



# **HIGH COURT OF CASSATION AND JUSTICE**

## **ARTICLE 126 paragraphs (1) and (3) of the Romanian Constitution**

**(1) Justice is administered by the High Court of Cassation and Justice and by the other courts established by the law.**

**(3) The High Court of Cassation and Justice ensures the unitary interpretation and enforcement of the law by the other courts, in accordance with its competence.**

# Organisation and Functioning of the High Court of Cassation and Justice

Title II, Chapter I, articles 18-34 from Law no. 304/3004 on the organisation of the judiciary, republished, as amended

- **4 Chambers:**
  - **The First Civil Chamber**
  - **The Second Civil Chamber**
  - **Criminal Chamber**
  - **Chamber of administrative and fiscal contentious**
- **4 Panels of 5 judges**
- **Joint Chambers**

# Competence of the First Civil Chamber of the High Court of Cassation and Justice

In accordance with the provisions of the Code of civil procedure and of the Law no. 304/2004 on the organisation of the judiciary, the First Civil Chamber tries, mainly:

- the recourses against the judgments issued by the courts of appeal and also against other judgments stipulated by the law (for example, in cases in civil matter whether the value of the claim is over 500.000 RON, cases concerning the intellectual property, expropriation)
- requests for transfer of causes from one court to another, for the reasons provided by the civil procedure code
- conflicts of competence, in the cases provided by the law
- any other requests provided by the law

## Competence of the Second Civil Chamber of the High Court of Cassation and Justice

In accordance with the provisions of the Code of civil procedure and of the Law no. 304/2004 on the organisation of the judiciary, the Second Civil Chamber tries, mainly:

- the recourses against the judgments issued by the courts of appeal and also against other judgments stipulated by the law (in cases in civil matter whether the value of the claim is over 500.000 RON)
- requests for transfer of causes from one court to another, for the reasons provided by the civil procedure code
- conflicts of competence, in the cases provided by the law
- any other requests provided by the law

# Competence of the Criminal Chamber of the High Court of Cassation and Justice

In accordance with the provisions of the Code of criminal procedure, of the Law no. 302/2004 on the international judicial cooperation in criminal matter and of the Law no. 304/2004 on the organisation of the judiciary, the Criminal Chamber tries, mainly:

- as first instance:

- ☐ offences committed by persons having a certain quality, such as senators, deputies and eurodeputies; members of the Government; judges of the Constitutional Court; members of the Superior Council of Magistracy; judges of the High Court of Cassation and Justice and prosecutors of the Prosecutor's Office attached to the High Court of Cassation and Justice

- as recourse instance:

- ☐ recourses

- against judgements issues, in first instance, by the courts of appeal:

- ✓ in criminal matter

- ✓ in the matter of the international judicial cooperation (extradition, execution of the European Arrest Warrant, transfer of the convicted persons)

- against judgements issued, in appeal, by the courts of appeal (for example, cases concerning homicide offences; passive and active bribery and trade in influence; money laundering; offences concerning drug trafficking and illicit use of drugs)

# Competence of the Chamber of the Administrative and Fiscal Contentious of the High Court of Cassation and Justice

In accordance with the provisions of the Code of civil procedure, of the Administrative Contentious Law no. 554/2004 and of the Law no. 304/2004 on the organisation of the judiciary, the Chamber of Administrative and Fiscal Contentious tries, mainly:

- **recourses against the judgements issued by the administrative and fiscal contentious chambers of the courts of appeal (cases concerning administrative acts issued or concluded by the central public authorities and cases concerning taxes, contributions, custom debts and other related charges, whether the value of the claim exceeds 500.000 RON)**

## Competence of the Panels of 5 judges of the High Court of Cassation and Justice

In accordance with the provisions of the Code of criminal procedure and of the Law no. 304/2004 on the organisation of the judiciary, the Panels of 5 judges tries:

- in criminal matter, recourses against the penal judgements issued, in first instance, by the Criminal Chamber of the High Court of Cassation and Justice
- in disciplinary matter, recourses against decisions issued by the Superior Council of Magistracy



# Joint Chambers of the High Court of Cassation and Justice



## Joint Chambers:

- Quorum – 2/3 from the number of the judges appointed at the High Court of Cassation and Justice
- Decision making process – majority of the votes of the judges present to the Joint Chambers

## Main competence of the Joint Chambers:

- referring to the Constitutional Court of the request for the control of constitutionality of the laws before the promulgation

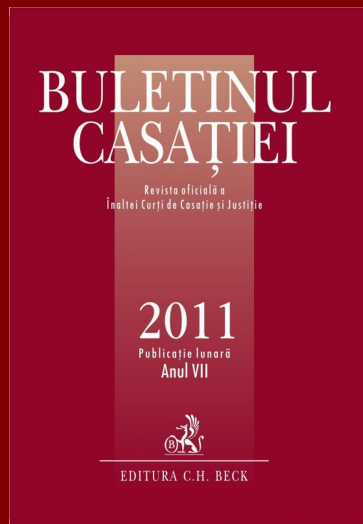


# Unification of the jurisprudence – Recourse in the interest of the law

## Recourse in the interest of the law:

- ❑ is ruled by the Article 329 - 330<sup>7</sup> from the Code of civil procedure and by the Article 414<sup>2</sup> – 414<sup>5</sup> from the Code of criminal procedure
- ❑ is used
  - in civil matter
  - in criminal matter
- ❑ objective: unitary interpretation and enforcement of the law
- ❑ decisions in the interest of the law:
  - are published in the Official Journal of Romania
  - are mandatory for the judges
- ❑ is tried by a panel composed by the President of the High Court of Cassation and Justice or, in his/her absence, by the Vice-president of the High Court of Cassation and Justice, presidents of the Chambers, 14 judges from the Chamber competent to solve the problem of law and 2 judges from each of the other Chambers

# Publication of the High Court of Cassation and Justice jurisprudence



The High Court of Cassation and Justice ensures the monthly publication of the Cassation Bulletin – the official review of the High Court of Cassation and Justice, containing the most recent jurisprudence of the supreme court.

Also, the High Court of Cassation and Justice ensures the publication of the Jurisprudence Bulletin, yearly publication which includes the relevant resumed judgements issued by the supreme court during the year.

The High Court of Cassation and Justice ensures, on a permanent basis, the publication on the web-site of the relevant resumed judgements issued by the High Court of Cassation and Justice in various fields of law and of the integral text of the judgements issued by the supreme court.

## Departments within the organisational chart

In accordance with the Regulation on the administrative organisation and functioning of the High Court of Cassation and Justice, republished, as amended, the following departments are functioning within the organisational chart of the supreme court:

- ❑ The Directorate of Legislation, Studies, Documentation and IT
- ❑ The Chancellery
- ❑ The Economic-Financial and Administrative Department
- ❑ The Public Relations Office
- ❑ The International Relations Office
- ❑ The Internal Public Audit Unit