which may promote the development of the two institutions adopting the best practices of the European Union; power of consulting technical experts of the two States; cooperation and exchange of experience between Romanian and Italian magistrates.

Following the meeting held in Bucharest on Thursday 12 May 2011 between Roberto ROSSI, member of the Superior Council of Magistracy from the Italian Republic and of its Sixth Commission, Ana Cristina LABUS, member of the Superior Council of Magistracy from Romania , coordinator of the Commission no. 3, and other representatives of the Italian and Romanian parties.

Pursuant to the informal agreement reached by the parties in the 12 May meeting and in the following “technical meeting” held on 13 of May: to limit the cooperation agreement to some of the lines contained in the proposal of bilateral cooperation; to set up a working group composed by four Romanian and four Italian experts, to implement the agreement; to establish a deadline for the implementation of the cooperation agreement until 31.12.2012; to establish an agenda of the meetings of the working group, to be held alternatively in Italy and in Romania every two or three months; to provide for a final conference with the participation of the members of the two councils; to provide for the adoption by the Councils, at the end of the project, of common statements about the evaluation of the judicial system.

Have agreed as follows:

1. SUBJECT OF THE COOPERATION

Identifying indicators and benchmarks to measure, monitor and assess the performance of judges, courts and the judicial system as a whole and identifying quality targets to improve it, taking into account the European Commission for the efficiency of Justice (CEPEJ) and other European standards and with specific reference to the projects about the optimum workload and about standards of productivity already started by the two Councils.

Identifying appropriate tools to assess the judicial performance and the quality of the judicial action. Identifying standards model of good practices (the so called: *best practices*) in the organisation of court, in case-management and in the implementation of alternative dispute resolutions methods.

2. METHODOLOGY

A working group shall be established, composed by two members representing the two Councils and four Romanian and four Italian experts, which shall meet at regular intervals of time alternatively in Bucharest in Rome.

The working group shall steer the implementation of the project, which shall be developed by the parties, by exchanging documents and information.

A final conference shall be organised with the participation of the members of the two Councils.

Final common statements about the evaluation of the judicial system shall be submitted to the two Councils for approval.

3. COMPOSITION OF THE WORKING GROUP

The working group shall be composed by a member of the Romanian CSM and a Member of the Italian CSM, who shall act as coordinators.

It shall be further composed by 3 Romanian and 3 Italian experts in judicial statistics, judicial standards of productivity, IT systems for justice, organisation of judicial system and courts.

4. TIME SCHEDULE

The implementation of this Agreement shall start as of the date of signature and include at least the following activities:

- **November-December 2011, Rome**- First working group meeting held;
- **January 2012, Bucharest** -Second working group meeting held;
- **March- April 2012 , Rome** -Third working group meeting held;
- **May –June 2012, Bucharest** -Fourth working group meeting held;
- **September-October 2012, Rome** -Final working group meeting held;
- **November 2012, Bucharest or Rome**-Final conference organized
- **December 2012** Final statements submitted to the Parties for approval.

5. COSTS

The Parties shall bear the expenses of their own members or experts participating in the project and shall share the expenses for the organisation of the final conference.

6. Entry into force, duration and amendments

- (1) This Agreement shall enter into force on the date of its signature and shall end on the 31st of December 2012.
- (2) Any amendment to this Agreement shall follow the same procedure for its conclusion and agreed following consultations between the Parties.

Signed in Rome, on 20.10.2011, in English language in two originals, one for each Party.

Signed in Bucharest, on 24.10.2011....., in English language in two originals, one for each Party.

For the Superior Council of
Magistracy
from Romania

Judge Nicolae Horațius
DUMBRAVĂ
President

For the Superior Council of
Magistracy from the Italian
Republic

On le Michele VIETTI
Vice President