



## *Consultation for a Green Paper on European Rechtspfleger*

### Questionnaire E.U.R.

for

### National Trade Union Federation THE JUSTICE

#### PREFACE

The aim of this questionnaire is to generate an overall picture as well as a report on current affairs, regarding the tasks, education and similar professional position of the clerk of the court as related to all member associations of European Union Clerks. The document is also a reference to the model status, created by the European Union of Clerks in 1995.

In this respect, we would like you to answer as soon as possible, as all data that we are going to receive from you will serve as basis for preparing the Green Paper about professions similar to that of the clerk, document that is planned to be presented to the European Commission in Brussels.

#### Account of approved positions - judicial instance

No.	Denomination of position	Level of studies	Degree rank	Total number of approved positions
			Multiplying coefficient	
0	1	2	3	4
	COURT OF APPEAL, COURTS AND LAW COURTS			<b>13743</b>
	Total I (1+2+3+4+5)			
	I. Judges and judicial assistants - Total			<b>4509</b>
		S (university graduate)		

1	President Court of appeal	S		15	
2	Vice-president Court of Appeal	S		23	
3	President Section Court of Appeal	S		70	
4	Judge Court of Appeal	S		780	
5	President Court	S		46	
6	Vice-president Court	S		48	
7	President Court Section	S		124	
8	Judge Court	S		1200	
9	President Law Court	S		175	
10	Vice-president Law Court	S		63	
11	President Section Law Court	S		51	
12	Judge Law Court (3+ years of service)	S		1605	
13	Judge Law Court (2-3 y of s)	S		107	
14	Judge Law Court (1-2 y of s)	S		30	
15	Judge Law Court (0-1 y of s)	S		0	
16	Judicial assistant (3+ y of s)	S		172	
17	Judicial assistant (2-3 y of s)	S		0	
18	Judicial assistant (1-2 y of s)	S		0	
19	Judicial assistant (0-1 y of s)	S		0	
		S			
<b>2. Speciality Auxiliary Personnel - Total</b>				<b>7758</b>	
1.	Clerk, 1st degree	S		259	
2	Clerk, 2nd degree	S		379	
3	Clerk, 3rd degree	S		707	
4	Clerk, beginner	S		10	
5	Clerk, 1st stage	M (secondary)		3030	
6	Clerk, 2nd stage	M		541	
7	Clerk, 3rd stage	M		504	
8	Clerk, beginner	M		41	
9	Clerk statistician, 1st degree	S		11	
10	Clerk statistician, 2nd degree	S		2	
11	Clerk statistician, 3rd degree	S		8	
12	Clerk statistician, beginner	S		0	

13	Clerk statistician, 1st stage	M		33
14	Clerk statistician, 2nd stage	M		1
15	Clerk statistician, 3rd stage	M		1
16	Clerk statistician, beginner	M		0
17	Clerk documentarist, 1st degree	S		11
18	Clerk documentarist, 2nd degree	S		3
19	Clerk documentarist, 3rd degree	S		2
20	Clerk documentarist, beginner	S		0
21	Clerk documentarist, 1st stage	M		2
22	Clerk documentarist, 2nd stage	M		1
23	Clerk documentarist, 3rd stage	M		3
24	Clerk documentarist, beginner	M		0
25	Informatician, 1st degree	S		137
26	Informatician, 2nd degree	S		78
27	Informatician, 3rd degree	S		82
28	Informatician, beginner	S		2
29	Clerk archive, 1st stage	M		552
30	Clerk archive, 2nd stage	M		130
31	Clerk archive, 3rd stage	M		137
32	Clerk archive, beginner	M		27
33	Registrar, 1st stage	M		19
34	Registrar, 2nd stage	M		5
35	Registrar, 3rd stage	M		8
36	Registrar, beginner	M		1
37	Procedural Agent	M		247
38	Bailiff	M		425
39	Driver	M		359
	<b>3. Specific Personnel for Probation Services - Total</b>			<b>340</b>
1	Probation Adviser, 1st degree	S		64

2	Probation Adviser, 2nd degree	S		96
3	Probation Adviser, 3rd degree	S		119
4	Probation Adviser, beginner	S		61
	<b>4. Public servant - Total</b>			<b>518</b>
1	Economic manager	S		57
2	Head of department	S		2
3	Head of office	S		3
	a)1st Class - Total			
4	Adviser	S	Superior, rank 1	332
5	Adviser	S	Superior, rank 2	83
6	Adviser	S	Superior, rank 3	12
7	Adviser	S	Principal, rank 1	34
8	Adviser	S	Principal, rank 2	7
9	Adviser	S	Principal, rank 3	2
10	Adviser	S	Assistant, rank 1	16
11	Adviser	S	Assistant, rank 2	8
12	Adviser	S	Assistant, rank 3	9
13	Adviser		Beginner	12
14	Expert	S	Superior, rank 1	1
15	Expert	S	Superior, rank 2	6
16	Expert	S	Superior, rank 3	9
17	Expert	S	Principal, rank 1	9
18	Expert	S	Principal, rank 2	9
19	Expert	S	Principal, rank 3	24
20	Expert	S	Assistant, rank 1	13
21	Expert	S	Assistant, rank 2	10
22	Expert	S	Assistant, rank 3	33

23	Expert		Beginner	24
24	Auditor	S	Superior, rank 1	0
25	Auditor	S	Superior, rank 2	9
26	Auditor	S	Superior, rank 3	0
27	Auditor	S	Principal, rank 1	1
28	Auditor	S	Principal, rank 2	1
29	Auditor	S	Principal, rank 3	0
30	Auditor	S	Assistant, rank 1	0
31	Auditor	S	Assistant, rank 2	0
32	Auditor	S	Assistant, rank 3	0
	b) 2nd Class - Total			
33	Speciality Referent	SSD (university graduate, short term studies)	Superior, rank 1	4
34	Speciality Referent	SSD	Superior, rank 2	2
35	Speciality Referent	SSD	Superior, rank 3	0
36	Speciality Referent	SSD	Principal, rank 1	0
37	Speciality Referent	SSD	Principal, rank 2	1
38	Speciality Referent	SSD	Principal, rank 3	0
39	Speciality Referent	SSD	Assistant, rank 1	0
40	Speciality Referent	SSD	Assistant, rank 2	0
41	Speciality Referent	SSD	Assistant, rank 3	0
42	Speciality Referent	SSD	Beginner	1
				0
	c) 3rd Class - Total			
43	Referent	M	Superior, rank 1	120
44	Referent	M	Superior, rank 2	87
45	Referent	M	Superior, rank 3	6
46	Referent	M	Principal, rank 1	10
47	Referent	M	Principal, rank	8

			2	
48	Referent	M	Principal, rank 3	4
49	Referent	M	Assistant, rank 1	1
50	Referent	M	Assistant, rank 2	1
51	Referent	M	Assistant, rank 3	2
52	Referent	M	Beginner	1
	<b>5. Contractual Personnel - Total</b>			<b>618</b>
1	Referent I			8
2	Speciality Referent IV (psychologist)			13
3	Expert			5
4	Expert Commodities			31
5	Storekeeper I			3
6	Storekeeper II			0
7	Technician II			1
8	Librarian			1
9	Documentarist			0
10	Qualified worker I			136
11	Qualified worker II			40
12	Qualified worker II			41
13	Qualified worker			45
14	Qualified worker			15
15	Qualified worker			17
16	Unqualified worker			4
17	Intendant			103
18	Guard, janitor			155

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**MINISTRY OF JUSTICE**  
**ROMANIA**  
**D.R.U.R.C.S.M.**  
**Organization Office**



<b>I. DATA OF GENERAL INTEREST</b>	
COUNTRY	RO
NAME OF THE MEMBER ASSOCIATION:	National Trade Union Federation “ The Justice”
TOTAL NUMBER OF <b>COURTS</b> (law courts, commissions, courts):	<p>The principles, the structure and the manner of organization of the Romanian judiciary are established by the Romanian Constitution and Law no. nr.304/2004 regarding the judicial organization, republished.</p> <p>Justice is made in the name of law and is accomplished through the following courts: <b>High Court of Cassation and Justice, Courts of Appeal, tribunals, specialized tribunals, military courts and first instance courts.</b></p> <p>The <b>High Court of Cassation and Justice</b> is the only supreme court that functions in Romania, with the premises in the capital of the country, and has 4 sections (civil and intellectual property, criminal, commercial and fiscal and administrative claims), the 9 judges panel and the joint sections.</p> <p>The leadership of High Court of Cassation and Justice is exerted by the president, vice-president and the leading board.</p> <p>The <b>courts of appeal</b> are courts have in jurisdiction tribunals and specialized tribunals.</p> <p>At present, there are <b>15 courts of appeal.</b></p> <p>Within the appeal courts there are sections or, as the case may be, specialized panels for civil cases, criminal, commercial, minors and family cases, fiscal and administrative claims, labor conflicts and social insurances, as well as maritime or fluvial cases or for other matters.</p> <p><b>The tribunals</b> are organized at every county level and in Bucharest and have the premises in the county residence city.</p> <p>In the jurisdiction of every tribunal there are first instance courts.</p> <p>Of the <b>42 tribunals</b> established by law, only a single tribunal (Ilfov Tribunal) isn't functioning at present.</p> <p>Within tribunals, there are sections, or panels for civil cases, criminal, commercial, minors and family cases, fiscal and administrative claims, labor conflicts and social insurances, as well as maritime or fluvial cases or for other matters.</p> <p>In the mentioned domains, specialized tribunals can be established at county level or in Bucharest.</p> <p>At present, there are <b>4 specialized tribunals:</b></p>

Brasov Tribunal for minors and family cases, Cluj Commercial Tribunal, Mures Commercial Tribunal and Arges Commercial Tribunal.

First instance courts are organized at county level and in districts of Bucharest.

Of a number of **188 first instance courts**, 11 are not functioning: Bocşa, Cernavodă, Băneasa, Bechet, Comana, Cornetu, Sângeorgiu de Pădure, Scorniceşti, Urlaţi, Jibou, and Jimbolia.

In relation with the nature and number of cases, within the first instance courts sections or specialized tribunals could be established. At first instance courts level, the law provides the organization of sections and specialized panels for minors and family cases.

Every court is conducted by a president with managerial attributions.

The sections of courts are conducted by a section president.

Also, within every court there is a leading college, which decides with regard to the general problems of the court.

With the exception of first instance courts and specialized tribunals, all others court have judicial personality.

The **military courts** are organized in **military tribunals, Bucharest Territorial Tribunal and Bucharest Military Court of Appeal.**

The military tribunals have, each, statute of military unit, with own indicative.

The **military tribunals** function in Bucharest, Cluj-Napoca, Timișoara and Iași and the Territorial Tribunal and the Military Court of Appeal in Bucharest.

Attached to every court of appeal, tribunal for minors and family cases and first instance court there is a **prosecutors' office**. Similarly, attached to every military court there is a **military prosecutors' office**.

The **prosecutors' offices** have premises in the localities where the courts function.

The **prosecutors' offices** which have judicial personality are those attached to courts of appeal and tribunals.

The prosecutors' offices attached to court of appeal and tribunals have sections, services and offices. The prosecutors' offices attached to courts of appeal have also a section for minors and family cases.

In relation to the nature and number of cases, within prosecutors' offices attached to first instance court maritime or fluvial sections can be established.

The prosecutors' offices attached to courts of appeal are conducted by general prosecutors and the prosecutors' offices attached to tribunals and first instance courts are conducted by first-prosecutors.

The sections, services and offices of prosecutors' offices attached to courts are conducted by chief



	<p>prosecutors.</p> <p>Within every prosecutors' offices there is a leading college functioning which endorses the general problems of prosecutors' offices.</p> <p>The activity of all the prosecutors' offices is coordinated by the Prosecutors' office attached to the High Court of Cassation and Justice, which has judicial personality and manages the budget of the Public Ministry.</p> <p>The <b>Prosecutors' office attached to the High Court of Cassation and Justice</b> is conducted by the general prosecutor of the Prosecutors' office attached to the High Court of Cassation and Justice, a first-deputy, a deputy and three advisors.</p> <p>Within the Prosecutors' office attached to the High Court of Cassation and Justice there is a leading college which decides over the general problems of the Public Ministry.</p> <p>The <b>Prosecutors' office attached to the High Court of Cassation and Justice</b> has in its structure sections, services, offices, conducted by chief prosecutors, including for crimes committed by military personnel.</p> <p>Within the Prosecutors' office attached to the High Court of Cassation and Justice, the <b>Directorate for Investigation of Organized Crimes and Terrorism Crimes</b> functions.</p> <p>Within the Prosecutors' office attached to the High Court of Cassation and Justice an independent structure functions. This is the National Anti-corruption Department, which has judicial personality.</p> <p>The <b>National Anti-corruption Department</b> is conducted by a chief prosecutor, 2 deputy chief prosecutors and 2 advisors and it is coordinated by the general prosecutor of the Prosecutors' office attached to the High Court of Cassation and Justice.</p> <p>The <b>National Anti-corruption Department</b> has a central structure and a territorial structure, composed of 15 territorial services and 3 territorial offices.</p>
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**TOTAL NUMBER (2007) OF COURT STAFF IN YOUR COUNTRY: 13743**

<p>Non-judicial personnel, with judicial or semi-judicial tasks, with autonomous competence and whose decisions could be subject of appeal (e.g. the clerk)</p>	<ul style="list-style-type: none"> <li>- In law courts, courts, special courts and courts of appeal there is speciality auxiliary personnel.</li> <li>- All law courts have a clerk's office, a registry office, an archive, a library and information and PR office.</li> <li>-the clerk's office, the registry office and the archive accomplish operations like: receiving, registering and posting the mail, filing documents, keeping the registers, as well as other auxiliary operations, necessary for the</li> </ul>
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	<p>good development of law court activity.</p> <ul style="list-style-type: none"> <li>- The personnel is distributed in sections and departments of activity by the law court president, according to their necessities, while within sections, by the section president. Speciality auxiliary personnel are employed according to law stipulations.</li> <li>Speciality auxiliary personnel and the economic-financial and administrative department personnel are employed according to law stipulations.</li> </ul>
<p>Personnel charged with different administrative tasks like court management (human resources management, materials and equipment management, including computing systems, financial and budget management, training management).</p>	<ul style="list-style-type: none"> <li>- In law courts, courts, special courts and courts of appeal there is personnel employed in the economic-financial and administrative department</li> <li>- Courts of appeal and law courts also have an economic-financial and administrative department, led by an economic manager.</li> <li>- The economic-financial and administrative department from the courts of appeal and law courts provides the economic, financial and administrative activity of law courts where they operate. For special courts and law courts this activity is provided by the economic-financial and administrative department from the respective districtual court.</li> <li>- The economic-financial and administrative department has as main task the accomplishment of accounting-financial operations, goods accounts, providing the material conditions for the development of law court activity and locations administration.</li> <li>- The documentation office keeps the accounts of legislation, jurisprudence, as well as library administration.</li> <li>- The personnel from the economic-financial and administrative department are employed according to law stipulations.</li> <li>- The activity of the speciality auxiliary personnel and that of the personnel from the economic-financial and administrative department is subject to hierarchical control.</li> </ul>

	- The obligations of the personnel from auxiliary departments of law courts are stipulated in the job descriptions.
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<b>II. TASKS OF THE RECHTSPFLEGER/GREFFIER (EN CHEF)/ SIMILAR PROFESSION IN YOUR COUNTRY</b>		
The tasks referring to the model status of EUR	Please, answer Yes/no	If yes, please specify:
<b>Undisputed Claims Jurisdiction</b>		
- Family right, Law of Minors and Adults Protection	no	
- Law of Succession, Law of Inheritance	no	
- Landed property Law	no	
- Commerce Registry, Corporate Registry....., Corporate Registry, Registry of property civil state...?, Business Registry Registry of Ships and Aircrafts	no	
- Right/ Law of authentication	no	
- Property protective measures by sale	no	
- Power of lawyer regarding the choice	no	
- Decisions regarding citizenship grant	no	
<b>Penal issues</b>		
- Carrying out the sentence (issuing the arrest warrant or the warrant to appear or description of the wanted	no	

person)		
- Decisions about a grant of delay, the payment by installment; decisions about imprisonment in default of payment or decisions about serving public purposes	no	
- Be counsel for the prosecution at the local and District Courts	no	
<b>Civil issues</b>		
- Proceedings of collection and payment	no	
- Sale in execution and administration of real properties	no	
- Proceedings of insolvency	no	
- Taxation of costs by court	no	
- Distribution proceedings	no	
-Execution proceedings ( e.g. wage slips, payment modality of wages) title of execution regarding the support (creating and changing of such titles) protection and suspension of execution, oath of non-divulgation/ confidentiality	no	
- questioning a witness; assistance in law execution / enforcement	no	
- Decisions referring to procedural law (assistance in the court)	no	

- Decisions referring to the expert witness	no	
- Restoring previous conditions	no	
<b>Administrative issues</b>		
- Court manager, legal adviser	no	
- Personnel charged with the administration of court management (officials, employees, workers)	no	
- Head of the court cashier	no	
- Head of the court office Human resources and positions administration Administrative supervising Administration with disciplinary powers and the right to make a proposal with disciplinary effects Cooperation with the committee for disciplinary measures	no	
- Assistance regarding employment and assignment on job position	no	
- assistance regarding the court budget, the budgetary bill	no	
-administrative supervising regarding the court budget (materials and equipment management)	no	
-Facility management	no	
<b>Judicial or unjudicial</b>	If yes, please specify:	

<b>tasks of the speciality auxiliary personnel in RO in the area of undisputed claims jurisdiction:</b>	
<p>Court Session Clerk</p>	<ul style="list-style-type: none"> <li>- participates in court sessions, fulfilling the tasks stipulated by the law and by the present regulations, under the control of the president of the court;</li> <li>- draws up the concepts for summoning parts in a law suit;</li> <li>- draws up the procedure documents decided by the court;</li> <li>- fills in the detailed memoranda and delivers the correspondence for posting;</li> <li>- fills in the register of the court sessions, where the files from the respective session are entered, in the order from the list of cases, by mentioning the following: current number, name of the parts or their denomination, number of the file and the case object, the term granted to the case, by mentioning the reason for the case delay or, according to the situation, the delivered sentence, on base of the minutes drawn up by the court president; in case of delay of deliverance, its date shall be indicated;</li> <li>- informs on court decisions in the term stipulated by the law;</li> <li>- drafts on computer the court decisions and other documents presented by the law court management; the decisions shall include, in the end, the editor's initials, as well as those of the typist, date of the document drafting and the number of copies; for judicial control of law courts it is necessary to mention, in addition, the structure of the panel of judges of the law court whose decision is subject to the judicial control, by indicating, if necessary, the character of the reform;</li> <li>- transcribes audio recordings and the shorthand reports of the court sessions, according to the law;</li> </ul> <p>The clerk of the court session accomplishes, within the limits of his position, any other job tasks given by the president of the instance or by the president of the court.</p> <p>The beginner clerk participates in the court sessions after assimilating the necessary knowledge in order to fulfil this</p>

	<p>activity.</p> <p>In court sessions, the clerks are obliged to wear clothing appropriate to the law court where they develop their activity. Military clerks are obliged to wear the military uniform.</p>
The Clerk delegated to the Department of Forced Executions	<ul style="list-style-type: none"> <li>- writes down in the general registry the applications for forced executions agreement;</li> <li>- drafts the alphabetical inventory according to the name of creditor and debtor;</li> <li>- participates as a court session clerk to the solutioning of cases regarding the agreement on forced execution;</li> <li>- delivers the conclusions passed by the judge assigned to judge the cases regarding forced execution;</li> <li>- keeps the accounts and is responsible for the execution implementation of the civil decisions that establish debts with execution established ex officio;</li> <li>- ensures the safe keeping of files and registries.</li> </ul>
The Clerk delegated to the Department of Contraventional Executions	<ul style="list-style-type: none"> <li>- writes down the corresponding entries in the registers of execution implementation of the court decisions regarding contraventional sanctions</li> <li>- drafts and delivers the warrants of execution for contraventional sanctions</li> <li>- informs financial authorities and police authorities on the measures disposed by court decisions</li> <li>- participates as a session clerk in the court session</li> <li>- concludes the correspondence of the department of contraventional executions and is responsible for its delivery</li> <li>- ensures the safe keeping of files and registers.</li> </ul>
The Clerk delegated for the activity of registration and legal persons accounts	<ul style="list-style-type: none"> <li>- registers the applications formulated for granting the quality of legal persons to the associations, foundations, trade-unions and to other legal persons of private law without patrimonial target, for the modification of constitutive documents and any other applications regarding documents or activities subject to registration in special accounts registers for legal persons. The registration applications of constitutive documents</li> </ul>

modifications shall be given a new file number;

- drafts, keeps and fills in the general register of files, the alphabetical inventory, the court sessions register and the special register of associations and foundations, federations, foreign legal persons, trade-unions or other special registers, according to the case;
- makes the registration of the legal person in registers stipulated by special laws, on the day when the court decision is pronounced final and irrevocable, according to the case, and also of the court decision accepting the application for legal person grant;
- operates the mentions regarding the modification of the constitutive document of the state, and also regarding the dissolution, liquidation and cancellation of the legal person;
- issues, on request, to the representative of the legal person, registration certificate that shall include: the denomination of the legal person, its headquarters, the acting period, the date of registration in the special register and other certificates, according to the law;
- ensures the publishing of the association or foundation liquidation, by posting it on the instance door and the accomplishment of other advertising formalities, in cases stipulated by the law;
- delivers to the Ministry of Justice copies of the court decisions regarding the constitution, modification and cessation of any association, foundation or federation as well as copies from the proving documents, in term of three days from the date when the decision is declared irrevocable;
- informs the local financial authority from the area of the legal person headquarters the conclusion that ordered the registration of the legal person, by mentioning the registration number in the register of associations and foundations;
- provides the archives keeping in corresponding conditions of registers and files.

The clerk delegated for the activity of registration and accounts of legal persons, fulfils, in the limits of the position,



	<p>any other tasks established by the law court president or the delegate judge, in conditions stipulated by the law</p>
<p>The Clerk delegated to the local financial authority</p>	<ul style="list-style-type: none"> <li>- registers the applications formulated regarding the granting of legal person quality of owners associations or regarding the modifications referring to the statute or the constitutive document;</li> <li>- drafts, fills in and keeps: the general register of files, the alphabetical inventory, the register of court sessions and the special register of owners associations;</li> <li>- writes down the subpoenas and all the other documents of procedure disposed by the delegate judge;</li> <li>- delivers the conclusions to the complainers and the Public Ministry, if the case, following the decided conclusions remaining as final, and consequently delivering to the financial authority the copy no.2 of the documents presented by the applicants and a copy of the final conclusion;</li> <li>- participates in the court sessions at the established terms for the solutioning of registration applications formulated by owners associations;</li> <li>- ensures the safe keeping of registers and files.</li> </ul> <p>The clerk delegated to the local financial authority fulfils, within position limits, any other job tasks established by the delegate judge or by the law court president.</p>
<p>Clerk Statistician</p>	<ul style="list-style-type: none"> <li>- makes the daily registrations of judicial statistics, periodically drafts the statistical reports and fills in the slips of the personal records of the accused;</li> <li>- exploits the judicial statistics application by collaborating in this respect with the inspector of speciality expert;</li> <li>- the statistician clerk from the court verifies and guides the personnel from the specialized courts and from the law courts who register and centralize statistical data;</li> <li>- draws up the documents of judicial statistics disposed by the Superior Council of the Magistrature which he/she sends to the Statistics Office at established dates, and any other statistical reports required by the Superior Council of the</li> </ul>

	<p>Magistrature, the president of the Court of Appeal or by the court president, as well as by the Ministry of Justice;</p> <ul style="list-style-type: none"> <li>- keeps the statistical statements of accounts and the personal records of the accused that he/she files annually in special paper cases and preserves them according to the legal dispositions regarding the terms of documents keeping;</li> <li>- collaborates with the districtual commissions of statistics for the accomplishment and presentation of statistical bulletins, as well as regarding other specific activities.</li> </ul> <p>The statistics clerk fulfils any other tasks established by the instance president, according to the law</p> <p>The activity developed by the statistics clerk and by the law courts personnel that ...</p>
Clerk Documentarist	<ul style="list-style-type: none"> <li>- keeps the accounts of legislation, jurisprudence and doctrine;</li> <li>- informs periodically about the necessities of books and publications;</li> <li>- keeps the accounts and administrates the library;</li> <li>- drafts, at instance management request, documents regarding legislative modifications;</li> <li>- informs daily the instance judges regarding the new normative documents and the jurisprudence published in the Official Gazette of Romania, Part 1.</li> </ul>
Clerk Archive and Registrar	<ul style="list-style-type: none"> <li>- receive, register and distributes to the sections and other departments the documents of complaint of the law court, the files from the other law courts and the rest of correspondence;</li> <li>- delivers the solutioned files and the correspondence;</li> <li>- receive and register entered files, keep their records and the evidence of their circulation;</li> <li>- draft the concepts for the reading of the law suits parts, draft the summons for the first term and follow their delivery;</li> <li>- make the files available to the public and keep the records of people who receive files for study;</li> <li>- prepare files for the court sessions and ensure their circulation in law courts, as well as their delivery to other law courts;</li> </ul>

	<ul style="list-style-type: none"> <li>- inform the people who have the quality of parties or who are mandated by these ones, according to the law, regarding the required data from the files that they are directly interested in;</li> <li>- in law courts and in courts, deliver to the superior law courts the files that were declared appeal or admitted for a new trial, and in sections, they present these documents to the general registry office for further proceeding;</li> <li>- ensures the safe keeping of files and registers;</li> <li>- keep, on yearly filing, the solutioned files, the paper cases of decisions, the registers and session registers;</li> <li>- take part annually at the archiving activity and draft the list of files that are preserved in the law court archive;</li> <li>- participate annually in the activity of sorting the archived files, at the expiring date of preservation.</li> </ul> <p>The archive clerk and the registrator also fulfil, in their position limits, other tasks established by the law court or section president, according to the law.</p>
<p>The Clerk with prerogatives regarding the establishment of judicial taxes of stamp and judicial stamp</p>	<ul style="list-style-type: none"> <li>- The instance president may assign, from among the clerks with university studies, the clerk with prerogatives regarding the establishment of judicial taxes of stamp and judicial stamp.</li> <li>- The assigned clerk makes the calculations, under the guidance of the panel of judges, the due judicial taxes of stamp and judicial stamp.</li> </ul>
<p>The Clerk from the information and PR office</p>	<ul style="list-style-type: none"> <li>- receives and registers the applications for providing public information;</li> <li>- receives and registers petitions addressed to the instance;</li> <li>- presents daily to the office manager the registered petitions and applications;</li> <li>- delivers to the speciality departments the requests of information and petitions, for solutioning;</li> <li>- follows the solutioning in time of requests and petitions and announces the office manager about any problem issued in the activity development;</li> <li>- informs the petitioner and applicants about the response;</li> <li>- drafts and makes available to the public the documents</li> </ul>

	<p>containing information communicated ex officio, as well as the forms for public information requirements and for administrative complaints;</p> <ul style="list-style-type: none"> <li>- provides on the spot, when it is possible, requested public information;</li> <li>- writes down the mentions in the petitions register and in the register for applications and answers regarding the access to public information;</li> <li>- keeps in separate paper cases the petitions and applications as well as the responses given to them.</li> </ul> <p>The clerk from the information and PR office fulfils any other tasks established by the office manager, according to the law and regulations.</p>
The Procedural Agent	<ul style="list-style-type: none"> <li>- delivers the procedural documents, in respect of the terms stipulated by the law, to the people living in the town/city where the law court is located, while registering as late as the next day the proofs of deliverance; for urgent cases and when the equipment of the law courts allows, the procedure documents could also be delivered to other places by procedural agent;</li> <li>- fulfils the tasks established by the law court president and the courier service, receiving and delivering on the same day the correspondence for the recipients from that place.</li> </ul>
The Bailiff	<ul style="list-style-type: none"> <li>- in court sessions, calls the parties, the witnesses, the experts and of the other people invited in the law court and fulfils the dispositions given by the court president;</li> <li>- fulfils some of the tasks of the auxiliary departments (archive, registry office) established by the law court president, such as: attaching the procedure documents to the file, storing the files in the archives, supervising the people who consult the files, providing the transport of the files to different departments, as well as other activities;</li> <li>- helps the keeping of order and cleaning in the law court location.</li> </ul>
Informatics Speciality	<ul style="list-style-type: none"> <li>- participate, at the Ministry of Justice request, to the activity</li> </ul>

Personnel	<p>of analysis and implementation of common informatics applications regarding law court activity;</p> <ul style="list-style-type: none"> <li>- ensures informatics programmes exploitation conceived by the Legal Informatics Direction and by the Statistics Office, at the level of judiciary law courts, by installing informatics products and by controlling periodically the observance of usage instructions by the operators of application;</li> <li>- coordinates and controls the activity of judicial informatics of districtual law courts;</li> <li>- insures the initiation of law court personnel in application exploitation;</li> <li>- accomplishes applications at the level of law courts;</li> <li>- supervises the manner of using the computing technique and takes necessary measures for its good working.</li> <li>- Informatics speciality personnel fulfils any other attributions established by the president of the court of law.</li> </ul>
<b>Other administrative and judicial tasks in RO:</b>	
Prime Clerks of the Courts of Appeal, of law courts and special law courts	<ul style="list-style-type: none"> <li>- coordinate and control the activity of speciality auxiliary personnel, both of the court where they work and of the districtual courts of law, personally or by clerks assigned in leading positions;</li> <li>- draw up the job descriptions for the speciality auxiliary personnel from the court of law;</li> <li>- coordinate and follow the standardization of statistical registrations in collaboration with the speciality department from the Superior Council of the Magistrature;</li> <li>- ensure the records and administration of data and documents that are not destined to public reach and verify the manner of providing documents security;</li> <li>- draft and countersign the administrative correspondence of the law court;</li> <li>- keep the special registers stipulated by the law for the law court they work for;</li> <li>- keep the control register of the court and take measures that a register of control is kept in each section of the court and in the law courts from the district;</li> <li>- accomplish the established measures for ensuring the watch of the law court location, goods safety, fire watch and work protection;</li> <li>- verify the manner of rules observance regarding the public access of the public in the precincts of the law court;</li> <li>- draft the necessary documents regarding the acknowledgement of the informalities emphasized in the activity of the controlled auxiliary personnel and inform the president of the law court for taking necessary measures;</li> </ul>

	<ul style="list-style-type: none"> <li>- pursue the observance of conduct norms by the auxiliary personnel of the law courts in their relationship to the lawyers and the public;</li> <li>- guide and verify the accounts and administration of the library;</li> <li>- keep the records of personnel holidays.</li> </ul> <p>Prime Clerks of the Courts of Appeal keep the registers regarding the control of properties, the confirmation and authorization of interception and recording of phone calls, search authorization, the record of applications regarding the access to one's own file and the desconsipation of security as political police, the accounts of public notaries and judiciary executors.</p> <p>Prime Clerks of law courts keep the registers regarding legal persons, the registers regarding the confirmation and authorization of interception and recording of phone calls, search authorization, and the accounts of authorized translators and interpreters.</p> <p>The senior clerk, accomplishes in the limits of his/her position, any other tasks of duty given by the president of the law court, according to the law.</p> <p>Senior clerks can delegate, with the agreement of the law court presidents, some responsibilities to the clerks with special assignment in this respect.</p> <p>In the absence of the senior clerk of the Court of Appeal , of the Law court or of the special law court, one of the heads of section clerksor, according to the situation, a clerk, assigned by the president of the law court, shall replace the former in all his/her prerogatives.</p>
	<p>The Prime Clerk of Bucharest Law Court keeps the registers regarding political parties and other political organizations.</p> <p>The Prime Clerk fulfils, within the limits of his/her position, any other tasks given by the law court president, according to the law.</p> <p>The Prime Clerks can delegate, with the agreement of the law court presidents, some responsibilities to clerks assigned to this purpose.</p> <p>In absence of The Prime Clerk of the Court of Appeal, of the Law Court or of the Specialized Law Court, one of the Chief Section Clerks, or, according to the situation, a clerk assigned by the law court president shall replace the Prime Clerk in all his/her prerogatives.</p>
Section Chief Clerk	<ul style="list-style-type: none"> <li>- supervises and verifies the documents drafted by the auxiliary personnel of the section;</li> <li>- supervises the in term communication of penal</li> </ul>

- decisions;
- supervises the correct filling in of the records and the execution of penal decisions, as well as of the other evidence stipulated by the regulations;
  - helps the judge assigned with the aleatory distribution of the cases;
  - keeps the record of decided solutions regarding the challenge and abstention;
  - suggests to the section president the distribution of clerks in court sessions;
  - pursues the in term drafting of the decisions elaborated in concept by the section judges;
  - keeps the register of accounts of drafting the section decisions and keeps the paper cases of the decisions;
  - verifies the section files before their deliverance to other judicial authorities, by observing the regulating dispositions;
  - participates, according to the schedule, in court sessions, as session clerk;
  - draws up the monthly reports with the daily attendance of the section auxiliary personnel that are delivered to the speciality compartment and takes care of the section supplying with the necessary materials;
  - keeps the record and administrates the equities and the objects that serve as a means of evidence in cases trialed in the section;
  - verifies and signs for conformity the legalized copies and the drafted certificates;
  - keeps the records regarding preventive arrest and the other registers stipulated by the law in penal issues, except for those entrusted to the competence of the senior clerk;
  - keeps the special register of the law courts accounts practice regarding the judicial control, where the new entry files are registered, as arrived from the counter attack sources;
  - verifies the modality of filling in and preservation of the section records;
  - verifies and supervises the modality of registration of court sessions, by technical equipment, audio and video, according to the law;
  - keeps the records of audio and video recordings of the court sessions;
  - coordinate and supervises the activity of the clerk assigned with forced execution;
  - supervises the modality of drafting and delivery of the executory titles to the authorities of execution by the clerk assigned to forced execution;
  - guides and controls the activity of accounts keeping and execution of civil decisions that established debts with ex officio execution.
- The Section Chief Clerk accomplishes, in the limits of

Law Court Chief Clerk

his/her position, other tasks given by the section president or by the president or vice-president of the law court, according to the law.

In case of a section with a large activity, some prerogatives from paragraph (1) can be delegated to another clerk, by a decision of the president of the law court.

- supervises and verifies the documents drafted by the auxiliary personnel of the law court;
- keeps the record of decided solutions regarding the challenge and abstention;
- helps the judge assigned with the aleatory distribution of the cases;
- participates, according to the schedule, in court sessions, as session clerk;
- verifies and signs for conformity the legalized copies and the drafted certificates;
- keeps the records regarding preventive arrest and the other registers stipulated by the law on penal issues;
- keeps the special register of the accounts on judicial control law courts practice, where the new entry files are registered, as arrived from the counter attack sources;
- draws up the monthly reports with the daily attendance of the auxiliary personnel, which he/she delivers to the speciality department;
- collects and pays the pecuniary rights of the law court personnel;
- keeps the record and administrates the assets of the law court, the bonds and the objects that serve as a means of evidence in cases trialed in the law court;
- takes care of the good development of the housekeeping and supply activity of the law court with necessary materials;
- carries out the measures established for ensuring the guard of the law court headquarters, goods security, fire watch and work protection;
- verifies the observance modality of the rules regarding the access of the public in the precincts of the law court;
- provides the record, keeping and transfer of data and documents that are not destined to the public and verifies the modality to ensure documents safety, by observing legal norms regarding classified information;
- drafts and countersigns the administrative correspondence of the law court;
- organizes and pursues the drafting in time of the decisions, as previously drafted in concept by the instance law courts;
- suggests to the president of the law court the distribution of clerks in law court sessions;
- updates the register of accounts regarding the



	<p>drafting of the law court decision and keeps the paper cases of decisions;</p> <ul style="list-style-type: none"> <li>- verifies the files of the law court before their sending to other judiciary authorities, by observing the rules dispositions;</li> <li>- keeps the special registers stipulated by the law for the respective law court;</li> <li>- keeps the administrative files and the law court library;</li> <li>- drafts documents of judicial statistics of the law court.</li> </ul> <p>The Law Court Chief Clerk accomplishes, in the limits if his/her position, any other tasks given by the president of the law court, according to the law.</p> <p>In case of law courts with a large activity, some of the prerogatives stipulated in paragraph (1) can be delegated to another clerk, by the decision of the president of the law court.</p>
<p><b>Judicial or unjudicial tasks in RO, in the field of undisputed claims jurisdiction of the personnel employed in the economic-financial and administrative department</b></p>	<p>If yes, please specify:</p>
<p>Economic manager</p>	<ul style="list-style-type: none"> <li>- leads the economic-financial and administrative department;</li> <li>- is responsible for the activity of financial and administrative accounting organization and keeping, according to legal dispositions;</li> <li>- coordinates the activity of drawing up and substantiation of the annual budget of income and expenditure;</li> <li>- fulfils, on base of the delegation received from the account parties, the prerogatives stipulated by the law;</li> <li>- is responsible for using the budgetary credits and the accomplishment of the revenues, for the efficient use of the sums from the state budget, the budget of state social insurance or special funds budgets, for the integrity of goods entrusted to the law court, for the organization and accounting updating and for the presentation in due time of financial reports regarding the state of patrimony in administration and the budget execution;</li> <li>- coordinates the activity of administration of law courts locations and takes measures to ensure material conditions regarding the adequate development of their activity;</li> <li>- drafts the programme for the economic and administrative activity of law courts regarding the accomplishment of current and envisaged tasks;</li> <li>- takes measures for the drawing up and substantiation of topics of projects for the operations of current or overall repairs of headquarters and investition objectives;</li> <li>- pursues and is responsible for the accomplishment of the</li> </ul>

	<p>operations of repair and investment objectives;</p> <ul style="list-style-type: none"> <li>- organizes the record keeping of all the buildings owned and administrated by the law courts, as well as the other goods from their patrimony;</li> <li>- is responsible for the organization of preventive financial control;</li> <li>- informs the Economic Direction from the Ministry of Justice regarding the deficiencies found by the state control authorities, by transmitting a copy of the drafted minutes, in order to take the necessary measures, according to the law.</li> </ul> <p>The economic manager fulfils any other tasks in his field of activity, established by the president of the Court of appeal or law court, as well as those conveyed by the Ministry of Justice.</p>
<p>Head of Financial Accounting Department</p>	<ul style="list-style-type: none"> <li>- leads, coordinates and is responsible for the activity of the financial-accounting department;</li> <li>- requests the funds necessary for the development of the activity and ensures their distribution in the law courts;</li> <li>- assigns the person that fulfils the prerogatives of a cashier, of collecting and payment, of the pecuniary rights for the personnel employed in the courts, special law courts and law courts and also from the court of appeal.</li> <li>- pursues the observance of legal dispositions regarding the payment of pecuniary rights and the retrieval of the sums unlawfully cashed by the personnel of the law courts;</li> <li>- controls the patrimonial activities, the accuracy of accounting and financial operations from the current activity as well as the modality of developing inventories;</li> <li>- informs the specialized department from the Ministry of Justice by supplying data and information regarding the necessary of credits, budget execution, drafting of financial balances, of accounting reports and other requested accounts;</li> <li>- verifies the state of operations regarding the investments, current and overall repairs, in order to limit them to the approved indicators;</li> <li>- coordinates and is responsible for the good organization and development of the financial and accounting activity from the local office of technical judicial expertises by the court;</li> </ul> <p>Head of Financial Accounting Department accomplishes, in the limits of his/her position, other prerogatives stipulated by the law or established by the president of the court of appeal or, according to the situation, by the president of the court or by the economic manager.</p>
<p>Personnel from the Financial-Accounting Department</p>	<ul style="list-style-type: none"> <li>- prepares the documents for the elaboration and substantiation of the annual budget project of revenues and expenses and for the opening of monthly credits;</li> <li>- operates the distribution of open credits, on articles and paragraphs, for all the law courts from the court district</li> </ul>

	<p>and for the court of appeal, if the case, pursuing to match the expenses within the established limits;</p> <ul style="list-style-type: none"> <li>- organizes and makes the accounting operations regarding the record of patrimony, the activity of administration and inventory, the quash and declassification of the fixed assets and other material assets;</li> <li>- ensures the accounting reports for the activity developed by law courts and draws up the accounting reports, quarterly and annually;</li> <li>- drafts the documents regarding the position sheets, the transformations and the transfers of positions and operates the in-coming modifications regarding salaries and the other pecuniary rights;</li> <li>- ensures the calculation and payment of the pecuniary rights, of expenses for delegated and detached personnel, of advanced discounts, of administrative guaranties and so on, pursuing their justifying and discount in time;</li> <li>- pursues the execution and discount of the investment operations, current and overall repairs, on base of the reports presented by the contractors.</li> </ul> <p>The personnel from the Financial-Accounting Department fulfils any other prerogatives established by the president of the court of appeal, the court president, the economic manager and the chief-accountant.</p>
Head of Administrative Department	Leads and coordinates the activity of the administrative department
Personnel from the Administrative Department	<ul style="list-style-type: none"> <li>- drafts the documentation for public aquisitions, services and operations necessary to the development of law courts activity;</li> <li>- ensures the supply of materials for household keeping, fixed assets and inventory objects or other goods necessary to the optimum development of law courts activity;</li> <li>- ensures the maintenance and functioning of buildings, heating and sanitary installation, of other fixed assets and inventory objects;</li> <li>- ensures the fuel supply, lubrifiants and spare parts for the motor cars belonging to the law courts and pursues the consume discount;</li> <li>- ensures the order, cleanliness and guard of the assets in the headquarters of the law courts;</li> <li>- takes measures for prevention and extinction of the fires, as well as removal of calamities consequences.</li> </ul> <p>The personnel from the Administrative Department fulfils any other prerogatives established by the management of the law courts.</p>
Civil engineer	<ul style="list-style-type: none"> <li>- ensures the link between the management of the court of appeal and the management of the law courts from its district with the designers, contractors and the building sites management, regarding the design or</li> </ul>

	<p>current repairs, overall repairs and investments;</p> <ul style="list-style-type: none"> <li>- is the representative of the management of the court of appeal and of the law courts from its district in their relationship with the representatives of the notifying organizations, on issues of investments, consolidations, overall and current repairs, and also with the representatives of the Ministry of Justice, and he/she obtains notifications, building authorizations, as well as their renewal, according to the prerogatives that are incumbent to the beneficiary, as stipulated by the regulations in domain;</li> <li>- ensures, any time necessary, the periodical technical information for the president of the court of appeal, the dispatcher responsible for the respective area from the Investments and Administrative Direction in the Ministry of Justice, the economic manager as well as the management of the law courts from the court of appeal area;</li> <li>- ensures the periodical technical control of the buildings of the court of appeal and of the law courts from the former's area and disposes, from case to case, the necessary measures for preventing and mending the technical problems found, both in case of buildings and afferent installations;</li> <li>- keeps the records of patrimony, the judicial situation of the buildings of the court of appeal and of the law courts from the area of the court of appeal and also the modality of using the afferent lands;</li> <li>- drafts, verifies and upgrades the Technical Chart of buildings and afferent installations of the court of appeal and law courts from its area, as well as their technical slip;</li> <li>- participates, together with the heads of accounting departments from the courts of law and the court of appeal to the substantiation of the monthly necessary credits, to the monthly distribution of credits allocated on objectives and documents categories; makes proposals of values for the</li> </ul>
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	<p>annual budget regarding the construction and repair of buildings;</p> <ul style="list-style-type: none"> <li>- is a member of the commission of annulment of fixed assets;</li> <li>- participates, from the beneficiary, in the commission of application and pursuit of work protection measures, in the law courts and on the building sites;</li> <li>- elaborates and participates in the elaboration of documents necessary to the offers tender for current repair operations at the buildings of the court of appeal and of the law courts from its district;</li> <li>- verifies the presented offers from the point of view of their accuracy and requires, if the case, necessary completions;</li> <li>- is a member of the collective of analysis and adjudication of execution offers for current repair operations, and investments, according the situation;</li> <li>- takes part as a specialist, assigned by the beneficiary, from the bid commissions for the accomplishment of investments operations, consolidation and overall repair at the headquarters of the court of appeal and of the law courts from its area;</li> <li>- verifies and approves the technical-economic documentation, without the obligativity of obtaining the previous agreement of the ministry, for the operations of current repair and pressing interventions, to the amount established by legal regulations in force;</li> <li>- analyzes, requires completions or returns, if the case, for review those technico-economical documentations that are to be transmitted to the Ministry of Justice, for verification and notification;</li> <li>- verifies the situation of physical studies afferent to the operations of investment, consolidation, overall and capital repair at all buildings in execution belonging to the court of appeal and to the law courts from its area, for observing the terms from the approved execution graphics and also the quality of the finalized operations</li> </ul>
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	<p>and sends this report monthly to the zone dispatcher;</p> <ul style="list-style-type: none"> <li>- ensures periodical control, as representative of the beneficiary, on the building-site managers regarding the development of operations in execution;</li> <li>- takes part, as representative of the beneficiary, from the commissions of acceptance of the operations and of final acceptance of the objectives that are accomplished in the area of the court of appeal and participates effectively at the verification of the modality of drafting of the technical chart of the constructions, of subsequent completions as well as of the modality of using the buildings, subsequent to the acceptance. The civil engineer fulfils any other tasks established by the president of the law court.</li> </ul>
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**III – ASSIGNEMENT AND EDUCATION OF THE CLERKS/ SIMILAR PROFESSIONS IN YOUR COUNTRY**

	Please answer yes /no	Please specify
<b>The members of the court are only assigned:</b>		
- By a special examination, a test		
- by a document (assignement)	yes	They are assigned by the decision of the President of the Court of Appeal or of the General Prosecutor of the belonging Prosecutor's offices
- others:		
<u>Level of education:</u>		
- university graduate as beginner	Not necessarily	
- university graduate:	yes	Only for the clerk with prerogatives in establishing the judicial taxes of stamp

		and of the judicial stamp
- others:	yes	National School of Clerks:
<u>Background education:</u>		
- vocational school/ academy ( special school) and duration:		
- others and education duration:	yes	Secondary studies and graduation of the National School of Clerks

<b>IV. THE CLERK STATUS / SIMILAR PROFESSIONS IN YOUR COUNTRY</b>		
	Please answer Yes/no	Please specify:
<u>Profession regulation:</u>		
- by law	yes	Law no. 567 / 2004 Law no. 304 / 2004
- by decree		
- other:		Decision 387 / 2005 of The Superior Council of the Magistrature regarding approval of The Regulations of in-house order of law courts
<u>Public servants:</u>		
- governmental officials:		
- official territorial authorities:		
- other:	yes	The auxiliary personnel from the system of justice
<u>The official's rank:</u>		
- career of medium level:		
- career high level:	yes	Prime Clerk or Chief Clerk
- career highest level:		
- other		

**Concerning the field of administration are there any other plans or discussion about transferring tasks to the Rechtspfleger/Greffiers/ similar profession ?**

**Answer:** Yes, there are such plans.

Thus, within the PHARE 2006 twinning project – „ Assistance for enhancing the efficiency of the judiciary by developing the court manager of administration system”, the Romanian Ministry of justice will implement a pilot programme for testing the possibility of introducing the court managers with the view of reducing the activity of the judges ( Court presidents ) through taking over their administrative tasks.