

Legal professions - Romania



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This page provides an overview of legal professions in Romania.



Legal professions – Introduction

In Romania, the following legal professions are practised:

- prosecutors;
- judges;
- lawyers
- legal advisers;
- notaries public;
- judicial enforcement officers;
- clerks of court.

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.
1. The **highest body** is the Prosecutor's Office attached to the High Court of Cassation and Justice, including its specialised divisions (National Anticorruption Directorate and the Directorate for Investigating Organised Crime and Terrorism).
 2. **First level**: prosecutor's offices attached to district courts (176);
 3. **Second level**: prosecutor's offices attached to tribunals (42) and prosecutor's offices attached to the Tribunal for Children and Family Matters (1);

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

The [Superior Council of Magistracy](#) 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 Magistracy](#), which is a public body with legal personality under the coordination of the Superior Council of Magistracy. [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:

1. 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.
2. 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.
3. 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.
4. 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:

- **National Anticorruption Directorate (DNA)**, responsible for investigating and prosecuting corruption. It is headed by a chief prosecutor.
- **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, to the **Bucharest Military Tribunal** or to the **Bucharest Military Court of Appeal**.

Functional hierarchy of prosecutors

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

Prosecutors 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

In Romania, there are two categories of prosecutors:

1. **civil prosecutors**, responsible for investigating and prosecuting criminal offences committed by civilians;
2. **military prosecutors**, responsible for investigating and prosecuting criminal offences committed mainly by military personnel.

The national categories of prosecutors are the following:

- **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 Superior Council of Magistracy, the Minister for Justice** may exercise control over prosecutors through prosecutors designated by the Prosecutor-General of Romania, the Chief Prosecutor of the National Anticorruption Directorate, or the Minister for Justice himself/herself, in order to check the following:

- prosecutors' managerial effectiveness;
- prosecutors' performance and accomplishment of tasks; and
- the quality of prosecutors' professional relations with citizens and with other persons involved in activities carried out by prosecutor's offices.

This control applies neither to the entire range of measures prosecutors can take over the course of criminal proceedings nor to the corresponding decisions.

The Minister for Justice can ask the **Prosecutor-General of Romania** or, where appropriate, the Chief Prosecutor of the National Anticorruption Directorate, 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 Magistracy and the Minister for Justice, who in turn presents his/her conclusions on the report to the Romanian Parliament.

Judges

Organisation

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

Role and duties

In Romania, judges specialise in the following categories of cases:

- civil and civil enforcement cases;
- criminal and criminal enforcement cases;
- commercial cases (bankruptcy judges);
- cases under family and children's law;
- administrative and fiscal/financial cases;
- cases involving labour disputes and social insurance;
- constitutional cases;
- military cases.

Organisation of the legal profession: 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 Romanian bar associations are members of the Romanian National Union of Bar Associations.

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, access to the database is **free of charge**.

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 the law on associations and foundations 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 National Union of Notaries Public](#) is the professional body representing the notaries public, and is responsible for organising the profession of notary public, and defending the professional interests of its members and the standing of this profession. All notaries public are members of this Union. Notaries public are grouped in 15 Chambers of Notaries Public, each of which is 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

Judicial enforcement officers

[The Romanian National Union of Judicial Enforcement Officers](#) (UNEJ) is a professional body with legal personality comprising all judicial enforcement officers. It is responsible for preserving the standing and authority of the profession of judicial enforcement officer. Its main mission is to represent and defend the professional interests of its members. Judicial enforcement officers are grouped in 15 chambers, each of which is attached to the relevant court of appeal.

A list of judicial enforcement officers is available on the [websites of the Romanian National Union of Judicial Enforcement Officers](#) and the [Ministry of Justice](#). However, the two databases have different structures.

Clerks of Court

The central body within the judicial system responsible for regulating the profession of clerk of court is the [Superior Council of Magistracy](#) (CSM).

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

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

- hearing clerks;
- statistician clerks;

- research clerks;
- IT clerks;
- archiving clerks;
- registrar clerks.

You can find out more about this professional category in this [document](#).

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