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Types of legal professions

Romania

This page provides an overview of the legal professions in Romania.

Legal professions - introduction

The following legal professions are practised in Romania:

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Prosecutors

Organisation

The Romanian Public Prosecution Service includes:

prosecutor's offices attached to courts of appeal, tribunals, children's and family tribunals, and district courts;

prosecutor's offices attached to military courts.

The supreme body is the Prosecutor's Office attached to the High Court of Cassation and Justice, including its specialised divisions (the National Anticorruption Directorate (DNA) and the Directorate for Investigating Organised Crime and Terrorism (DIICOT)).

First level: prosecutor's offices attached to district courts (176)

Second level: prosecutor's offices attached to tribunals (42) and to the Children's and Family Tribunal (1)

Third level: prosecutor's offices attached to courts of appeal (15).

The [Superior Council of Magistrates \(CSM\)](#) is the central body responsible within the judicial system for regulating the profession of prosecutor. Initial and further professional training for judges and prosecutors is provided by the [National Institute of Magistrates \(INM\)](#), which is a public body with legal personality under the coordination of the CSM. The Public Prosecution Service discharges its tasks through prosecutors working in prosecutor's offices. The latter can be found attached to all the courts, with the exception of professional conduct tribunals.

Criminal proceedings carried out by prosecutor's offices attached to courts of appeal, tribunals, or children's and family tribunals.

The institutional hierarchy of prosecutor's offices is as follows:

The highest body is the Prosecutor's Office attached to the High Court of Cassation and Justice (Prosecutor-General's Office), headed by the Prosecutor-General of Romania. This body coordinates the activities of the prosecutor's offices attached to the 15 courts of appeal.

The prosecutor's offices attached to courts of appeal coordinate the activities of the prosecutor's offices attached to the 43 tribunals (including the special tribunal for children and family matters). Each of them is administered by a head prosecutor.

The prosecutors' offices attached to tribunals coordinate the activities of the offices attached to the 176 functioning district courts, each of which is headed by a first prosecutor.

The prosecutors' offices attached to the 176 functioning district courts represent the first (lowest) level of the hierarchy and are headed by first prosecutors.

Two separate specialised structures operate within the Prosecutor's Office attached to the High Court of Cassation and Justice. They are:

The National Anticorruption Directorate (DNA), responsible for investigating and prosecuting corruption. It is headed by a chief prosecutor.

The Directorate for Investigating Organised Crime and Terrorism (DIICOT), responsible for investigating and prosecuting organised crime and terrorism. It is headed by a chief prosecutor acting under the coordination of the Prosecutor-General of Romania.

Criminal proceedings carried out by prosecutor's offices attached to military courts

Criminal proceedings for criminal offences committed by military personnel are carried out by military prosecutor's offices, which have the legal status of military entities. They are attached to military tribunals, the Bucharest Military Tribunal or the Bucharest Military Court of Appeal.

Functional hierarchy of prosecutors

Prosecutors act in compliance with the principles of legality, impartiality and hierarchical control.

They act in accordance with the law, to observe and protect human dignity, and defend the rights of individuals.

Prosecutors at each prosecutor's office report to the head of that office, who in turn reports to the head of the hierarchically superior prosecutor's office.

The control to be exercised by the Prosecutor-General of the Prosecutor's Office attached to the High Court of Cassation and Justice, the chief prosecutor of the National Anticorruption Directorate and the head prosecutor of the prosecutor's office attached to the court of appeal over prosecutors under their authority may be performed either directly or through designated prosecutors.

Role and duties

There are two categories of prosecutor in Romania:

civil prosecutors, responsible for investigating and prosecuting criminal offences committed by civilians;

military prosecutors, responsible for investigating and prosecuting criminal offences committed mainly by military personnel.

The national prosecutor categories are as follows:

Prosecutor-General of Romania (head of the Prosecutor's Office attached to the High Court of Cassation and Justice);

Chief Prosecutor (head of the DNA and the DIICOT);

head prosecutors (heads of the prosecutors' offices attached to courts of appeal);

first prosecutors (heads of the prosecutors' offices attached to tribunals or district courts);

heads of section (heads of internal sections of prosecutor's offices);
heads of department (heads of internal departments of prosecutor's offices);
heads of office (heads of internal offices of prosecutor's offices);
prosecutors.

Whenever deemed necessary, ex officio or at the request of the CSM, the Minister for Justice may exercise control over prosecutors through prosecutors designated by the Prosecutor-General of Romania, the Chief Prosecutor of the DNA, or the Minister him/herself, in order to check the following:
prosecutors' managerial efficiency;
prosecutors' performance and accomplishment of tasks; and
the quality of prosecutors' professional relations with citizens and other persons involved in activities carried out by prosecutor's offices.

Neither the range of measures prosecutors can take during criminal proceedings nor the corresponding decisions are checked.

The Minister for Justice can ask the Prosecutor-General of Romania or, where appropriate, the Chief Prosecutor of the DNA, to report on the activities of prosecutor's offices and can issue instructions on the measures to be taken in order to prevent and combat crime effectively.

The Prosecutor's Office attached to the High Court of Cassation and Justice submits annual activity reports to the Superior Council of Magistrates and the Minister for Justice, who in turn present their conclusions on the report to the Romanian Parliament.

Judges

Organisation

The Superior Council of Magistrates (CSM) is the central body responsible within the judicial system for regulating the profession of judge. Initial and further professional training for judges and prosecutors is provided by the [National Institute of Magistrates \(INM\)](#), which is a public body with legal personality under the coordination of the CSM.

Role and duties

Judges in Romania specialise in the following case types:

civil and civil-enforcement cases;
criminal and criminal-judgment enforcement cases;
commercial cases (bankruptcy judges);
family and child law cases;
administrative and fiscal/financial cases;
cases related to labour disputes and social insurance;
constitutional-law cases;
military cases.

Organisation of legal professions: lawyers

Lawyers

The central body responsible for the profession of lawyers is the [Romanian National Union of Bar Associations \(UNBR\)](#), which is a legal person of public interest comprising all bar associations in Romania. It ensures qualified exercise of the right of defence, professional competence and discipline, and the protection of the dignity and honour of lawyers who are members of the union. All bar associations in Romania belong to the UNBR.

Legal databases

Information on Romanian lawyers is available on the website of the [Romanian National Union of Bar Associations](#).

Is access to this database free of charge?

Yes.

Legal advisers

Under the law, legal advisers may form county-level associations by sector or area of activity and according to their professional interests, or, where applicable, national associations, subject to the law on associations and foundations. One of the professional associations set up in accordance with that law is the [Romanian Order of Legal Advisers \(OCJR\)](#). It includes all the associations of legal advisers in all counties. Legal advisers may also form other professional associations. The lists of legal advisers by county are available on the individual websites of the OCJR member associations. (the links are available on the OCJR website)

Notaries public

Organisation

In accordance with the law, the Romanian Ministry of Justice has delegated the exercising of notarial services to the [National Union of Notaries Public \(UNNP\)](#). The UNNP is the professional body representing notaries public, responsible for organising the profession, defending its members' interests and the standing of the profession. All notaries are members. They are organised in 15 Chambers of Notaries Public, each attached to a court of appeal.

Role and duties

In Romania, notaries public provide the following legal services:

drawing up the necessary documents for legal and testamentary succession;
concluding contracts (sales contracts, exchange contracts, maintenance contracts, donation contracts, mortgage contracts, pledge contracts, leasing contracts, rental contracts) and other acts (guarantees requested by various institutions from their administrators);
drawing up articles of association for companies, associations and foundations;
authenticating documents;
certifying signatures, signature specimens and seals;
any other services provided for by the law.

Other legal professions

Bailiffs

The Romanian National Union of Bailiffs (UNEJ) is a professional body with legal personality comprising all bailiffs. UNEJ is responsible for preserving the standing and authority of the profession, and its main mission is to represent and defend the professional interests of its members. Bailiffs are organised in 15 chambers, each attached to the relevant court of appeal.

[UNEJ's website](#) contains a list of bailiffs.

Clerks of court

The [Superior Council of Magistrates \(CSM\)](#) is the central body responsible within the judicial system for regulating clerks of court.

The National School of Clerks of Court (SNG) is a public body with legal personality, under the coordination of the Superior Council of Magistrates, responsible for providing initial and further professional training for clerks of court.

The Romanian judicial system has several categories of clerks of court:

hearings clerks;
statistics clerks;
research clerks;
IT clerks;
archives clerks;
registry clerks.

You can find more on this profession in this [document](#)  (354 Kb) .

Judicial assistants

These form part of the panel of judges in first cases involving labour and social insurance disputes.

They take part in the deliberations with an advisory vote and sign the judgments, their opinion is recorded in the judgment, and they give reasons for dissenting opinions. When the panel includes judicial assistants, the president may charge one of them with editing the judgment.

Judicial assistants are nominated by the Ministry of Justice and proposed by the Economic and Social Council for a period of 5 years; they must have held a legal position for at least that period and must fulfil all conditions laid down by law.

During their term of office judicial assistants enjoy stability, are subject only to the law, take the oath prescribed by law for judges, and the legal provisions on obligations, bans, incompatibilities, exceptions, disciplinary sanctions and reasons for removal from office applying to judges and prosecutors also apply to them.

The total number of judicial assistant posts and their allocation to the courts, depending on the volume of work, is set by a Ministry of Justice order.

The conditions, selection and proposal procedure by the Economic and Social Council of candidates for nomination as judicial assistants by the Ministry of Justice, as well as the conditions for their delegation, detachment and transfer, are laid down by a government decision.

Assistant magistrates

The High Court of Cassation and Justice contains a team of assistant magistrates who take part in its hearings.

The duties of assistant magistrates include:

making sure that the hearings and archives clerks do everything necessary for the smooth running of the hearings, guiding the work of the hearings clerk;
preparing certain reports during the proceedings (on the admissibility in principle of the appeal and on the application for appeal in cassation);
recording, for each file, the parties' and prosecution's oral pleadings and the measures ordered by the court;
drafting the records, except for those of the hearing;
taking part in the deliberations with an advisory vote;
drafting the judgments in line with the allocation of the panel president, complying with legal deadlines, etc.

For a detailed description of the work of assistant magistrates, please consult this [document](#)  (126 Kb) .

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