

THE HIGH COURT OF REVIEW AND JUSTICE – INTERNATIONAL RELATIONS

- November 2015 -

I. THE HIGH COURT OF REVIEW AND JUSTICE MEMBERSHIP IN INTERNATIONAL ORGANIZATIONS

The HCRJ is a member in nine international associations and it is represented at this level by the President. The overview of the nine international bodies:

1. THE NETWORK OF THE PRESIDENTS OF THE SUPREME JUDICIAL COURTS OF THE EUROPEAN UNION:

- **The HCRJ is represented by President Livia Doina STANCIU,**
- As of 13 October 2011, the President of the HCRJ, Livia Doina STANCIU is the vice-president of this international body,
- HCRJ has been a member since 2007,
- For HCRJ, this association means **international cooperation relations with 27 supreme judicial courts of the European Union,**
- The basic aim of the Network: to develop draft regulatory documents concerning the judiciary and the justice system to be submitted to the European Commission and Parliament for the adoption of new EU legislation,
- Mandatory meeting: once a year at the thematic colloquium of the association, optional: seminars and conferences organized by the association,
- **Based on request by the Network, the HCRJ develops national reports on various judicial topics,**
- website: <http://reseau-presidents.eu/>

THE JOINT JURISPRUDENCE PORTAL OF THE SUPREME COURTS OF THE EUROPEAN UNION:

- ***The joint jurisprudence portal of the supreme judicial courts of the European Union*** operates within the Network (<http://reseau-presidents.eu/rpcsje/index.php>), and ***the High Court of Review and Justice is also a member of this portal.***
- The jurisprudence portal was established by the Network of the Presidents of Supreme Judicial Courts of the European Union (*Réseau des Présidents des Cours Suprêmes Judiciaires de l'Union Européenne*). The portal was created in 2007, but it has only become operational as of this year; it had been operating so far based on members-only access for the supreme courts that had user names and passwords. As of 2009, the portal has two versions, one for the public, with direct access and one for the member courts, with user names and passwords (for instance, the Supreme Court of Italy provides only a password access to its jurisprudence to the other member courts of the Network). The members-only access for the supreme courts also serves to have an exchange of opinions concerning certain technical issues in the operation of the portal.
- The portal is not a database, but a mega-search engine for the jurisprudence of the EU Member States, as well as the 3 observer countries (Croatia, Norway and Lichtenstein), and operates based on keyword search, whereas words are entered directly in the official language of the user (therefore in Romanian as well).

- The program selects the relevant jurisprudence for all states included in the program (a total of 30 states). The search will return results in the language used to draft the selected ruling.
- What is important is that the program makes it possible to translate the court rulings returned as hits in 21 of the 23 official languages of the European Union.
- In general, queries of the portal are made without indicating a specified period of time, except for 5 states (Spain, France, Great Britain, the Netherlands and Bulgaria), for which the queries should specify a period of time. Therefore, queries are done in the case of Romania (the High Court) without any specified period of time.

2. **AHJUCAF (the Association of the High Jurisdictions of Review that have the use of the French language in common; in short, the Association of the Francophone High Jurisdictions of Review):**

- **The HCRJ is represented by President Livia Doina STANCIU,**
- The High Court has been a member since 2004, following the Marrakech Congress,
- For the HCRJ, this association means international cooperation relations with 50 francophone supreme courts,
- Its aim is to strengthen the cooperation among the judicial institutions, especially through professional training events and know-how transfer,
- Meetings: the Congress of the Association is a mandatory meeting taking place every 3 years; optional: seminars and conferences organized by the association,
- **Based on request by AHJUCAF, the HCRJ drafts national reports on various judicial issues,**
- website: www.ahjucaf.org
- In 2010, following the Ottawa Congress (Canada), the chief of the International Relations Department of the HCRJ was elected as the representative of the Association for the Eastern Europe region, as well as a member in the body of experts.

THE INTERNATIONAL JURICAF PROGRAM:

- **The JURICAF program was created by the association** (in 2005) and may be accessed at the following address: www.juricaf.org
- The High Court has been a member in this **international program since 2005.**
- This is an exclusively francophone jurisprudence program designed as a database. 50 Supreme Courts participate in this program, whereas the states they represent are members in the *Organisation Internationale de la Francophonie*.
- *Consequently, each Supreme Court member in the program sends the full text of its most important rulings in French, to be validated by the French Cour de Cassation. Each ruling is accompanied by a judicial sheet that comprises the meaning of the settlement, the judicial issue debated in the case, the final part of the court ruling, the lower court whose ruling had been challenged, the date when the court judgments had been returned (to see whether they expeditiously delivered justice), etc.*
- *In the case of the Supreme Court of Romania, which does not develop court rulings in French, unlike in France, Switzerland, Belgium etc., the full text of the court rulings is translated in French as coordinated by an assistant-magistrate and is accompanied by the judicial sheet required for the validation of court rulings.*
- *In 2012, the volume “Jurisprudence des années 2005-2010. Recueil sélectif” was published by Hamangiu Publishing House of Bucharest and edited with the care of Judge Livia Doina Stanciu Ph. D., the president of the HCRJ and of the Assistant-Magistrate Simona Cristea Ph. D., the chief of the International Relations Department.*

3. THE ASSOCIATION OF THE COUNCILS OF STATE AND SUPREME ADMINISTRATIVE JURISDICTIONS OF THE EUROPEAN UNION:

- **The HCRJ is represented by President Livia Doina STANCIU**, however, because of the administrative profile of the organization, the Chamber of Administrative and Fiscal Litigation was appointed as the corresponding department for this association,
- Meetings: once a year the thematic colloquium of the association, optional: seminars and conferences organized by the association,
- **Based on request by the Association, the HCRJ drafts national reports on various judicial issues,**
- website: www.juradmin.eu

4. THE EUROPEAN PATENT OFFICE:

- **The HCRJ is represented by President Livia Doina STANCIU**, however, because of the intellectual property profile of the organization, the Civil and Intellectual Property Chamber was appointed as the corresponding department for this association,
- website: www.epo.org

5. THE EU FORUM OF JUDGES FOR THE ENVIRONMENT:

- **The HCRJ is represented by President Livia Doina STANCIU**,
- website: www.eufje.org

6. THE CONSULTATIVE COUNCIL OF EUROPEAN JUDGES:

- In October 2008, the vice-president of the HCRJ, Judge Rodica Aida Popa Ph. D. was appointed by the SCM as representative (the second term of office),
- website: www.coe.int (a structure of the Council of Europe).

7. THE EUROPEAN EXPERTISE AND EXPERT INSTITUTE (EEEI):

- **The HCRJ is represented by President Livia Doina STANCIU**,
- **The HCRJ became a member on 7 December 2011**, as the President of the HCRJ and the President of the EEEI signed the accession document.
- EEEI is a partner of the European Commission for the development of a project concerning expertise in the civil matters, as this is the intention of the 27 EU Member States to make uniform their existing national rules in the area of expertise and the status of the expert, to set out a uniform European procedure and status of the expert. The principle taken into consideration is that of the mutual recognition by the judges of the expert reports developed in the 27 Member States. Besides this project, EEEI has four main goals: to establish a European documentary fund in the area of the civil expertise, included on the EEEI website, with information for the 27 EU Member States; to fund research surveys in the area of expertise; to organize international colloquiums, conferences, congresses, seminars and to create an European list of experts.
- Website: <http://www.experts-institute.eu>

8. THE INTERNATIONAL ASSOCIATION OF SUPREME ADMINISTRATIVE JURISDICTIONS (AIHJA):

- **The HCRJ is represented by President Livia Doina STANCIU**,
- In 2011, AIHJA granted the **observer** status for the HIGH COURT OF REVIEW AND JUSTICE in 2011 in a unanimous vote, whereas the HIGH COURT OF REVIEW AND JUSTICE has **been a full-fledged member of this organization** since **2012**.

- Established in 1983, the Association comprises the supreme administrative jurisdictions of more than 100 countries spanned on all the continents. AIHJA is aimed at: promoting the exchanges between the jurisdictions of last resort in the area of administrative litigation; fostering dialogue among the jurisdictions on the judicial issues they have to solve or on issues connected with the organization and operation of supreme jurisdictions; strengthening the rule of law.
- The association conducts judicial surveys, provides to its members or to any interested person useful information related to the organization, operation and jurisprudence of its member states and fosters the contact among the magistrates of these jurisdictions. At the same time, the Association edits a collection of compared jurisprudence focused on the topics and the debates of the congress that takes place every three years.

9. European Law Institute (ELI) :

- **The HCRJ is represented by President Livia Doina STANCIU.**
- As of 29 May 2013, the HCRJ is an institutional member of *the European Law Institute* (ELI). This institute provides expert reports in the area of the European law, contracts' law, criminal law, fiscal law and administrative law. International reports submitted to the EU institutions rely on the institute's expert reports to improve EU legislation. At the same time, ELI develops practically applicable projects, such as, for instance, the "*Common European Sales Law*" Project, submitted to the European Parliament or the Procedural Reform Draft submitted to the European Court for Human Rights. Amongst its institutional members, ELI counts with a high number of supreme courts, as well as the EU Court of Justice.

II. BILATERAL COOPERATION AGREEMENTS

Separately from the relations at the level of the nine international associations, the HCRJ concluded cooperation agreements with:

- ***The Court of Cassation of Lebanon*** – *cooperation convention* on 23 September 2015,
- ***The Court of Cassation of Republic of Moldova*** - *cooperation convention* on 25 March 2015,
- ***The Court of Cassation of France*** - *cooperation convention* on 13 October 2011,
- ***The Supreme Court of Justice of the Republic of Vietnam*** - *cooperation convention* on 29 September 2010.

Assistant magistrate Simona Cristea Ph. D.