

**PROJECT: “TECHNICAL ASSISTANCE FOR THE PREPARATION OF THE ENFORCEMENT OF THE
NEW CIVIL CODE, CRIMINAL CODE, CIVIL PROCEDURE CODE AND CRIMINAL PROCEDURE
CODE”**

JUDICIAL REFORM PROJECT

LOAN: #IBRD 4811

FINAL REPORT

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I. INTRODUCTION

According to the Contract of consulting services for “Technical Assistance for the Preparation of the enforcement of the New Civil Code, Criminal Code, Civil Procedure Code and Criminal Procedure Code” (hereinafter referred to as the “**Contract**”), concluded on September 10, 2010 between the Ministry of Justice, through the Department for Implementation of Externally Financed Projects (hereinafter referred to as the “**Beneficiary**”) and the consortium formed of S.C.A. Țuca Zbârcea & Asociații, S.C. KPMG România S.A., The Gallup Organization-România S.R.L. and Hewitt Associates Sp. z o.o. (hereinafter referred to as the “**Consultant**”), the Consultant undertook to provide to the Beneficiary a number of reports containing conclusions of the activities of identification and analysis of the estimated impact the new codes (Civil Code, Criminal Code, Civil Procedure Code, and Criminal Procedure Code) (hereinafter referred to as the “**New Codes**”) would have on the Romanian judicial system, from a legal, economic, budgetary and human resources point of view.

On October 1, 2010, the Consultant submitted the Inception Report (“**Inception Report**”) to the Beneficiary. This document served for establishing a mutual understanding of the concerned parties, in relation to the planning and approach of the Project activities, deliverables and risks, by the Project team, and to the selection and detailed description of the methodology applied in fulfilling the tasks, in accordance with the parties’ expectations and understanding, at the beginning of the Project. The Inception Report closely followed the Consultant’s Terms of Reference and Technical Proposal.

The Consultant delivered on January 10, 2011 a first interim report on the outcome of its analysis concerning the changes brought by the New Codes to the legal framework established by the Civil Code, the Criminal Code, the Code of Civil Procedure and the Code of Criminal Procedure (“**Interim Report I**”), the final version being transmitted to the Beneficiary on April 7, 2011. This report was focused on the strictly legal analysis of the amendments implemented by the New Codes (including elements of absolute novelty, not having a correspondent in the Romanian regulations in force), which may have an impact from human resources or budgetary and financial perspective on the entities that are currently directly involved in the enforcement of the legal provisions currently regulated by the Civil Code, Criminal Code, Code of Civil Procedure and Code of Criminal Procedure.

The Consultant drafted and submitted to the Beneficiary the second report (hereunder referred to as “**Interim Report II**”) on May 30, 2011. In Interim Report II, the Consultant provided a comprehensive mapping of the “as-is” situation at the level of the Romanian judicial system, both as regards human resources (staffing, related salary expenses), physical and IT infrastructure, *ex officio* legal aid, and revenues. Furthermore, Interim Report II also included a preliminary assessment of the New Codes impact, such as identified further to the theoretical analyses performed in Interim Report I, from the legal point of view. Between May 31 and August 8, 2011, the Beneficiary’s representatives submitted a series of comments on this version of Interim Report II, which were thoroughly analyzed by the Consultant, who provided answers to all issues, centralizing such answers and its own comments in a table submitted to the Beneficiary together with another version of Interim Report II, updated accordingly, on August 8, 2011.

On July 4, 2011, the Consultant submitted to the Beneficiary the third report (hereinafter referred to as “**Interim Report III**”) presenting the detailed outcome of the analyses and calculations performed on the basis of the New Codes’ envisaged impact on the major areas of interest, such as identified in

Interim Report II. In Interim Report III, the Consultant focused on grasping the net financial-budgetary and human resources implications of the New Codes enforcement. Insofar as the Consultant was provided with usable data, the analysis was performed at the level of each judicial institution and at the level of all main types of personnel thereof. Between July 14 and August 8, 2011, the Beneficiary submitted to the Consultant comments and remarks concerning Interim Report III. Moreover, such as explained below *in extenso*, new data were provided in relation to fields of analysis which could not be covered due to lack of information within the preliminary version of Interim Report III. The Consultant analyzed the new data sets obtained after the submission of the preliminary version of Interim Report III, as well as the comments formulated by the Beneficiary with regard to this preliminary version, and transmitted the final version of Interim Report III on October 30, 2011.

The results of such analyses constituted the basis for the preparation of a set of final conclusions that the Consultant is providing to the Beneficiary in this Report.

In accordance with the provisions of Appendix B (Reporting Requirements) to the Contract, hereby the Consultant submits to the Beneficiary the draft of the fourth report (hereinafter referred to as “**Final Report**” or “**Report**”) presenting the preliminary final conclusions drawn based on the results of the entire process of analysis and assessment of the impact of the implementation of the New Codes on human resources, as well as budgetary aspects of functioning of the Romanian judiciary system. Based on the outcomes of the analysis performed and summarized within the body of the already submitted Interim Report III, the Consultant developed a set of conclusions and recommendations regarding possible human resources and budgetary scenarios for the implementation of the New Codes.

It is also the aim of this Report to refer to and, whenever feasible, address the Beneficiary's requests and queries raised prior to the submission of this Report, primarily subsequent to Interim Reports II and III.

Taking into account the summary aspect of this Report, the Consultant deemed it justified to provide the Beneficiary with the full glossary of terms used in the course of preparation of respective Interim Reports (Interim Report II and Interim Report III), with the exception of Interim Report I, due to its exclusive, legally anchored purpose and character (**Appendix No.1** to this Report).

1. Activities related to human resources

The final version Interim Report III, delivered to the Beneficiary as of October 30, contained a presentation of results of the main phase of analysis performed by the Consultant. Human resources - related scope of presentation focused on the impact of the New Codes on human resources aspects of courts and respective prosecutor offices attached thereto. First version of analyses covering HCCJ, POHCCJ and the Department of Probation, presented in the outline version of the preliminary version of the Report, have been reworked and included in the final draft of Interim Report III.

This Final Report is intended to focus on presenting summaries and conclusions corresponding to the fields discussed in full in the preliminary version of Interim Report III.

For the Final Report in the area of human resources, the Consultant prepared a set of conclusions regarding staffing needs in respective levels of courts and prosecutor offices, stemming from human resources analyses performed during stages II and III of the Project, as well as commentaries offered by the Beneficiary. Consultant discussed also needs in terms of auxiliary personnel, on the respective levels of the judiciary system. Following direct contacts and use of new information obtained, human resources needs in the Department of Probation were also covered.

This final draft of the Final Report is accompanied by a chapter summarising mapping of workload levels identified in the judiciary system.

2. Activities related to identification of financial/budgetary impact of the New Codes

According to the provisions in the Terms of Reference, the Consultant has sought to identify and analyze the financial/budgetary impact of and the changes foreseen by the New Codes enforcement and reflected in:

- The need for physical and IT infrastructure;
- The ex officio legal aid;
- The staffing expenditure;
- Other categories of expenditure;
- Revenues;
- The procedural costs;
- The impact on the business environment.

In order to assess the identified quantifiable financial/budgetary impact of the New Codes the Consultant has undertaken the following activities:

- A detailed analysis of the provisions in the NCC, NCPC, NCrC and the NCrPC from the perspective of the potential financial/budgetary impact thereof;
- The organization of a series of consulting sessions with legal experts from the Consortium in order to understand the nature and object of the foreseen impact of the provisions in the New Code on the institutions from the judiciary system;
- The identification of the quantitative and qualitative information needed to create an accurate, real and usable database, so as to perform a detailed assessment of the financial and budgetary impact of the New Codes enforcement;
- The identification of the adequate assessment methods of the financial impact identified on areas of major interest targeted by the regulations in the New Codes;
- The formulation of requests for data and information addressed to the Beneficiary;
- The acquirement of data from public sources of information;
- The assessment of the accuracy and utility of the data made available by the Beneficiary and of those acquired from other sources for the purpose of the Project;
- The compilation of all the usable data in an especially created format so as to allow the processing thereof according to the methods of quantification previously chosen;
- The establishment of the level of accuracy of the analyses which can be reached based on the collected data.

The analysis of the quantifiable financial/budgetary impact of the New Codes was structured by considering both the institutions and the main staff categories in the Romanian judiciary system targeted by the amendments brought by the New Codes, as they are presented hereinbelow:

- The courts of all degrees of jurisdiction, on civil and criminal matters: district courts, tribunals, courts of appeal, the HCCJ;

- Judges;
- Auxiliary personnel.
- The prosecution offices attached to the district courts, the tribunals, the courts of appeal, the HCCJ:
 - Prosecutors;
 - Auxiliary personnel.
- Probation services:
 - Probation officers.
- The prisons system.

The work procedure for the assessment of the financial/budgetary impact of the New Codes enforcement, which elaborates and details the concrete stages that shall be undergone for the impact's quantification *per se*, was established based on the results of the analyses carried out with respect to the impact of the New Codes on the judiciary system in Romania in general, and on the human resources in particular, as well as based on the information received from the Beneficiary.

The key stages undergone by the Consultant in the performance of the Project's planned activities comprised the following:

2.1. Data Collection

2.1.(a). Generalities

In order to ensure a strong work base, the Consultant considered the completion of the data necessary for the analysis of the financial/budgetary impact of the New Codes. It used all the relevant and usable information obtained from the Beneficiary so as to elaborate the analysis reports.

The measures undertaken by the Consultant in order to ensure an efficient collection process for the data necessary to assess the financial/budgetary impact of the New Codes enforcement were the following:

- The issuance on December 14, 2010 of a preliminary request for information addressed to the Beneficiary and related to the amendments brought by the NCC and the NCPC;
- Sending on January 5, 2011 a request for information related to the amendments brought by the NCrC and the NCrPC;
- Addressing a request to the Beneficiary on January 19, 2011 in order to submit the ECRIS Statistics Manual to be read;
- Sending a request to the Beneficiary on January 24, 2011 in order to obtain detailed statistics taken from the ECRIS by the representatives of the SCM for 2007-2010;
- Sending in January 2011 a request for detailed statistical data from the databases of the Public Ministry for 2008-2010;
- Sending a request for quantitative information for 2007-2010, made available in January 2011 by the representatives of the SCM;

- The elaboration and transmission of a questionnaire in order to obtain the missing data directly from the courts and prosecution offices, on March 23, 2011;
- The inclusion of requests for information within the Gallup Survey which was sent in the field to all the categories of courts and prosecution offices from the Romanian judiciary system on March 30, 2011;
- Sending clarifications and additional interpretations both to the Beneficiary’s representatives, so as to be distributed in the field, and directly to the courts and prosecution offices in April and May of 2011 (namely on the 7th, 8th, 11th, 13th, 14th and 21st of April and on May 4);
- Sending additional requests for data addressed to the Beneficiary and to the SCM for urgent collection of data and information indispensable for the performance of the activities specific for the Project (in March, April and May of 2011).
- Sending requests for clarification with respect to certain aspects shown in the sections referring to staffing expenditure (amount of base monthly salaries for each category of staff, employer’s contributions, other staffing expenditure, in money and in kind) within the initial draft Interim Report III, in order to obtain processable data (during the period 5 September – 17 October 2011);
- Sending requests for additional data to the Beneficiary with respect to fields of analysis which could not be covered initially due to lack of information, in connection to infrastructure and staffing expenditure within the prosecution offices (on 6 September 2011).

2.1.(b). The Relevant Timescale

The Consultant requested both statistical data for 2007 – 2010 and quantitative information for 2011.

The assessment of the financial/budgetary impact of the New Codes enforcement on the areas of major interest included in the analysis considered a period of analysis of 3 years as of the entry into force of the New Codes (of the said 3 years, the first 2 represent the transition period and the third one is the first year in which the effect of the current codes shall no longer be felt and the new system shall effectively become functional, as per the provisions in the New Codes). The results of the analysis relate to the data available up to date of elaboration of the Report herein.

2.1.(c). Hypotheses and Assumptions

During the Project’s activities, the Consultant started from the assumption that the data collected from the Beneficiary:

- are available and can be easily obtained, no matter the form in which they are requested;
- are current and reflect the real situation of the Romanian judiciary system;
- are highly accurate, hence serving the Project’s purpose;
- do not require subsequent processing.

The analyses elaborated by the Consultant are strictly based on the information obtained from the Beneficiary (the Beneficiary has also suggested using such sources as the SCM Web page). An essential assumption for the performance of the Project’s analyses was that the data received from the Beneficiary were accurate, since the Consultant could not check the accuracy thereof on its own.

Nevertheless, if the Consultant found inaccurate information or discrepancies, he informed the Beneficiary in this respect.

At the time the analysis reports were elaborated, the Consultant considered that if it obtained the information necessary for each institution in the Romanian judiciary system, it would be able to perform a complete and thorough analysis. Therefore, the process of data centralization, processing and structuring used the data sent for each institution according to each relevant aspect and such data were subsequently integrated in the centralized system for all the courts.

2.1.(d). Difficulties found throughout the performance of the Project activities

Throughout the performance of the data collection activity, the data obtained in certain cases were incomplete or insufficient to allow the performance of an extensive analysis and generate valid results. The Consultant was faced with these issues both in the case of the data made available by the Beneficiary and in that of the information obtained from official secondary sources.

At the same time, the in-depth analysis of the data obtained by the Consultant also revealed that the format and aggregation level of the data made available by the Beneficiary were predominantly deficient.

Given that the data obtained were insufficient and in certain cases they were not submitted in a processable version, the Consultant requested several times that the data obtained be validated and this made the processing and structuring of the information more difficult. In lack of centralized information, the Consultant had to centralize the data on its own and subsequently send them to the Beneficiary for supplementation and/or clarification purposes. The centralizers elaborated by the Consultant were accompanied by accurate comments/observations/instructions to check the erroneous information/supplement the missing data/validate the information that was accurately presented. Following these measures, the Beneficiary resent part of these centralizers filled in completely or partially.

2.1.(e). Limitations of the analysis performed

The Consultant had to make a careful selection of the data obtained in order to use them in the analysis of the quantifiable financial/budgetary impact of the New Codes enforcement. The data were used only to the extent they were sufficient, comparable and representative for the type of analyses performed.

The assessment of the budgetary implications brought about by the provisions of the New Codes started mainly from the analysis of the current situation of the judiciary system. The analysis of the said current situation was elaborated based on the data received from the Beneficiary in response to the requests of the Consultant; therefore, it was conditioned by the existence, nature and quality of that information.

With respect to the monetary quantification of the impact of the provisions in the New Codes on the need for physical infrastructure, it is important to mention that an accurate assessment thereof could be performed only by the Beneficiary during the stage of design of the physical infrastructure necessary, at the time of taking the final decisions with respect to arranging all the spaces and developing the efficient spatial connections for each and every case. It is the Consultant's opinion that the theoretical criteria it used to establish the need for physical infrastructure in the judiciary system are not a

sufficient justification for the Beneficiary to adopt decisions to build, rebuild or extend certain spaces. Establishing the method through which the space needed in the near future or on the long term should be designed /arranged – for example, through the erection of a new building, the renovation of an existing building, the lease of additional space or by any other means – shall be at the sole discretion of and incumbent exclusively upon the Beneficiary.

The criteria presented by the Consultant shall apply for a series of key areas the amendment of which must be justified by the specific purpose of each type of space necessary, following the identification of additional staffing needs and the amendments in terms of competence that arise from the New Codes enforcement, so as to satisfy the functional requirements of the various types of judiciary institutions. This is why the differences between the space available in the case of an existing building and the space estimated by the Consultant through the analyses it performed are not a sufficient justification for the amendment and/or extension of the building in question. In such cases, the Beneficiary should analyze alternatives to the extension of the building before taking a decision to supplement the actual space.

The need for additional key areas for each court (courtrooms, rooms used for the preliminary chamber procedure, offices of the judges, offices of the clerks, spaces assigned for the archive) was estimated according to the availability and quality of the data obtained. Another aspect taken into account was the possibility to clearly restrict the impact of the entry into force of the New Codes to the need for additional spaces. The same approach was followed in the case of each prosecution office and probation service with respect to the offices of the prosecutors and those of the probation officers.

Where the Consultant could not conclude that the impact of the provisions in the New Codes on certain types of spaces was direct and quantifiable, a financial estimate consistent with the real needs of the judiciary system could not be made.

2.2. Participation to the meetings organized with the Beneficiary's representatives and other stakeholders

Apart from the actual process of collection, processing and structuring of the information, the conceptualization presupposed continuous discussions and feedback from the Beneficiary and other stakeholders regarding the collection of data and the extension of the body of data available. We shall mention hereinbelow some of these meetings which were mainly focused on relevant aspects for the analysis related to the financial/budgetary impact:

- The Consultant attended on November 12, 2010 the meeting organized at the Beneficiary's headquarters in order to discuss about the main aspects related to the Initial Report that was submitted to the Beneficiary;
- On January 24, 2011 the Consultant attended a meeting organized at the headquarters of the SCM for a discussion with the specialists of the SCM that are dealing with the ECRIS IV module of judiciary statistics. The purpose of the meeting was to obtain information regarding the type of statistics that can be generated by this program;
- On March 9, 2011, the Consultant attended a work meeting organized at the headquarters of the SCM to discuss about the process of data collection up until that moment, so as to check the

availability and the possibilities to obtain outstanding information and additional statistics, as well as to obtain answers with respect to the overview on certain areas of major impact;

- On April 13, 2011 the Consultant attended a meeting with the Beneficiary's representatives from the Financial Directorate and the Directorate for Investments to clarify certain aspects related to the physical infrastructure and the revenues collected by the Romanian judiciary system;
- On April 14, 2011 the Consultant attended a meeting organized at the Beneficiary's headquarters with representatives of the Directorate of Elaboration of Legislative Acts in order to complete a series of details and obtain clarifications/additional information with respect to the legal aid system;
- On May 11, 2011, the Consultant attended a meeting with the representatives of the European Commission, as part of a complex assessment process at country level that the Commission is undertaking in Romania. The request to attend this meeting referred to a debate on the topic of the preliminary conclusions with regard to the impact of the provisions in the New Codes;
- On June 9, 2011 the Consultant had a meeting with the SCM representatives to request additional information about the possibility to obtain a centralized report (taken from the ECRIS or from another database) on the daily number of court sessions and the average number of cases in one court session;
- On June 22, 2011, the Consultant had a meeting with the Beneficiary's representatives from the Directorate of Information Technology in order to clarify a series of aspects related to the performance of an analysis of the entire IT system of the judiciary system. The discussion was also attended by representatives of the Consultant with extensive experience in IT consulting. The conclusion of the meeting was that finding a solution to the problem of interconnection of the IT systems is not the object of this agreement;
- On June 17, 2011, the Consultant expressed its availability to attend a meeting with the representatives of the General Prosecution Office to clarify part of the quantitative information previously obtained and to obtain additional data. Due to a last-minute unavailability of the representatives of the General Prosecution Office caused by circumstances the Consultant was not informed about, this meeting did not take place;
- On June 22, 2011 another meeting was organized with a representative of the Beneficiary from the Directorate of Probation to clarify certain aspects related to the need for special equipment associated with the probation activity, given the extension of the role of probation services as a result of the provisions in the New Codes;
- On 5 September the Consultant attended a meeting organized at the Beneficiary's premises. Both representatives of CSM, POHCCJ, HCCJ and key persons within the various departments of the Ministry of Justice attended the meeting. Inter alia, the results obtained further to the analysis of the financial/budgetary impact of the enforcement of the New Codes included in the preliminary draft Interim Report III were brought in discussion in order to set guiding lines for updating this report;
- On 13 September, a meeting with representatives of the HCCJ took place in order to discuss the preliminary results obtained by the Consultant with respect to the analysis of the

financial/budgetary and HR impact on this type of court. Participants on this meeting agreed upon the fact that it is absolutely needed that the HCCJ support the Consultant in assessing the impact of the non-quantifiable elements, most of the impact elements identified for the HCCJ being of this type;

- On the same 13 September a meeting was organized at the SCM premises to discuss and clarify certain aspects of the estimates made by the Consultant as regards the HR and infrastructure needs and the staffing expenditure. Within this meeting, the need to verify the data obtained by the Consultant from the ABAC database was also discussed. The data were actually verified during the following weeks, since there was found that, depending on the manner of interrogation of the database, the results obtained for the same institution/type of case could differ, while the Consultant had not been informed on this. Based on the instructions obtained, the data were verified, corrected and completed and further on, they were used in reviewing the analyses included in Interim Report III;
- On 19 September 2011, the Consultant attended a meeting with the representative of the Financial Accounting Directorate in the Ministry of Justice, in order to determine the possibilities to assess the gross monthly salaries (base gross salaries, permanent bonuses and employer's contributions) and of other types of staffing expenditure (transport allowances to and from the job, dwelling allowances, detachment allowances, delegation allowances etc.)

The meetings organized between the Consultant, the Beneficiary and other stakeholders set the foundation for the validation of the reference data, contributed to the analysis of the preliminary data and helped with the identification of other important aspects for the assessment of the financial/budgetary impact of the New Codes enforcement.

II. SUMMARY OF METHODOLOGIES AND APPROACHES APPLIED

Prior to presenting observations and recommendations in the area of human resources impact of the New Codes, the Consultant undertook to summarize the methodologies applied on the way to calculate the results being commented in this Report.

The below table outlines major steps realized in the Project, the key methods applied in each step, as well as highlights the key assumptions standing behind the approach chosen, as well as other comments. The summary refers to all the analyses made: for courts, prosecutor offices and probation service. Steps divided into sub-phases (e.g. 2.1. and 2.3.) refer to those activities and methods, the delivery of which was not a process (finalization of activity 1 makes activity 2 possible to launch); they indicate works performed either in parallel or independent from one another.

Steps	Outputs	Methods	Assumptions behind the selected methods	Comments
1. In depth analysis of the provisions of NCC, NCPC, NCrC, and NCrPC.	Identification of so called “impact items”: elements of the New Codes having a specific, individually definable influence on human resources needs. Impact items defined separately for courts, prosecutor offices and probation services.	Application of legal expertise and experience to define individual impact items for each court level, prosecutor office level and for probation services. Impact items categorization into items affecting caseload, workload and cases duration. Impact items categorization by their quantifiability, time perspective, direction and strength.	Works performed and method chosen aimed at grasping every single aspect of the New Codes that is expected to have impact on staffing levels of Romanian judicial organizations analyzed in the Project. Furthermore, the individual impact items constituted concrete guidelines for the way data was to be processed on further stages.	-
2.1. Identification of quantifiable data to be used in the Project.	Identification of data sources possible to be applied in workload and staffing levels analysis, the scope of which was imposed by the nature of identified impact items.	Internet research. Data provision by the Beneficiary. ABAC database queries. Gallup Survey.	The main assumption made by the Consultant was the need to obtain data at the level of each court, prosecutor office and probation office, thus allowing for separate analyses and estimations to be made for the impact the new civil and criminal laws will have on the respective specialists involved	As stated in Interim Reports II and III, data were found to be incomplete and not specific enough to meet those assumptions, which made the Consultant fill in missing information with estimated data, and seek alternative and

Steps	Outputs	Methods	Assumptions behind the selected methods	Comments
	Assessment of data quality, applicability and completeness.		in civil (non-criminal) and criminal matters (solving and servicing). Such level of detail was assumed to allow for the fulfillment of Consultant's commitment to provide the Beneficiary with credible Project deliverables.	supplementary methods to prepare headcount estimations (indicated further in the table). Further to September 2011 meetings with CSM representatives, the analysis was enriched with additional data portions of total general number of case files in courts.
2.2. Identification of staffing drivers in courts, prosecutor offices and probation offices.	Sets of staffing drivers presented in a form of correlation tables (indicating the strength of each element's interrelation with staffing level). Tables prepared separately for each level of courts and prosecutor offices and for probation offices.	Correlation analysis run based on individual headcount, caseload and external demographic data for each single court, prosecutor office and probation office. Judge-case calculation unit. Support jobs grouping by the nature of their work.	When a series of observations is available (in this case – a series of data for courts, prosecutor offices and probation offices), correlation and other statistical methods, enable to verify initial hypotheses of what drives the number of staff employed in a given organization, and subsequently allows for creating models explaining in detail how variables impact one another. Judge-case calculation unit enabled grasping both caseload volumes and number of staff needed to solve cases on each stage in courts in the analysis. Support functions grouping allowed for efficient headcount analyses excluding career grades not relevant from the perspective of this Project's purpose.	The Consultant's assignment did not consist in assessing the efficiency or identifying target performance of judges and prosecutors and applying such target in the analyses as one of the prerequisites of the New Codes implementation. The Consultant performed the analysis based on the current practice without assessing such practice's efficiency. However, the further taken steps did include equalizing the performance differences between institutions (at the stage of results calculation described below in this table).
3.	Sets of regression equations for each	Regression modeling.	Statistical method of regression modeling enables	As above.

Steps	Outputs	Methods	Assumptions behind the selected methods	Comments
Definition of headcount estimation models	type of job in the organizations analyzed.		to best describe how variables impact one another (intensity of impact, interrelations “behavior” depending on variables value, etc.).	
4. Estimation of headcount needs in the transition period after the New Codes enforcement	Estimated headcount levels required in courts, prosecutor offices and probation offices for core and support roles throughout first two years after New Codes enforcement.	Quantifiable impact items mapping with statistical data available. Caseload “deltas” (shifts) concept. Judge-case concept. Protégés weighting concept (probation).	The Consultant aimed at including in the analysis the fact that the New Codes enforcement has distinct consequences for cases in progress at the moment of enforcement, according to the civil or criminal nature thereof.	The Consultant deemed that the supposed or expressly provided celerity aspect of the New Codes is of crucial importance to the Beneficiary, since one of the aims of the new regulations was to increase the efficiency of the judicial system in Romania from the perspective of citizens being served by this system. At the same time such impact was of non-quantifiable nature.
5. Estimation of headcount needs after the transition period – so called “net effect”	Estimated headcount levels required in courts, prosecutor offices and probation offices for core and support roles in the third year after New Codes enforcement.	Non-quantifiable impacts conversion into points (for the caseload of courts and prosecutor offices). Median share of case types calculation. Regression models. Benchmarking with other EU countries. Equalization of caseload per judge / prosecutor office / probation officer (per scheme number of positions).	The cases in progress on the date of entry into force were assumed to be cleared within 2 years after enforcement. After such period a “net effect” should be observed, the calculation of which is made in the third year after New Codes enforcement. Cases duration was assumed to shorten. Benchmarking of cases solvability was applied in absence of reliable predictions of annual solvability in Romania under New Codes. Use of other benchmarks was driven by the extent of non-quantifiability of other impact areas (probation) but was of supplementary nature. Equalization of caseload per judge / per prosecutor aimed at leveling-off current differences in this indicator	The Consultant was therefore looking for an objective method of including the decreased length of proceedings and increased cases solvability within a relevant period in the calculation performed. In the absence of other sources, the benchmarking analysis was chosen as the most objective method (countries selected member states of EU for which consistent data on number of registered cases vs. number of cases solved was available). Since the benchmarking analysis showed that cases

Steps	Outputs	Methods	Assumptions behind the selected methods	Comments
			between various units and distributing additional FTEs accordingly to forecasted work.	solvability in Romania is already high (on or over the median), the Consultant chose the 75 th percentile as a reference due to the fact that such percentile is most frequently used by organizations which aim at outperforming their peers.

The identification and assessment of budgetary implications of the New Codes enforcement, on physical and IT infrastructure, staffing expenditure and other types of expenditure related to the Romanian judicial system are based on the output of the analyses concerning:

- the identification and assessment of the amendments implemented by the New Codes, with an impact on the judicial system;
- the identification and quantification of the human resources impact within the judiciary system in Romania, i.e. the staffing need arising further to the New Codes implementation.

In parallel, data and information were requested and processed in order to assess the impact of the new regulations on the various judicial system components.

Based on the submitted data and according to the quality and relevance thereof, impact elements were quantified at the level of each type of court, using appropriate methods for each element and taking into account two main steps identified in the enforcement of the New Codes: the transition step and the subsequent step, when the new system actually becomes functional. There should be emphasized that the entire analysis prepared by the Consultant considered the simultaneous entry into force of the New Codes, as resulted from both the Contract provisions and the need to compute the net effect of the new regulations. As explained in Interim Report III, the calculations made by the Consultant used as reference data corresponding to the year 2010. The impact of the new provisions was calculated as compared to such data.

1. Identification and assessment of budgetary implications of the New Codes enforcement on the physical infrastructure

1.1.(a). Courtrooms/preliminary chambers

During the performance of the Project, the Consultant had to amend several times the estimation method for the need of courtrooms according to the availability of data. This is why the method used in the end is different from those presented in the Initial Report and in the Interim Report II. We shall present hereinbelow the options taken into account to determine the estimated number of courtrooms:

(i). Option 1 – Estimating the number of courtrooms based on the number of hearing terms granted for one case

The purpose of this approach was to establish the annual number of “entries” of cases in the courtrooms, starting from the average number of hearing terms in a civil and a criminal case, respectively. In this respect, the Beneficiary was asked through the Gallup Survey for information about the number of hearing terms, as well as about the average current and future time interval between two consecutive terms. After processing the answers received, it was ascertained that there were significant variations from one court to another and this raises questions about the accuracy of the information received. Thus, out of the 179 district courts, approximately 120 supplied an answer to these questions and the data that were reported varied significantly. For example, 10% of the district courts that answered the question related to the current number of terms in a civil case in first instance reported an average of 3 such terms, while 20% reported a number of over 10 terms in a civil case in first instance. Given that a considerable number of courts did not provide answers to these questions and considering the constant variations between the data supplied, this option of estimating the need for courtrooms was abandoned.

(ii). Option 2 – Estimating the number of courtrooms based on the annual number of court sessions and the average number of cases in one court session

This approach required to estimate the necessary number of courtrooms starting from the number of cases that “entered” the courtrooms in one calendar year, which was determined based on the information in the ECRIS schedule of court sessions. This method of estimation of the total number of “passings” of the cases through the courtrooms required the extrapolation of the results obtained with regard to the average number of cases “that entered” the courtrooms/preliminary chambers in one day, this last indicator being determined by monitoring the ECRIS schedule of court sessions in one calendar month and the number of cases that “pass” daily through each court. By actually counting the cases which “enter” daily the courtrooms of certain courts selected for experimental purposes, it was ascertained that the daily number of court sessions and the number of cases on the list of all court sessions held in one day vary significantly from one day to another. For example, in the Bucureș ti Court of Appeal it was ascertained that the number of cases “that enter” in one day the courtrooms of this court record strong variations from one day to another, such variations being in terms of hundreds of cases. Similar situations were found in the case of the following tribunals with a high workload: Bucureș ti, Teleorman, Dolj, Gorj and Olt.

Considering the situation above, it was concluded that the extrapolation to one year of the results obtained for one calendar month might bring erroneous results with a negative impact on the

conclusions related to the need for courtrooms. For example, if the results corresponding to the București Tribunal were extrapolated, it was noted that, on average, cases settled and not settled “pass” approximately two times through the courtrooms in one year. The comparison of the data obtained through the extrapolation of the information from the ECRIS with the number of terms reported by this court in the Gallup Survey (*i.e.*, an average of 5 terms for case settlement, no matter their type and procedural stage), revealed significant variations which could have distorted the results of the analysis.

Under these circumstances, in order to avoid actual counting from the ECRIS of the cases that “enter” the courtrooms, the Consultant requested to the Beneficiary centralized data on the average number of sessions necessary to settle one case and the average number of cases per session. Yet, it was ascertained that both indicators will be available through the ECRIS Statistics module, which is not functional on the date of the Report herein. Considering the lack of this information, as well as the discrepancies found between the data obtained from the Gallup Survey and those obtained from the counting of the cases in the ECRIS, the Consultant had to abandon this second option for establishing the need for courtrooms as well.

(iii). *Option 3 – Estimating the number of courtrooms/preliminary chambers based on the annual caseload through simple linear regression*

Considering the difficulties mentioned above, the Consultant resorted in the end to a mathematical method so as to estimate the need for courtrooms: the simple linear regression. The linear regression explains the changes in the dependent variable according to the variation of the independent variable. The linear connection between the two variables is described by a linear equation, called a regression equation, the geometric equivalent of which is the regression line: $Y = a + b \cdot X$, where a is constant and b is the regression coefficient which is actually the slope of the regression line.

In order to estimate the need for courtrooms, the cumulated number of courtrooms and preliminary chambers was chosen as dependent variable and the independent one was the cumulated number of civil and criminal cases. This choice was based on the correlation of the two variables previously tested, as well as on the following reasons:

- in the case of most courts there is no special place dedicated for the performance of the preliminary chamber procedure and currently this procedure is usually performed in the courtrooms;
- in the case of many courts there are no courtrooms especially dedicated to the settlement of civil and, respectively, criminal cases.

The linear regression model was applied to all courts, irrespective of their type (HCCJ, courts of appeal, tribunals and district courts). In order to test the correlation between the workload and the number of courtrooms/ preliminary chambers, the Pearson (r) coefficient was used, which provides the degree of the monotonous relationship between the two variables. The Pearson coefficient is 0.7129, which indicates a relatively strong correlation between the two variables.

The linear model resulting from the data in the reference year is the following:

- *The number of courtrooms/preliminary chambers = 1.8321 + 0.000102 * Number of civil and criminal cases*

The interpretation of the regression equation shows that, irrespective of the type of court, an increase by 10,000 of the independent variable (i.e. the number of cases to be solved) will trigger an increase of the dependent variable (i.e. the number of courtrooms/preliminary chambers) by 1.02.

At the same time, the statistical significance of the estimate connections was analyzed, more precisely the degree of certainty that the real connections are similar to those estimated in the regression model. The analysis included tests with null hypothesis according to which the slope of the lines is zero, which presupposes that there is no correlation between the dependent variable (the number of courtrooms) and the independent one (the number of cases to be solved). In this respect, Sig F¹ was calculated and the resulting value was lower than the significance threshold established (p<0.05). Therefore, the null hypotheses were eliminated (there is no correlation between the dependent variable and the independent one) in favor of the alternative hypotheses (there is a correlation between the dependent and the independent variables).

Starting from the regression equation, in the attempt to estimate the need for courtrooms, the estimate workload at the level of each court following the New Codes enforcement was considered. In addition, in order to estimate the expenditure generated by the additional number of courtrooms/preliminary chambers, the following hypotheses were taken into account:

- in order to perform a realistic analysis of the New Codes impact on the physical infrastructure, it was chosen to estimate the financial impact thereof at the time when the effect of the current codes shall no longer be felt, the only regulations in force being the New Codes ones. The staff migration within the system shall occur throughout a period of adjustment to the new regulations and the effects of the current codes shall be gradually reduced throughout this transition period.
- in lack of approved official standards regarding the areas of the courtrooms, the values used to estimate the expenditure generated by the supplementation of the number of courtrooms/preliminary chambers were obtained by taking as reference the average area corresponding to the current courtrooms for each type of court. The average area of a courtroom is 74.17 sm in district courts, 78.50 sm in tribunals, 85.86 sm in courts of appeal and 64.40 sm in HCCH.
- the average cost per built square meter in the judiciary system was obtained based on the arithmetic mean of the costs currently used for the construction of an investment objective (seats/court spaces) in Fălticeni, Câmpeni and Zărnești. The data were supplied by the Beneficiary and the resulting average cost per square meter was of approximately RON 4,435.58 /sq. m.

1.1.(b). Offices of judges/prosecutors and of corresponding auxiliary personnel

The estimate of the areas necessary for the physical infrastructure of the offices of the judges and of the prosecutors and the auxiliary personnel, respectively, was made for each category starting from the level of the entire judiciary system and, in detail, for each type of court:

- at the level of the HCCJ;

¹ Within the Fisher test for statistical significance.

- at the level of the courts of appeal – own body, for all the tribunals subordinated to the courts of appeal and for all the district courts subordinated to the courts of appeal;
- at the level of the prosecution offices attached to the courts of appeal – own body, for all the prosecution offices attached to the tribunals subordinated to the prosecution offices attached to the courts of appeal and for all the prosecution offices attached to the district courts subordinated to the prosecution offices attached to the courts of appeal.

In order to estimate the expenditure generated by the additional infrastructure necessary to implement the New Codes, the following were considered:

- there being no standard at national level for the physical infrastructure corresponding to the offices of judges/prosecutors/auxiliary personnel, the analysis of the current situation determined a national average for each type of court and for each category of personnel;
- the staffing needs for each category, at the level of each type of court was determined based on the methodology presented above;
- the average cost per built square meter in the judiciary system was obtained based on the arithmetical mean of the costs currently used to build certain investment objectives (seats/court spaces) and the data were supplied by the Beneficiary.

2. Identification and assessment of budgetary implications of New Codes enforcement on the prisons system

With respect to the prisons system in Romania, a report was presented on the current situation regarding the average area of a prison cell, as well as the average number of convicts in one cell of the said system, based on the data supplied by the Beneficiary and processed by the Consultant.

In order to supplement the analysis at this point, the Consultant submitted new requests for clarifications related to the data supplied by the Beneficiary with respect to the number of convicts that were serving sentences in 2010. Up until the date of the Report herein no answer has been received to these requests for clarifications. As a consequence, the Consultant considered the situation resulting from the data made available until the present.

In a similar manner as the methodological measures taken by the Consultant with respect to the identification and qualification of the types of impact that the New Codes will have on the institutions in the judiciary system, the main provisions of the New Codes that might influence the number of convicts to serve time in the prisons system in Romania were also identified. For these entities in the judiciary system, the number of convicts is the main factor susceptible to have an impact on the degree of occupancy and, as a consequence, to impose the need to adequately resize the budgetary needs, those of physical infrastructure and of staffing in the enforcement system in Romania.

The impact analysis of the New Codes on the prisons system identified and qualified below the main elements with impact on this system. The aforementioned analysis considered the following criteria:

(i). Possibility to quantify the impact

According to whether the impact can be quantified or not, the impact items identified can be classified as quantifiable (if the impact can be translated into value data) or non-quantifiable (if, either for lack of data or due to the novelty of the provisions introduced by the New Codes, it is impossible to estimate the impact).

(ii). Impact orientation

According to the effect of the impact items on the degree of occupancy of the prisons system in Romania, the impact thereof can be:

- susceptible to cause the increase in occupancy of the prisons system;
- susceptible to cause the decrease in occupancy of the prisons system;
- difficult to determine – this qualification was assigned to those impact items which are susceptible to generate an amendment of the degree of occupancy of the prisons and the orientation of this amendment is impossible to anticipate at this time.

(iii). Applicability in time

According to the criteria of the applicability in time, the impact on the enforcement system was qualified as immediate (for the items which are susceptible to be used immediately by the litigants) and, respectively, as delayed (for the impact items which are new compared to the existing system and thus imply the passing of a period of time in order to produce effects on the system).

3. The identification and assessment of the budgetary implications of the New Codes enforcement on the IT infrastructure

Considering the total of IT equipment of the courts, the impact of the New Codes enforcement on the IT infrastructure is an indirect one, caused by the increase of the staffing needs. In order to estimate the costs corresponding to the procurement of additional IT equipment, a standard package was considered for each user. The unit costs corresponding to the procurement of IT equipment for the courts were obtained based on the data supplied by the Beneficiary.

Taking into account the staff variations recorded during the “transition” period (the first two years as of the entry into force, in which the effects of the current codes shall gradually disappear), the analysis of the quantity of IT equipment was made aggregately at the level of the third year as of the New Codes entry into force (which could be considered the first year of exclusive enforcement of the New Codes).

In order to estimate the costs corresponding to the IT equipment necessary for one court of appeal, including the courts subordinated thereto, the total staff variation for all the courts subordinated to the court of appeal in question was not taken into account (the total net staff effect). Instead, the staff variation for each institution was considered (the net staff variation for each court). This is because the Consultant believes that the improbability of IT equipment being transferred from the courts where the number of judges shall be reduced to those courts which shall record staff increases should be taken into account.

The analysis considered also the fact that IT equipment has a relative short obsolescence period (3 years) and it is therefore natural that the new staff should benefit from new technological equipment.

4. Identification and assessment of budgetary implications of New Codes enforcement on the staffing expenditure

In order to identify the financial impact of the New Codes on the staffing expenditure, the following assumptions and reasonings were considered:

- estimating the staffing expenditure requires the identification of the salary expenditure corresponding to each staff category (judges, auxiliary personnel in the courts, prosecutors and auxiliary personnel in the prosecution offices) due to the New Codes enforcement;
- to estimate the employer’s contribution, the basic monthly gross salary plus the permanent extra pays were taken into account, to which the following percentages were applied:
 - the social insurance contribution (SIC) for normal work conditions: 20.8%;
 - the health insurance contribution (HIC): 5.2%;
 - the contribution for vacation and health insurance allowance (CVHIA): 0.85%;
 - the unemployment insurance contribution (UIC): 0.5%;
 - the contribution for labour accidents and professional diseases insurance (CLAPDI): 0.178%.
- the period of analysis is of 3 years (the first 2 years are the transition period and the third year is the first one in which the effect of the current codes shall no longer be felt and the new system

shall become functional as per the provisions in the New Codes) and the results thereof relate to the current period, which was taken as reference;

- based on the current number (approved positions) and on the estimate number of individuals in each staff category and for each year of analysis (approved positions), the staff variation was determined for each court and for each prosecution office attached to the courts;
- an average monthly basic salary was taken into account for each staff category. This average salary was determined based on the data received from each court in response to the Consultant’s request for information.

Gross average monthly salary(including permanent bonuses) and employer contributions								
Courts/ Prosecution offices	Judges	Auxiliary personnel in courts	Other categories of personnel in courts	Prosecutors	Auxiliary personnel in prosecution offices	Probation system	Probation counselors	Auxiliary personnel
HCCJ	18,482.63	3,759.08	1,243.14	14,962.54	3,759.08	Probation Services	5,369.89	2,030.88
Courts of Appeal	13,228.48	3,656.12	1,243.14	13,228.48	3,656.12			
Tribunals	11,297.96	3,588.45	1,243.14	11,297.96	3,588.45			
District Courts	10,168.57	3,417.83	1,243.14	10,168.57	3,417.83			

- the financial impact on the monthly staffing expenditure for each court and each prosecution office attached thereto was determined by considering the average salary and the staff variations caused by the New Codes enforcement;
- in order to estimate the impact on the annual staffing expenditure, it was deemed that the staff decrease/increase shall arise in the beginning of the year under analysis.

The assessment of the financial impact on the staffing expenditure of each court was made for each staff category (judges, clerks, prosecutors, auxiliary personnel) in each type of court (district courts, tribunals, courts of appeal, HCCJ and prosecution offices attached to the courts).

The staff increase as compared to the current number of positions occupied shall have a financial impact in the meaning that the staffing expenditure will increase, while the staff decrease is interpreted as cost savings for the court under analysis.

The analysis presents the financial impact on the salary expenditure both for each year, which may be a starting point for the estimate of the additional budgetary needs, and for the entire period of analysis, in order to have an overview on the impact of the New Codes enforcement.

The financial impact for each court in the first year of transition is generated by the staff decreases and increases (approved positions) as compared to the reference period.

In the second year of transition, the financial impact comprises the staff increases/decreases compared to the previous year, to which the financial impact calculated in the previous year is added. This approach considers the fact that the staff employed in the first year is kept and paid in the following

years as well. In a similar manner, savings are recorded compared to the reference period for the staff that leaves the institution that year and they are kept in the following years as well.

The same approach was also followed to determine the financial impact on salary expenditure in the third year of analysis so that, in the end, the total impact reflect the net effect generated by the increases and savings of the staffing expenditure.

5. Identification and assessment of budgetary implications of New Codes enforcement for other types of expenditure

5.1.(a). The costs for subpoenas and service of process

In order to ensure that the judiciary procedures are performed in an expedite manner, the New Codes regulate the common procedural processes by simplifying the procedures for serving subpoenas and the service of process and allowing their performance through the modern means of communication. In addition, the New procedural Codes introduced the possibility for the parties that were accurately served subpoenas for a certain hearing term not to be served subpoenas for the subsequent terms as well. In this regard, the Consultant tried to quantify the cost savings for communication purposes as a result of the regulation of the possibility of using email and of the new rules on the awarding of notice of trial date, which eliminates the obligativity of serving subpoenas for each term to the parties that failed to attend the hearing. However, mention should be made that this rule has already been inserted by Law No.202/2010.

The reasoning behind this has presupposed the following stages:

- (a) assessing the expenditure for serving subpoenas, by starting either from the average cost of one subpoena and the total number of subpoenas sent in 2010, or from the average number of subpoenas sent in a case, the current number of cases and the average cost of one subpoena;
- (b) estimating the expenditure for serving subpoenas after the New Codes enforcement, based on the following reasoning:
 - estimating the workload after the New Codes enforcement (*achieved*);
 - estimating the number of civil cases after the New Codes enforcement (*achieved*);
 - establishing the estimate number of commercial litigations out of the total estimate number of civil cases and exclusion thereof from the analysis corresponding to the costs for serving subpoenas since they might be served by electronic means (*achieved*);
 - weighing the current average number of subpoenas with the percentage declared by the practitioners with respect to the amendment of the average number of subpoenas served in a case as a result of the introduction of the notice of trial date (*impossible to achieve based on the data received, especially those related to the average number of subpoenas*);
 - estimating the expenditure for serving subpoenas, starting either from the average cost of one subpoena sent following the New Codes enforcement, or from the average estimate number of subpoenas sent in one case, the estimate number of cases and the average cost of one subpoena.

The key information used to estimate the costs for serving subpoenas are: the current average number of subpoenas and the variation thereof after the New Codes enforcement.

- (c) the estimation of the impact of the New Codes on the costs for serving subpoenas through deduction of the current costs from the future ones.

Through the Gallup Survey data were requested from the Beneficiary both about the average number of subpoenas sent in one civil/criminal case and about the total number of subpoenas served in civil/criminal cases in 2010. The two indicators are closely connected, since the total number of subpoenas can be also found based on the average number of subpoenas served in one case and on the workload. This way, the Consultant could have estimated the impact based on each of the two aforementioned indicators.

The Consultant's efforts to draw pertinent conclusions from the information related to the total number of subpoenas obtained through the Gallup Survey proved to be useless, since the data that were made available were contradictory and unusable.

5.1.(b). Special equipment for the probation system

During the process of collection of the data necessary to analyze the financial impact of the New Codes on the probation system the Consultant sent requests for information and organized a series of interviews with the Beneficiary in order to identify the needs it anticipated for the probation system.

After processing the information received from the Beneficiary, the Consultant found a need for adequate equipment for which it made the corresponding financial estimate by considering the average current prices on the market expressed in the national currency. These types of equipment were considered starting from the assumption that they are favorable solutions to ensure the good performance of the activities of probation officers in light of the amendments brought by the New Codes.

The financial estimate made with respect to the costs that might be incurred with the facilitation of the adequate operation of the probation system provided several manners of acquiring the equipment for each probation service.

Part of the specific equipment was provided for each probation office (both headquarters and secondary office), while another part was provided only for the headquarters. Certain facilities or types of equipment deemed strictly necessary at individual level were provided for each probation officer.

III. WORKLOAD LEVELS MAPPING

1. Introduction

The aim of this chapter is to provide illustrative summary of the situation regarding workload intensity levels per type of institution within the Romanian judiciary system. Mapping of workload intensity was based on the analyses performed on the 2010 data in the preceding phases of the Project, therefore structure of presentation follows the structure adopted in preceding Reports, namely:

- Courts;
- Prosecution offices;
- Probation services.

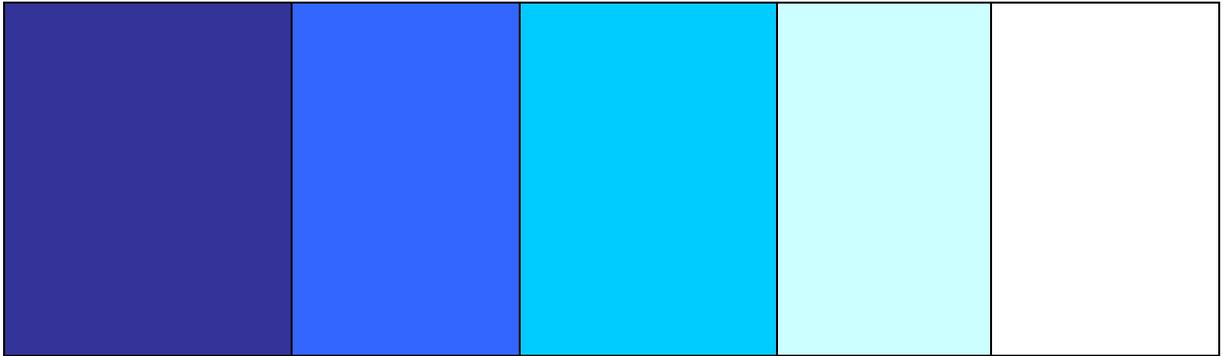
In order for the presentation to provide a global view with regard to this aspect, the Consultant assumed the approach to group the mentioned institutions based on the intensity of workload identified in each of them. The analysis of workload per judge or per prosecutor office was performed on actual headcount levels in order to grasp the real load of files per person and thus indicate institutions with biggest staffing challenges. Thus, mention should be made that a detailed allocation in terms of specialization of judges could not be made. Given the different organization at the level of each court (for example, some courts have divisions specialized in adversarial and fiscal claims, commercial or labor divisions, etc., while in other courts there are mixed divisions for adversarial claims and commercial, or civil and adversarial claims divisions, etc.), an exact allocation of the total number of cases of a certain type to the number of judges specialized in a certain matter could not be made. Moreover, even if a potential impact due to the entry into force of the New Codes over a certain type of cases has been identified, complete data with regard to these cases could not be identified, therefore it could not be identified what exact number of cases of a certain type should be settled by a judge specialized in that matter.

Similar approach was adopted for all institutions, at all three levels covered in this presentation. Firstly, levels of workload intensity in each of the institutions were identified and tailored specifically for each type of institution using appropriate criterion (*e.g.* number of cases per judge, in case of courts).

Then, each of the institutions was assigned to one of the following categories, formed according to 20th, 40th, 60th and 80th percentile of specifically defined workload intensity. This means that once all the institutions of a given type (for example, all district courts in Romania) are sorted by the intensity of their workload (from lowest to highest workload intensity). In order to illustrate the workload intensity, in the following graphics several colors have been allocated, in order to differentiate courts – from white (representing the lowest workload) to dark blue (representing the highest workload) – each color corresponding to a step of 20% out of the number of cases per judge taken into consideration for determining workload intensity..

The categorization framework used is presented below:

Maximum workload intensity 80th percentile 60th percentile 40th percentile 20th percentile Minimum workload intensity



Each type of institution covered in this presentation (courts, prosecutor offices and probation services) is presented broken down by 15 regions:

- București
- Târgu Mureș
- Oradea
- Brașov
- Galați
- Cluj
- Alba Iulia
- Suceava
- Constanța
- Craiova
- Bacău
- Pitești
- Iași
- Timișoara
- Ploiești

2. Courts

In the case of courts, the basic criterion for determining the analysis of workload intensity was the **number of cases per judge**. For the purpose of this classification, the concept of judge-case was used.

Below we present the basis for clustering. Caseload intensity in courts has been tailored to respective level of court:

District courts

Number of cases per judge is higher or equal to 1104	Number of cases per judge is lower than 1104 and higher or equal to 918	Number of cases per judge is lower than 918 and higher or equal to 777	Number of cases per judge is lower than 777 and higher or equal to 623	Number of cases per judge is lower than 623
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Tribunals

Number of cases per judge is higher or equal to 735	Number of cases per judge is lower than 735 and higher or equal to 639	Number of cases per judge is lower than 639 and higher or equal to 545	Number of cases per judge is lower than 545 and higher or equal to 485	Number of cases per judge is lower than 485
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Courts of appeal

Number of cases per judge is higher or equal to 306	Number of cases per judge is lower than 306 and higher or equal to 285	Number of cases per judge is lower than 285 and higher or equal to 227	Number of cases per judge is lower than 227 and higher or equal to 210	Number of cases per judge is lower than 210
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District courts

Number of cases per judge	Curtea de Apel BUCUREȘTI	Curtea de Apel TÂRGU MUREȘ	Curtea de Apel ORADEA	Curtea de Apel BRAȘOV	Curtea de Apel GALAȚI	Curtea de Apel CLUJ	Curtea de Apel ALBA IULIA	Curtea de Apel SUCEAVA	Curtea de Apel CONSTANȚA	Curtea de Apel CRAIOVA	Curtea de Apel BACĂU	Curtea de Apel PITEȘTI	Curtea de Apel IAȘI	Curtea de Apel TIMIȘOARA	Curtea de Apel PLOIEȘTI
Number of cases per judge is higher or equal to 1104	CORNETU SECTORUL 1 BUCUREȘTI GIURGIU SECTORUL 2 BUCUREȘTI SECTORUL 3 BUCUREȘTI BUTEA SECTORUL 6 BUCUREȘTI SECTORUL 4 BUCUREȘTI	TÂRNAVENI	ORADEA SALONTA MARGHITA	BRAȘOV RUPEA	LIESTI GALAȚI TÂRGU BUJOR FOCȘANI BRĂILA	TÂRGU LAPUȘ SIMLEUL SILVANIEI CLUJ-NAPOCA BECLEAN	ORAȘTIE ALBA IULIA AIUD		CONSTANȚA	CRAIOVA	TÂRGU NEAMȚ PODU TURCULUI	PITEȘTI	MURGENI	SĂNNICOLAUL MARE REȘITA TIMIȘOARA	PLOIEȘTI
Number of cases per judge is lower than 1104 and higher or equal to 918	SLOBOZIA SECTORUL 5 BUCUREȘTI VIDELE ZIMNICEA	TÂRGU MUREȘ MIERCUREA CIUC GHEORGHENI ODORHEIUL SECUIESC	ALESD SATU MARE	SFÂNTU GHEORGHE ZĂRNEȘTI	TECUCI	ZALĂU DEJ TURDA BAIA MARE BISTRITA SIGHETU MARMĂȚIEI	HUNEDOARA DEVA SIBIU PETROȘANI	BOTOȘANI DOROHOI SUCEAVA	MEDGIDIA	SLATINA VÂNJU MARE BĂILEȘTI MOTRU	MOINEȘTI	BĂLCEȘTI RĂMNICU VALCEA	IAȘI	CARANSEBEȘ	
Number of cases per judge is lower than 918 and higher or equal to 777	BOLINTIN VALE ALEXANDRIA CALĂRAȘI	SIGHIȘOARA REGHIN TOPLIȚA		TÂRGU SECUIESC	PANCIU ÎNSURĂȚEI	VIȘEU DE SUS NĂSAUD	BRAD HATEG BLAJ SEBEȘ	VATRA DORNEI RĂDĂUȚI CÂMPULUNG MOLDOVENESC FĂLTICENI	MANGALIA TULCEA	DROBETA- TURNU SEVERIN SEGARCEA CORABIA TÂRGU JIU NOVACI	BACĂU BICAZ PIATRA- NEAMT	BREZOI	LUGOJ ORAVIȚA	BUZĂU MORENI TÂRGOVIȘTE	
Number of cases per judge is lower than 777 and higher or equal to 623	OLTENIȚA ROȘIORI DE VEDE FETEȘTI LEHLIU-GARA		CAREI NEGREȘTI- OAȘ BEIUȘ	FĂGĂRAȘ	FĂUREI ADJUD	GHERLA	CÂMPENI	GURA HUMORULUI Darabani SĂVENI	BABADAG HĂRȘOVA	CALAFAT TÂRGU- CĂRBUNEȘTI	ONEȘTI ROMAN	CÂMPULUNG CURTEA DE ARGEȘ TOPOLOVENI DRĂGĂȘANI	PAȘCANI BĂRLAD	BOZOVICI DETA INEU	CÂMPINA MIZIL RĂCARI PĂTĂRLAGELE PUCIOASA VĂLENII DE MUNTE
Number of cases per judge is lower than 623	URZICENI TURNU MĂGURELE	LUDUȘ		ÎNTORSURA BUZĂULUI		JIBOU ȘOMCUTA MARE HUEDIN DRAGOMIREȘTI	MEDIAȘ AGNITĂ AVRIG SALIȘTE		MACIN	CARACAL BAIA DE ARAMĂ ORȘOVA BALȘ STRĂHAIA FILIAȘI	BUHUȘI	HOREZU COSTEȘTI	HĂRLĂU VASLUI HUȘI RĂDUCĂNENI	LIPOVA ARAD CHIȘINEU CRIȘ MOLDOVA- NOUĂ GURA HONȚ FĂGET	GĂEȘTI SINAIA POGOANELE RĂMNICU SARAT

Tribunals

Number of cases per judge	Curtea de Apel BUCUREȘTI	Curtea de Apel TÂRGU MUREȘ	Curtea de Apel ORADEA	Curtea de Apel BRAȘOV	Curtea de Apel GALAȚI	Curtea de Apel CLUJ	Curtea de Apel ALBA IULIA	Curtea de Apel SUCEAVA	Curtea de Apel CONSTANȚA	Curtea de Apel CRAIOVA	Curtea de Apel BACĂU	Curtea de Apel PITEȘTI	Curtea de Apel IAȘI	Curtea de Apel TIMIȘOARA	Curtea de Apel PLOIEȘTI
Number of cases per judge is higher or equal to 735	GIURGIU					CLUJ				GORJ					
Number of cases per judge is lower than 735 and higher or equal to 639	BUCUREȘTI					MARAMUREȘ	ALBA	SUCEAVA BOTOȘANI					VASLUI	TIMIȘ	PRAHOVA
Number of cases per judge is lower than 639 and higher or equal to 545	TELEORMAN	MUREȘ		BRAȘOV			HUNEDOARA				BACĂU			ARAD	
Number of cases per judge is lower than 545 and higher or equal to 485	CĂLĂRAȘI IALOMIȚA			COVASNA	BRĂILA					DOLJ MEHEDINȚI		Tribunalul ARGEȘ Tribunalul Comercial ARGEȘ		CARAS SEVERIN	
Number of cases per judge is lower than 485				Tribunalul pentru minori și familie BRAȘOV	VRANCEA		SIBIU			OLT	NEAMȚ	VĂLCEA	IAȘI		DÂMBOVIȚA BUZĂU

Courts of appeal

Number of cases per judge	Courts of Appeal
Number of cases per judge is higher or equal to 306	Curtea de Apel GALAȚI Curtea de Apel ORADEA Curtea de Apel CONSTANȚA
Number of cases per judge is lower than 306 and higher or equal to 285	Curtea de Apel CLUJ Curtea de Apel ALBA IULIA Curtea de Apel TIMIȘOARA
Number of cases per judge is lower than 285 and higher or equal to 227	Curtea de Apel BUCUREȘTI Curtea de Apel CRAIOVA Curtea de Apel SUCEAVA
Number of cases per judge is lower than 227 and higher or equal to 210	Curtea de Apel PITEȘTI Curtea de Apel TÂRGU MUREȘ Curtea de Apel BACĂU
Number of cases per judge is lower than 210	Curtea de Apel BRAȘOV Curtea de Apel PLOIEȘTI Curtea de Apel IAȘI

3. Prosecution offices

In case of Prosecutor Offices, the basis for the analysis of workload intensity was the **total works performed per prosecutor**.

Similarly to the courts, basis for clustering has been established by tailoring to appropriate parameter - intensity of total works performed per prosecutor in prosecutor offices.

Prosecution offices attached to district courts

Number of total works performed per prosecutor is lower than 5686 and higher or equal to 2735	Number of total works performed per prosecutor is lower than 2735 and higher or equal to 2099	Number of total works performed per prosecutor is lower than 2099 and higher or equal to 1766	Number of total works performed per prosecutor is lower than 1766 and higher or equal to 1276	Number of total works performed per prosecutor is lower than 1276
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Prosecution offices attached to tribunals

Number of total works performed per prosecutor is lower than 4823 and higher or equal to 1520	Number of total works performed per prosecutor is lower than 1520 and higher or equal to 1218	Number of total works performed per prosecutor is lower than 1218 and higher or equal to 914	Number of total works performed per prosecutor is lower than 914 and higher or equal to 725	Number of total works performed per prosecutor is lower than 725
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Prosecution offices attached to courts of appeal

Number of total works performed per prosecutor is lower than 1210 and higher or equal to 813	Number of total works performed per prosecutor is lower than 813 and higher or equal to 762	Number of total works performed per prosecutor is lower than 762 and higher or equal to 682	Number of total works performed per prosecutor is lower than 682 and higher or equal to 500	Number of total works performed per prosecutor is lower than 500
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Prosecution offices attached to district courts

Number of total works performed per prosecutor	Curtea de Apel BUCUREȘTI	Curtea de Apel TÂRGU MUREȘ	Curtea de Apel ORADEA	Curtea de Apel BRAȘOV	Curtea de Apel GALAȚI	Curtea de Apel CLUJ	Curtea de Apel ALBA IULIA	Curtea de Apel SUCEAVA	Curtea de Apel CONSTANȚA	Curtea de Apel CRAIOVA	Curtea de Apel BACĂU	Curtea de Apel PITEȘTI	Curtea de Apel IAȘI	Curtea de Apel TIMIȘOARA	Curtea de Apel PLOIEȘTI
Number of total works performed per prosecutor is lower than 5686 and higher or equal to 2735	Judecătoria GIURGIU Judecătoria TURNU MĂGURELE Judecătoria BOLINTIN VALE	Judecătoria TÂRGU MUREȘ	Judecătoria SATU MARE Judecătoria CAREI	Judecătoria BRAȘOV	Judecătoria GALAȚI Judecătoria FOCSANI Judecătoria ADJUD Judecătoria BRĂILA	Judecătoria NĂSAUD Judecătoria GHERLA Judecătoria TURDA	Judecătoria AIUD Judecătoria ALBA IULIA Judecătoria CÂMPENI Judecătoria SEBEȘ	Judecătoria BOTOȘANI	Judecătoria MEDGIDIA Judecătoria TULCEA Judecătoria CONSTANȚA	Judecătoria CALAFAT Judecătoria TÂRGU JIU Judecătoria NOVACI Judecătoria CRAIOVA Judecătoria DROBETA-TURNU SEVERIN Judecătoria VÂNJU MARE	Judecătoria BACĂU	Judecătoria HOREZU Judecătoria CURTEA DE ARGÈȘ Judecătoria PITEȘTI		Judecătoria TIMIȘOARA	Judecătoria PLOIEȘTI Judecătoria TÂRGOVIȘTE Judecătoria BUZĂU
Number of total works performed per prosecutor is lower than 2735 and higher or equal to 2099	Judecătoria LEHLIU-GARA Judecătoria URZICENI Judecătoria SECTORUL 1 BUCUREȘTI Judecătoria SECTORUL 4 BUCUREȘTI Judecătoria CĂLĂRAȘI Judecătoria OLTENIȚA Judecătoria SECTORUL 2 BUCUREȘTI	Judecătoria MIERCUREA CIUC Judecătoria REGHIN	Judecătoria ORADEA	Judecătoria SFÂNTU GHEORGHE	Judecătoria TÂRGU BUJOR Judecătoria TECUCI	Judecătoria CLUJ-NAPOCA Judecătoria BISTRITA Judecătoria BECLEAN Judecătoria VIȘEU DE SUS		Judecătoria Darabani Judecătoria FĂLTICENI Judecătoria DOROHOI Judecătoria SĂVENI Judecătoria RĂDAUȚI		Judecătoria STREHAIA Judecătoria MOTRU	Judecătoria TÂRGU NEAMȚ Judecătoria PIATRA-NEAMȚ	Judecătoria COSTEȘTI Judecătoria BĂLCEȘTI Judecătoria TOPOLOVENI	Judecătoria IAȘI Judecătoria VASLUI	Judecătoria SĂNNICOLAU L MARE	Judecătoria RĂCĂRI Judecătoria VĂLENII DE MUNTE Judecătoria PUCIOASA Judecătoria MORENI
Number of total works performed per prosecutor is lower than 2099 and higher or equal to 1766	Judecătoria SECTORUL 5 BUCUREȘTI Judecătoria FETEȘTI Judecătoria CORNETU Judecătoria SLOBOZIA Judecătoria SECTORUL 3 BUCUREȘTI Judecătoria ALEXANDRIA	Judecătoria ODORHEIUL SECUIESC	Judecătoria ALESD	Judecătoria ZĂRNEȘTI Judecătoria FĂGĂRAȘ	Judecătoria PANCIU	Judecătoria ȘIMLEUL SILVANIEI Judecătoria HUEDIN Judecătoria BAIA MARE Judecătoria SIGHETU MARMATIEI Judecătoria ZALĂU	Judecătoria BRAD Judecătoria MEDIAȘ Judecătoria ORAȘTIE	Judecătoria VATRA DORNEI	Judecătoria MANGALIA	Judecătoria TÂRGU-CĂRBUNEȘTI Judecătoria CARACAL Judecătoria CORABIA	Judecătoria MOINEȘTI	Judecătoria CÂMPULUNG	Judecătoria RĂDUCĂNE NI Judecătoria PAȘCANI Judecătoria BĂRLAD Judecătoria HUȘI	Judecătoria ARAD Judecătoria ORAVIȚA Judecătoria REȘIȚA Judecătoria DETA	Judecătoria GĂEȘTI
Number of total works performed per prosecutor is lower than 1766 and higher or equal to 1276	Judecătoria SECTORUL 6 BUCUREȘTI Judecătoria BUFTEA	Judecătoria SIGHIȘOARA Judecătoria LUDUȘ Judecătoria GHEORGHENI Judecătoria TÂRNAVENI	Judecătoria MARGHITA Judecătoria BEIUȘ	Judecătoria RUPEA	Judecătoria ÎNSURĂȚEI Judecătoria FĂUREI	Judecătoria DEJ	Judecătoria DEVA Judecătoria SIBIU Judecătoria HATEG Judecătoria BLAJ Judecătoria HUNEDOARA Judecătoria PETROȘANI	Judecătoria SUCEAVA Judecătoria CÂMPULUNG MOLDOVENESC	Judecătoria HÂRȘOVA Judecătoria BABADAG	Judecătoria SLATINA Judecătoria SEGARCEA Judecătoria BALȘ	Judecătoria ROMAN Judecătoria ONEȘTI	Judecătoria RĂMNICU VALCEA Judecătoria DRĂGĂȘANI		Judecătoria CARANSEBEȘ Judecătoria LIPOVA	Judecătoria CÂMPINA Judecătoria SINIAIA Judecătoria PĂTĂRLAGELE Judecătoria RĂMNICU SARAT Judecătoria POGOANELE

Number of total works performed per prosecutor is lower than 1276	Judecătoria VIDELE Judecătoria ROȘIORI DE VEDE Judecătoria ZIMNICEA	Judecătoria TOPLIȚA	Judecătoria NEGREȘTI-OAȘ Judecătoria SALONTA	Judecătoria TÂRGU SECUIESC Judecătoria ÎNTOARSURA BUZĂULUI	Judecătoria LIEȘTI	Judecătoria DRAGOMIREȘTI Judecătoria JIBOU Judecătoria ȘOMCUTA MARE Judecătoria TÂRGU LAPUȘ	Judecătoria AGNITA Judecătoria AVRIG Judecătoria SALIȘTE	Judecătoria GURA HUMORULUI	Judecătoria MACIN	Judecătoria BĂILEȘTI Judecătoria ORȘOVA Judecătoria FILIAȘI Judecătoria BAIA DE ARAMĂ	Judecătoria BICAZ Judecătoria PODU TURCULUI Judecătoria BUHUȘI	Judecătoria BREZOI	Judecătoria HÂRLAU Judecătoria MURGENI	Judecătoria LUGOJ Judecătoria MOLDOVA-NOUA Judecătoria BOZOVICI Judecătoria FĂGET Judecătoria CHIȘINEU CRIȘ Judecătoria INEU Judecătoria GURA HONȚ	Judecătoria MIZIL
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Prosecution offices attached to tribunals

Number of total works performed per prosecutor	Curtea de Apel BUCUREȘTI	Curtea de Apel TÂRGU MUREȘ	Curtea de Apel ORADEA	Curtea de Apel BRAȘOV	Curtea de Apel GALAȚI	Curtea de Apel CLUJ	Curtea de Apel ALBA IULIA	Curtea de Apel SUCEAVA	Curtea de Apel CONSTANȚA	Curtea de Apel CRAIOVA	Curtea de Apel BACĂU	Curtea de Apel PITEȘTI	Curtea de Apel IAȘI	Curtea de Apel TIMIȘOARA	Curtea de Apel PLOIEȘTI
Number of total works performed per prosecutor is lower than 4823 and higher or equal to 1520	Tribunalul GIURGIU	Tribunalul HARGHITA	Tribunalul SATU MARE		Tribunalul GALAȚI		Tribunalul ALBA		Tribunalul CONSTANȚA		Tribunalul BACĂU			Tribunalul CARAȘ SEVERIN	Tribunalul DÂMBOVIȚA
Number of total works performed per prosecutor is lower than 1520 and higher or equal to 1218			Tribunalul BIHOR		Tribunalul VRANCEA		Tribunalul HUNEDOARA	Tribunalul SUCEAVA		Tribunalul DOLJ	Tribunalul NEAMȚ		Tribunalul IAȘI	Tribunalul TIMIȘ	Tribunalul PRAHOVA
Number of total works performed per prosecutor is lower than 1218 and higher or equal to 914	Tribunalul BUCUREȘTI Tribunalul CĂLĂRAȘI			Tribunalul pentru minori și familie BRAȘOV Tribunalul BRAȘOV	Tribunalul BRĂILA	Tribunalul CLUJ			Tribunalul TULCEA			Tribunalul ARGEȘ Tribunalul VĂLCEA			
Number of total works performed per prosecutor is lower than 914 and higher or equal to 725	Tribunalul IALOMIȚA	Tribunalul MUREȘ				Tribunalul MARAMUREȘ	Tribunalul SIBIU	Tribunalul BOTOȘANI		Tribunalul GORJ Tribunalul OLT			Tribunalul VASLUI	Tribunalul ARAD	
Number of total works performed per prosecutor is lower than 725	Tribunalul TELEORMAN			Tribunalul COVASNA			Tribunalul BISTRIȚA Tribunalul NĂSAUD Tribunalul SĂLAJ			Tribunalul MEHEDINȚI					Tribunalul BUZĂU

Prosecution offices attached to courts of appeal

Number of total works performed per prosecutor	Prosecutor office attached to Courts of Appeal
Number of total works performed per prosecutor is lower than 1210 and higher or equal to 813	Curtea de Apel ALBA IULIA Curtea de Apel PLOIEȘTI Curtea de Apel CONSTANȚA
Number of total works performed per prosecutor is lower than 813 and higher or equal to 762	Curtea de Apel CRAIOVA Curtea de Apel GALAȚI Curtea de Apel PITEȘTI
Number of total works performed per prosecutor is lower than 762 and higher or equal to 682	Curtea de Apel IAȘI Curtea de Apel TIMIȘOARA Curtea de Apel BUCUREȘTI
Number of total works performed per prosecutor is lower than 682 and higher or equal to 500	Curtea de Apel SUCEAVA Curtea de Apel ORADEA Curtea de Apel CLUJ
Number of total works performed per prosecutor is lower than 500	Curtea de Apel BACĂU Curtea de Apel BRAȘOV Curtea de Apel TÂRGU MUREȘ

4. Probation service

In order to perform mapping for the probation service, the basis for the analysis of workload intensity was founded on the **number of protégés per probation officer**.

The basis for clustering, illustrating intensity of caseload understood as number of protégés per probation officer was as follows:

Number of protégés per probation officer is lower than 78 and higher or equal to 43	Number of protégés per probation officer is lower than 43 and higher or equal to 32	Number of protégés per probation officer is lower than 32 and higher or equal to 25	Number of protégés per probation officer is lower than 25 and higher or equal to 18	Number of protégés per probation officer is lower than 18
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Number of protégés per probation officer	Curtea de Apel BUCUREȘTI	Curtea de Apel TÂRGU MUREȘ	Curtea de Apel ORADEA	Curtea de Apel BRAȘOV	Curtea de Apel GALAȚI	Curtea de Apel CLUJ	Curtea de Apel ALBA IULIA	Curtea de Apel SUCEAVA	Curtea de Apel CONSTANȚA	Curtea de Apel CRAIOVA	Curtea de Apel BACĂU	Curtea de Apel PITEȘTI	Curtea de Apel IAȘI	Curtea de Apel TIMIȘOARA	Curtea de Apel PLOIEȘTI
Number of protégés per probation officer is lower than 78 and higher or equal to 43	Tribunalul BUCUREȘTI Tribunalul IALOMIȚA		Tribunalul BIHOR	Tribunalul BRAȘOV		Tribunalul CLUJ	Tribunalul SIBIU					Tribunalul ARGEȘ			Tribunalul PRAHOVA
Number of protégés per probation officer is lower than 43 and higher or equal to 32	Tribunalul GIURGIU				Tribunalul BRĂILA	Tribunalul SĂLAJ	Tribunalul HUNEDOARA		Tribunalul CONSTANȚA	Tribunalul OLT		Tribunalul VĂLCEA			Tribunalul BUZĂU
Number of protégés per probation officer is lower than 32 and higher or equal to 25	Tribunalul CĂLĂRAȘI Tribunalul TELEORMAN			Tribunalul COVASNA			Tribunalul ALBA				Tribunalul BACĂU		Tribunalul IAȘI	Tribunalul TIMIȘ Tribunalul ARAD	
Number of protégés per probation officer is lower than 25 and higher or equal to 18			Tribunalul SATU MARE		Tribunalul GALAȚI Tribunalul VRANCEA	Tribunalul MARAMUREȘ		Tribunalul BOTOȘANI	Tribunalul TULCEA	Tribunalul DOLJ Tribunalul GORJ				Tribunalul CARAȘ SEVERIN	
Number of protégés per probation officer is lower than 18		Tribunalul MUREȘ Tribunalul HARGHITA				Tribunalul BISTRIȚA NĂSAUD			Tribunalul SUCEAVA	Tribunalul MEHEDINTI	Tribunalul NEAMȚ		Tribunalul VASLUI		Tribunalul DÂMBOVIȚA

5. Observations

The analysis showed that there are large discrepancies between Romanian judicial institutions as regards workload intensity. All the institutions marked with darkest blue should therefore be a priority when additional staffing is planned in respect to the New Codes enforcement.

In case of district courts, most overloaded institutions were assessed in the estimations presented in the Interim Report III to require in total 264 judge scheme positions in addition to the already planned schemes. For tribunals judge positions increase in such courts is 85, but at the same time most overloaded tribunals in 2010 had a sum of 25 vacancies. 54 additional judge FTEs are required in currently most overloaded courts of appeal.

The picture of prosecutor offices in comparison with headcount estimations for the period after New Codes enforcement is more moderated, even with workload intensity differences, due to lower forecasted demand for additional staff. In case of prosecutor offices attached to district courts the sum of additional prosecutor positions is 80, in offices at the level of tribunals – 6 and at the level of courts of appeal – 5. It is worth noticing that most overloaded courts do not match with most overloaded prosecutor offices.

Since in result of New Codes enforcement the probation service was estimated the largest percentage of staff increase, the current workload differences should only be interpreted in the context of first priority recruitments.

IV. CONCLUSIONS ON HUMAN RESOURCES NEEDS DRIVEN BY THE ENFORCEMENT OF THE NEW CODES

A. HUMAN RESOURCES NEEDS IN COURTS AND PROSECUTION OFFICES

The aim of this chapter is to provide the Beneficiary with Consultant's observations and recommendations stemming from the so far performed analyses and their outcomes, i.e. the increased staffing needs identified based on analyses of various caseload, workload and duration impact items. Also some conclusions presented were formed based on the observations made by the Consultant when elaborating the previous project deliverables, i.e. the challenges encountered on Consultant's way to gather information needed for our analyses. This chapter summarizes Consultant observations regarding both courts and prosecutor offices, those being strictly interrelated from the perspective of New Codes impact. Probation service, having its own specificity and different scope of changes is described in the next chapter.

In order to provide the Beneficiary with conclusions related to the subject matter of Consultant's assignment in human resources area, i.e. assessing the impact New Codes shall have on staffing needs in the judicial system, the Consultant analyzed which aspects of people management are mostly affected by the New Codes enforcement. Out of the wide spectrum of human resources processes, Consultant works on the legal, caseload and workload analyses, and as well as staffing calculations have shown that the human resources conclusions are of two major kinds:

- observations and conclusions in the area of workforce planning and recruitment;
- observations and conclusions in the area of performance monitoring and management.

Observations presented in this Report are of a follow-up nature to the findings specified in previous interim reports (Interim Report II and Interim Report III), therefore their basis should be sought in those reports and was not repeated in this Final Report.

1. Staffing levels in comparison to European benchmarks

Looking at the current situation and forecasted staffing increase, the Consultant would like to point out that while the number of judges and prosecutors in Romanian judicial system per 100,000 inhabitants (currently 18.3 in case of judges; 8.4 in case of prosecutors) is at the moment at the level close to European medians quoted by European Commission for the Efficiency of Justice (2008 data), the number of non-judge support staff (clerks and other auxiliary personnel) in Romanian courts is much lower. In courts there are 41.1 non-judge employees per 100,000 inhabitants and 2.3 non-judge employees per 1 judge, while the median in Europe is 55.6 employees per 100,000 inhabitants, and in majority of states 3 to less than 5 non-judge staff are working for 1 professional judge.

This observation leads to the conclusion that **it is highly possible that whatever the future expected levels of court's efficiency will be, their accomplishment may be partially conditioned by increase in the number of support positions and by relieving more time for judges to focus on non-administrative tasks.**

Although in the analysis performed in Interim Report III the Consultant did not increase the forecasted number of support staff in courts based on European benchmark, it is highly recommendable for the Beneficiary to consider additional investment in support FTEs. Such recommendation is derived not only from the fact that most other countries employ more non-judge staff, but also from the fact that

under NCPC, the parties to a civil case are expressly granted the possibility to request that hearings be transcribed by clerks. A simulation based on an assumption that 10% of hearings in civil (non-criminal) matters will be requested to be transcribed, and it will take approximately 1 hour to prepare a complete transcript of one hearing, has shown that the total employment impact could be as high as ca. 1,500 extra FTEs.

2. Workforce planning

Enforcement of the New Codes is forecasted to bring noticeable changes in staffing demand in courts and prosecutor offices. This regards all court and prosecutor office levels, however, the level especially affected will be tribunals which shall take over the competence of “common law courts” in case of civil procedure, and courts of appeal taking over more competence to rule on appeals, as well as final appeals, when provided by law.

Taking into account the net effect of the New Codes, as well as the fact that for the last years the number of cases registered in court dockets was constantly increasing in case of civil litigations, **a proper workforce planning system becomes to be of key importance in the Romanian judicial system.**

Workforce planning should be understood as a detailed and metrics-based methodology aiming at definition of workforce volumes in line with specific goals of the organization regarding its future performance. In business organizations that would be the strategy; in judicial organization it would be the expectations of the lawmaker regarding the performance of justice as public service.

Workforce planning should be considered in two aspects:

- definition of the desired staffing structure based on target efficiency of the magistrates;
- analysis of recruitment sources and their capacity to cover staffing needs.

3. Workforce planning system development

The current numbers analyzed for the purpose of Consultant’s work showed large discrepancies among institutions between the number of caseload per 1 judge or number of works per 1 prosecutor. As stated in chapter II of this Report, the Consultant’s role did not consist in establishing “proper” efficiency metrics and efficiency levels in each type of institution, such definition being of complex nature and requiring additional research, analyses and discussions with practitioners and bodies supervising the judicial system in Romania, which are not included within the scope of the Project. Such metrics could, for instance, include: number of case files per judge, share of cases solved in one-year period, time passing between consecutive hearings in a case, etc.

Having spent several months in effort to obtain as much quantifiable information as possible, **the Consultant deems that the large extent to which the New Codes introduce novelties into structure of cases and redistribution of settlement competence, correlated with the procedure amendments, should lead to great carefulness when defining the desired efficiency levels in the judicial system.**

The definition of a workforce planning system should be based on solid assumptions, and those require solid evidence. Such evidence may be gathered through a benchmarking exercise. However,

each judicial system has its own specificity and history, so any benchmarks used should rather have a complimentary rather than primary nature.

Given the above, the Consultant deems that **design and implementation of the workforce planning system, which by nature is strictly related to performance monitoring, requires the new regulations to come into force and function for a period of time, which will allow for gathering data records and real examples of the way new provisions affect the way of working in Romanian courts and prosecution offices.** Such period should be ca. 2 years, since 2 years is a time during which 99% of cases are usually solved in Romania. Moreover, in order to gather accurate data and accurately use it to define expected courts and prosecutor offices efficiency metrics, such analysis should be performed in an environment which is not distorted with the effects of a transition period. Therefore the Beneficiary might consider selecting several “pilot” courts where all civil (non-criminal) appeal and final appeal cases filed after New Codes enforcement (still to be judged with current codes) would be assigned to other judges than cases to be judged under the New Codes. In this way, celerity of development of procedures under the New Codes, evolution of caseload registered on the dockets of courts under the provisions of the New Codes and evolution of workload of judges shall be verified in a short term.

The process of development of the workforce planning system might in such case consist of the following activities:

- defining the type of performance data required as an input for the purpose of the system development (basic efficiency information);
- gathering this data from Romanian courts and prosecutor offices;
- selecting samples of courts and prosecutor offices, exemplifying institutions with lowest, highest and average efficiency levels;
- running a detailed quantitative analysis of performance in those samples (“end” metrics such as caseload and number of solved cases, as well as “intermediary” metrics such as time intervals between hearings);
- running a detailed qualitative analysis of the way those institutions deliver their duties (*e.g.* work observation, interviews with representatives of such institutions, opinion pool among citizens, organizational processes analysis, etc.);
- based on the above – definition of factors impacting the efficiency of the judicial organizations, such factors being of different nature, *e.g.* quality of people, access to technology, trainings frequency, other infrastructural elements, etc.);
- translation of those factors into so called “key performance indicators”, *i.e.* metrics best fit to measure the efficiency of various aspects of courts and prosecution offices functioning;
- running a scenario analysis consisting of calculating several options of target efficiency levels (target values of key performance indicators), aiming at definition of such target values for performance metrics that will be desirable from the perspective of the lawmaker, but at the same time possible to deliver (will fit into projected budgets allocated for the judicial system, will be in line with practices in other countries, etc.);

- developing a workforce planning model based on target values of key performance indicators the output of which would be the number of personnel needed to achieve the desired efficiency level;
- applying the model to indicate to courts and prosecutor offices how to define the right staff distribution both in terms of jobs and time of their filling.

The above described exemplary process requires assurance of several elements which are of key importance from the perspective of the success of such initiatives. Those are:

- appointment of representatives from the Ministry of Justice and / or Superior Council of Magistracy whose full time accountability would be to oversee and engage in system development;
- leveraging the experiences of other countries and organizations in the area of workload and efficiency monitoring and workforce planning;
- assuring objectivity of analyses and targets settled through engaging partners from outside of the judicial system in project works.

Additionally, it is important to mention that, due to the novelty brought by the New Codes to many aspects of the judicial system functioning in Romania, **such initiative will take time to bring sustainable results**. In other words, the first estimations performed using the newly developed workforce planning system should be treated as pilot ones, to be verified through subsequent performance monitoring and possible adjustments. Therefore, **we recommend considering implementing such solution in a phased way, using selected courts and prosecutor offices as pilot organizations**. Once the system is fully implemented, the target efficiency levels should be regularly verified (*e.g.* once every 3 years) and adjusted to the changing socio-economic circumstances and lawmaker's expectations.

4. Assuring workforce supply

As stated on the top of this section, regardless of what the target efficiency levels and their staffing consequences will be, the analyses performed by the Consultant indicated an increase in staffing demand in courts (+10%) and prosecutor offices (+1.8%). Therefore, the second element of workforce planning, *i.e.* recruitment sources and their capacity to cover staffing needs, becomes of crucial importance. This element, although in the desired situation being interrelated with the target organizational efficiency, should nevertheless be taken into account in the nearest future, especially in case of tribunals and courts of appeal facing increased demand for judicial staff.

Foreseeing that recruitment in courts may result to be one of the areas of interest after the New Codes enforcement, the Consultant, while running a data collection Gallup Survey conducted in courts, inquired about the two specific indicators in order to be able to assess the internal recruitment capacity of the courts at the moment. These were: average age of judges in each court and average number of years of experience of judges in each court. It is worth noticing that answers to these questions were one of the most completely filled in by the respondents.

The first indicator aimed at providing insight into the age trends in the population of judges in lower instance courts, since those judges might be a possible source for filling in new positions in upper instance courts, such source being not possible if the risk of soon retirements is found. The Gallup

Survey showed that no such risk exists, since in majority of courts the average age of judges is 50 or below, with one court reporting average age of 51 and one reporting average age of 56, the latter being one of the courts of appeal.

The second indicator (average number of years of experience of judges in each court) was strictly based on the current legal status of judges. Since:

- a large number of new positions of judges is expected to be needed in tribunals and courts of appeal;
- the current statute of judges states that a judge needs a minimum of 5 years of length of service as judge to advance to a tribunal;
- the current status of judges states that a judge needs a minimum of 6 years of length of service as judge to advance to a court of appeal,
- the Consultant used the data from the Gallup Survey in order to verify if the lower instance courts may provide a source for covering the staffing needs in tribunals and courts of appeal.
- The assumptions for such verification were based on the minimum number of years of experience of judges in each court level as stated above, plus the fact that in case of district courts only courts with a minimum of 5 judges working there currently provide a potential source of internal recruitment (courts with 4 judges or less need those to function in line with the incompatibility regulations).
- The analysis showed that 52 % of district courts can constitute a possible source of judges' promotion to tribunals. The regions with least potential recruitment sources are Covasna and Alba with zero district courts meeting the above criteria.
- In the table below, the Consultant presents the list of courts which meet the above criteria. Additionally, out of those courts, the Consultant indicated institutions where the analysis of New Codes net effect shows that forecasted judges staffing (scheme) is lower than current staffing (actual). Respective surpluses were calculated for those courts.

Jurisdiction	Number of district courts within the tribunal's jurisdiction	Courts which employ 5 or more judges, the average length of experience of whom is 5 years or more		Out of them - court where forecasted judges scheme headcount is lower than current actual headcount, headcount surplus	
		a	b	c	d
Tribunalul ALBA	5	0	-		
Tribunalul ARAD	5	2	Judecătoria INEU Judecătoria ARAD	Judecătoria INEU Judecătoria ARAD	1 7
Tribunalul ARGHEȘ	5	3	Judecătoria TOPOLOVENI Judecătoria COSTEȘTI Judecătoria CURTEA DE ARGHEȘ	Judecătoria TOPOLOVENI Judecătoria COSTEȘTI Judecătoria CURTEA DE ARGHEȘ	1 2 2
Tribunalul BACĂU	5	3	Judecătoria MOINEȘTI Judecătoria ONEȘTI Judecătoria BACĂU	Judecătoria ONEȘTI Judecătoria BACĂU	2 1
Tribunalul BIHOR	5	2	Judecătoria ALESD Judecătoria BEIUȘ	Judecătoria BEIUȘ	1
Tribunalul BISTRIȚA NĂSĂUD	3	2	Judecătoria NĂSĂUD Judecătoria BISTRIȚA	Judecătoria NĂSĂUD Judecătoria BISTRIȚA	1 1
Tribunalul BOTOȘANI	4	2	Judecătoria DOROHOI Judecătoria BOTOȘANI	-	-
Tribunalul BRĂILA	3	1	Judecătoria BRĂILA	-	-
Tribunalul BRAȘOV	4	1	Judecătoria FĂGĂRAȘ	Judecătoria FĂGĂRAȘ	3
Tribunalul BUCUREȘTI	8	6	Judecătoria CORNETU Judecătoria S. 6 BUCUREȘTI	-	

			Judecătoria S. 4 BUCUREȘTI Judecătoria S. 5 BUCUREȘTI Judecătoria S. 3 BUCUREȘTI Judecătoria S. 1 BUCUREȘTI		
Tribunalul BUZĂU	4	2	Judecătoria RÂMNICU SARAT Judecătoria BUZĂU	Judecătoria RÂMNICU SARAT	1
Tribunalul CĂLĂRAȘI	3	2	Judecătoria OLTENIȚA Judecătoria CĂLĂRAȘI	Judecătoria OLTENIȚA	1
Tribunalul CARAȘ SEVERIN	5	2	Judecătoria REȘITA Judecătoria CARANSEBEȘ	-	
Tribunalul CLUJ	5	3	Judecătoria DEJ Judecătoria GHERLA Judecătoria TURDA	Judecătoria GHERLA	2
Tribunalul CONSTANȚA	4	2	Judecătoria MANGALIA Judecătoria MEDGIDIA	-	
Tribunalul COVASNA	3	0	-	-	
Tribunalul DÂMBOVIȚA	5	1	Judecătoria RĂCARI	Judecătoria RĂCARI	2
Tribunalul DOLJ	5	4	Judecătoria BĂILEȘTI Judecătoria CALAFAT Judecătoria FILIAȘI Judecătoria CRAIOVA	Judecătoria FILIAȘI	1
Tribunalul GALAȚI	4	2	Judecătoria TECUCI Judecătoria GALAȚI	-	

Tribunalul GIURGIU	2	1	Judecătoria GIURGIU	-	
Tribunalul GORJ	4	3	Judecătoria MOTRU Judecătoria TÂRGU-CĂRBUNEȘTI Judecătoria TÂRGU JIU	Judecătoria TÂRGU-CĂRBUNEȘTI	2
Tribunalul HARGHITA	4	2	Judecătoria ODORHEIUL SECUIESC Judecătoria MIERCUREA CIUC	Judecătoria ODORHEIUL SECUIESC	1
Tribunalul HUNEDOARA	6	3	Judecătoria HUNEDOARA Judecătoria DEVA Judecătoria PETROȘANI	-	
Tribunalul IALOMIȚA	3	1	Judecătoria URZICENI	Judecătoria URZICENI	3
Tribunalul IAȘI	4	3	Judecătoria HÂRLĂU Judecătoria PAȘCANI Judecătoria IAȘI	Judecătoria HÂRLĂU Judecătoria PAȘCANI	1 2
Tribunalul MARAMUREȘ	6	3	Judecătoria VIȘEU DE SUS Judecătoria SIGHETU MARMAȚIEI Judecătoria BAIA MARE		
Tribunalul MEHEDINȚI	5	2	Judecătoria VÂNJU MARE Judecătoria DROBETA-TURNU SEVERIN	-	
Tribunalul MUREȘ	5	3	Judecătoria LUDUȘ Judecătoria SIGHIȘOARA	Judecătoria LUDUȘ Judecătoria SIGHIȘOARA	1 1

			Judecătoria REGHIN		
Tribunalul NEAMȚ	4	4	Judecătoria BICAZ Judecătoria TĂRGU NEAMȚ Judecătoria ROMAN Judecătoria PIATRA-NEAMT	Judecătoria BICAZ Judecătoria ROMAN Judecătoria PIATRA-NEAMT	1 2 7
Tribunalul OLT	4	3	Judecătoria BALȘ Judecătoria CARACAL Judecătoria SLATINA	Judecătoria BALȘ Judecătoria CARACAL Judecătoria SLATINA	3 4 1
Tribunalul PRAHOVA	5	3	Judecătoria SINAIA Judecătoria VĂLENII DE MUNTE Judecătoria CÂMPINA	Judecătoria SINAIA Judecătoria VĂLENII DE MUNTE Judecătoria CÂMPINA	2 3 3
Tribunalul SĂLAJ	3	1	Judecătoria ZALĂU	-	
Tribunalul SATU MARE	3	2	Judecătoria CAREI Judecătoria SATU MARE	Judecătoria CAREI	1
Tribunalul SIBIU	5	3	Judecătoria AVRIG Judecătoria MEDIAȘ Judecătoria SIBIU	Judecătoria AVRIG Judecătoria MEDIAȘ	1 6
Tribunalul SUCEAVA	6	5	Judecătoria GURA HUMORULUI Judecătoria CÂMPULUNG MOLDOVENESC Judecătoria FĂLTICENI Judecătoria RĂDĂUȚI Judecătoria SUCEAVA	Judecătoria GURA HUMORULUI Judecătoria CÂMPULUNG MOLDOVENESC Judecătoria FĂLTICENI Judecătoria RĂDĂUȚI	1 1 1 1
Tribunalul TELEORMAN	5	3	Judecătoria ZIMNICEA Judecătoria ROȘIORI DE	Judecătoria ROȘIORI DE VEDE	1

			VEDE Judecătoria ALEXANDRIA	Judecătoria ALEXANDRIA	1
Tribunalul TIMIȘ	5	1	Judecătoria LUGOJ	Judecătoria LUGOJ	1
Tribunalul TULCEA	3	1	Judecătoria TULCEA	-	
Tribunalul VÂLCEA	5	2	Judecătoria HOREZU Judecătoria DRĂGĂȘANI	Judecătoria HOREZU Judecătoria DRĂGĂȘANI	3 3
Tribunalul VASLUI	4	2	Judecătoria HUȘI Judecătoria VASLUI	Judecătoria HUȘI Judecătoria VASLUI	2 6
Tribunalul VRANCEA	3	2	Judecătoria ADJUD Judecătoria FOCȘANI	Judecătoria ADJUD	1
Grand Total	179	93*	93*	47	96

** the result was calculated based only on courts which provided information on average age and years of experience of judges (139 out of 179 district courts)*

If one juxtaposes the above analysis with the outcome of the total net effect calculations presented in Interim Report III one will see that the net effect in case of district courts amounts to the need of 39 additional judge positions in total in all district courts. The surplus of 96 judges might then be leveled-off and even exceeded with staffing needs in district courts other than those listed in column f above.

However, becoming a tribunal judge brings substantially higher requirements than becoming a judge in district courts. **Therefore, contrary to shifting judges between district courts, it seems advisable to search for external candidates to cover staffing needs in the lowest court level, while already experienced judges should be treated as a source of candidates to cover high staffing needs in tribunals.**

From the perspective of courts of appeal, following the above approach, potential mobility sources were identified in 100% of tribunals since in all of them the average number of years of experience was over 6 years (ranging from 10 to 25). **The advisable upgrade of tribunal judges to courts of appeal regards only judges in criminal sections – the courts of appeal are expected to almost double their staffing in criminal sections.**

Regardless of the above positive picture for tribunals, the Consultant would like to stress that internal recruitment is not likely to cover all additional staff needs, given that part of supplementary personnel shall be influenced by the types of claims, offences, claimants, etc. newly regulated by the New Codes, as well as by the fact that file settlement in a shorter period of time is intended. Therefore, the

policy for workforce identification should also forecast other elements that may be able to raise the interest of potential candidates out of the judicial system to occupy functions therein. Moreover, signing up of judges to promotion contests represent their personal option, therefore it is possible that, even though the necessary of judges in a superior court may be covered by promoting judges from inferior courts, the number of those to be signing up to promotion contests be deficient.

According to the records of the National Institute of Magistracy, in 2011 there were 1451 university graduates who enrolled as candidates to the Institute, out of which 100 were admitted (source: <http://www.inm-lex.ro>). At the same time, in the whole country, according to the most recent data published by the Romanian National Institute of Statistics (academic year end 2008/2009), there were 14,458 tertiary education graduates of law sciences. In 2009, there were 2,616 candidates to be admitted to National Institute of Magistracy, and in 2010 this number was 2,245. Therefore even if number of law graduates from Romanian universities has grown since 2009, the number of them interested in becoming a judge, prosecutor or judiciary assistant is only several percent. In case of clerks, the most recent records of the National School of Clerks show that 388 candidates were admitted to take courses, out of 429 legally eligible candidates; again a relatively small number in relation to the fact that increased judges and prosecutors headcount shall require additional recruitment of support staff.

Bearing in mind the current recruitment statistics and the above described considerations regarding low level of support staff in courts, the Consultant recommends the Beneficiary to consider the following activities aimed at increasing potential candidates' interest in a career of a magistrate or a clerk:

- development of a communication plan about future career opportunities in the judicial system (such communication plan being a natural follow-up after the current communication with regards to the New Codes themselves);
- engaging National Institute of Magistracy representatives and persons working in Information and Public Relations Offices in courts and prosecutor offices in communication with the public (with students as a primary focus) about the nature and specificity of the judicial career (*e.g.* through interviews with judges, opinion pooling, etc.);
- engaging National Institute of Magistracy representatives and persons working in Information and Public Relations Offices in courts and prosecutor offices in targeted activities in Romanian universities (job fairs, career offices).

5. Assuring effective performance monitoring

As mentioned in the previous section, the Consultant encountered certain difficulties when trying to obtain quantitative information for the purposes of calculating the net result of the New Codes enforcement. These difficulties were of five main types:

- in the event of many case categories (certain types of claims or offences) the Consultant experienced lack of caseload records in the ABAC database for specific courts, which leads to the conclusion that some institutions failed to populate the database with statistics;
- the way data are provided to ABAC database permits the occurrence of concurrent sets of data with different values for same types of cases, at the level of the same court. The Consultant was confronted with the fact that, in terms of the search key used for obtaining data from the system, the results were different;
- format of data categories in ABAC database was in many cases applicable to the specificity of the New Codes, but there were data referring to certain types of claims or offences impossible to extract from the database in the format implied by the New Codes (*e.g.* the offences categorization does not differentiate frauds by the value of the damage); this issue seems to stem from the fact that the way ABAC database categorizes cases is almost the same as the way caseload was previously calculated by the Superior Council of Magistracy, such way being adopted under current codes and thus not in 100% adjusted to the new legislation; in such context, mention should be made that, when trying to obtain data on the effects of certain provisions in Law No.202/2010 (in order to prepare an analysis expressly requested by the Beneficiary, limits of which have been already discussed in detail in Interim Report III), the Consultant was confronted with the fact that, until the day of this Report, ABAC database has not been adapted in order to reflect changes brought to this law, although this law entered into force in November 2010 (the law entered into force on October 29, 2010);
- scarcity of information in the system did not allow for caseload filtering, *e.g.* extracting the civil litigations the value of which was between 100,000 and 500,000 RON out of the cases of value up to 500,000 RON was not possible;
- HCCJ does not provide data to ABAC database.

Moreover, as already evidenced, the Consultant was confronted with difficulties in estimating human resources needs, determined by difference between organization structure of each court, and by the lack of statistics referring to judges specialization and number of cases allocated to them, in terms of object and specialization of respective cases. For example, as already mentioned in Interim Report III, there are no statistical data at the level of district court on judges managing cases referring to protection of family and minors; at the level of tribunals and courts of appeal there are several mixed divisions, where judges settle, for example, cases having as object requests having a commercial nature, as well as adversarial and fiscal claims, etc. **In order to ensure a planning in accordance with the real needs of the system, it is highly important that the Beneficiary and other interested bodies cooperate in order to have the inventory of files managed by each judge, in terms of object specificity of requests and specialization of respective judges.**

Further to the Consultant's recommendation to develop a workforce planning system in the Romanian judicial organization, the Consultant would like to point out that such system definition provides a unique opportunity and a vital necessity to adjust the databases with records in the area of courts and prosecutor offices activities to the key performance indicators which will be measured. Such measurement is furthermore required in order to assure that the actual efficiency metrics are monitored and compared with their expected levels, and to assure that further definition of such expected levels is based on solid evidence.

Taking into account the hitherto presented analyses, especially the impact items regarding caseload and cases duration, the minimum desirable functionality of a database monitoring key parameters of the judicial system appears to be assigning each record in the database (*i.e.* each case file) the following attributes:

- value of the civil dispute or value of damage in case of criminal cases (where possible);
- number of hearings and their dates;
- number of parties summoned;
- date of registering the case and date of its solving (calculation of length of case solving);
- usage of newly introduced communication means (e-mail, fax, etc.).

Such attributes should subsequently allow for case information filtering and running various summary reports.

Furthermore, although keeping track of statistical data and submitting it to the Ministry of Justice or Superior Council of Magistracy is one of the duties of clerks mentioned in the CSM Decision No.387/2005, the courts seem to fail in delivering the complete data to the ABAC database. Beside many situations when courts do not report numbers with regard to certain types of cases, the Consultant has also been confronted with a situation when figures provided to ABAC database by a court were not accurate. In September 2011, the Consultant was requested to redo the calculation with regard to Oradea District Court, given that, when studying the preliminary version of Interim Report III, its representatives noticed that data provided to ABAC database by the persons responsible with the reporting were wrong. Such issue may be provoked by the fact that ABAC database has been introduced recently. However, the Beneficiary might want to consider establishing detailed instructions regarding: accountable personnel, timing and quality assurance of the process of data submission to ABAC database, and including them in legal acts regulating court's activity. Moreover, the Beneficiary should make sure that all courts in Romania, HCCJ inclusively, have a reporting obligation to ABAC database.

In case of prosecutor offices data, the Consultant did not encounter difficulties of the first abovementioned nature (lack of data reported), since in the statistical data gathered by the Public Ministry no offices were missing. Nevertheless, **the format of data, being to a large extent a mirror of the format applied in ABAC database should be revised with the same purpose as in courts statistics, namely to better reflect the provisions of the New Codes and to enable proper monitoring of key performance metrics for these institutions.**

6. Staffing needs in HCCJ and POHCCJ

Analysis of the estimated scale of New Codes impact on HCCJ revealed an institution-specific type of problem with securing headcount needs. The key characteristics of expected impact include:

- large share of impact items with unknown (non-quantifiable) scale and volume of impact, potentially having material increasing effect on HCCJ's caseload;
- very significant impact of novelty items, particularly the filtering procedure and preliminary judgment, which in the course of this Project could be subject to indicative estimates only,
- immediate time perspective (Year 1) for the impacts, in particular for the Criminal Division and medium perspective (Year 2) for impacts pertaining to civil (non-criminal) matters.

Simulation included in Interim Report III indicates that conservative assessment of the volume of new caseload could generate additional judge FTE headcount needs easily exceeding 60% of the number for scheme headcount in the Base Year. Immediate time perspectives leave little doubt, that new judges will be needed in HCCJ, already in Year 1.

Estimations of additional caseload and more work in filtering procedure in Year 2 indicate, that accumulation of burden with new caseload would make Year 2 after New Codes' enforcement the peak year of the entire "transition period". Year 3 would show tendency for stabilization, mainly for the following reasons:

- growing awareness of the general public and more realistic use of new possibilities offered by new provisions;
- increase in proficiency and experience of judges in the new laws (in general, significant progress is expected in a matter of months, after enforcement of the New Codes).

In case of POHCCJ, majority of New Codes-related impact items require adjustments in prosecutors' procedural activities, which do not trigger new headcount requirements. Naturally, potential needs for new prosecutors could arise, following the increase in number of investigations and participation of prosecutors in hearings. Simulation included in Interim Report III contains a rather safe estimate of an increase in prosecutor FTE headcount needs just over 5%, in the first year after enforcement of the New Codes.

Consultations with the representatives of both institutions seem to confirm that the existing number of professionals and their auxiliary staff could absorb certain amount of new load, without acquiring new workforce. Unspecified as it remains at this point, the ability of POHCCJ to absorb limited increase in intensity of participation in hearings and number of investigations court could play more significant role in the first year after enforcement of the New Codes. Estimates available for Year One would not confirm any particular growth in such activities; however, such situation may change in Year Two, which is supposed to bring most of the burden of the "transition period" in HCCJ and, contribute to increase of workload in POHCCJ. With no insight into potential future structure of cases it can only be considered a supposition that the investigation-related activities at POHCCJ would noticeably increase, as compared with Year 1.

Considering the above, it would be more practical for POHHCJ to consider the actual developments during Year 1, the harbinger of “delayed effect” in the second and third years after enforcement.

B. HUMAN RESOURCES NEEDS IN PROBATION SERVICE

The aim of this section is to provide the Beneficiary with a set of conclusions developed with regard to the probation service in Romania throughout delivery of the Project. The conclusions presented below are based on a series of analyses, encompassing the following three elements:

(a) Study of the findings and interpretation of the new legal provisions, included in Interim Report I

Based on the legal analysis performed and presented in Interim Report I, it appears evident and unquestionable that further to the implementation of the New Codes, the target probation system acquires significantly larger role to be played within the Romanian justice system than it used to have under the codes currently in force. The role of the probation service appears key in terms of successful and complete implementation of a number of measures to be applied under the New Codes, as well as in the effective implementation of the new provisions with regard to the individualization of punishment (supervised suspension, deferral of the enforcement of criminal punishment, conditional release (release on parole)).

At the same time, it should be emphasized that the **key purpose of the probation system has been reinforced as to provide active support to persons under probation in order to facilitate their reinstatement into society**. When discussing the purpose and newly-defined mission of the probation service, one also has to bear in mind its considerable, and clearly demanded under the new regulations, involvement in the process of rehabilitation of minors that should be performed under the regime of a set of newly defined corrective measures to be supervised by the probation service.

These mentioned, it should be noted that the overarching role and mission of the probation service with relation to both adult offenders and juveniles has been translated into a set of new duties to be performed by probation officers in the course of implementation of the measures applied by courts. These have been referred to within the course of this Project delivery – starting from Interim Report I, but also through Interim Report II where the impact of the implementation of the New Codes on the role and accountabilities of probation staff was identified, and eventually in Interim Report III, where a map of the target accountabilities of the probation service was included for the purpose of the benchmarking with other relevant states.

The analysis of the above mentioned leads to a conclusion that, **in order to fulfill its newly re-defined mission, the probation service, through its professional workforce, shall need to significantly increase the actual workload devoted to their protégés – regardless whether this may be an adult or a juvenile, this being related to the requirement of actual exposure to interaction with a protégé, as well as co-ordination of their means of rehabilitation and re-integration**: the community service in case of adults, daily schedules of juveniles, winding off of specialized programs for social reintegration, all four non-custodial educational measures, etc. This observation was further re-confirmed when the analysis of the impact items was performed within Interim Report II, which is referred to in the following sub-section.

(b) Identification and classification of impacts on the organization of probation service that were presented in Interim Report II

As regards the impact of the New Codes on the caseload of the probation service, **all of the impacts identified were categorized as high, with their orientation homogeneously indicating increase.** Those related to the new regulation on the institution of deferral of the enforcement of criminal punishment, new regulations regarding the involvement of probation officers under the implementation of conditional release and the amendments introduced with regard to supervised suspension as well as new regulations on non-custodial educational measures.

An observation of a similar nature might be drawn with regard to the impact of the New Codes on the future workload of the probation service, **as all of the four identified impacts were classified as high, with impact direction uniformly indicating increase.** The increase of workload that shall be dedicated to minors stems to a significant extent from the underlying principle according to which punishments applicable to criminally liable minors shall be dropped in favor of corrective measures. This in turn entails the necessity to activate and involve the probation service personnel into the process of enforcement of the measures to juvenile delinquents. Similarly, the level of active involvement of probation officers shall be inherent in case of adult offenders, towards whom non-custodial punishments have been ordered.

(c) Assessment of the impact of the New Codes on the human resources needs in probation service, performed within Interim Report III

Having in mind the nature of change within the probation service that practically borders upon the redefinition of its purpose and operating model, the Consultant has sought possible means of estimating the human resources needs in this area of the Romanian judiciary system. Both a benchmarking-based exercise was applied as well as – further to the input from the Beneficiary who provided additional information and insights as well as facilitated information gathering from other probation systems within EU - model aimed at human resources needs estimation. The input from the Beneficiary enabled the Consultant to revise the approach to benchmarking with other states (e.g. through application of the more accurate data items as advised by the Beneficiary) and enter into development of a quantification vehicle aimed at providing means for estimation of the human resources needs within probation service.

The overall conclusion stemming from the analytical efforts undertaken is that, **in order to ensure that the New Codes are implemented effectively within the realm of accountability of the probation service, additional professional human resources shall be necessary to be acquired, successfully introduced, developed and maintained in the service.**

The results of the analyses performed show that the scale of the projected staffing increase is of such significance, that it shall entail considerable effort on the Beneficiary's part to acquire and effectively onboard the new influx of professionals into the probation service. This having been projected, it should also be emphasized that the current average number of protégés per one probation officer in Romania is already at the level similar to the average level identified for the comparative group of EU countries. This only strengthens the need to reach for additional professional resources externally, as the workload at present would allow for very limited possibility to perform the probation duties as defined by the New Codes and ensure appropriate standards of their delivery with the workforce currently available within the Romanian probation service.

Therefore, the Consultant recommends **both to take immediate actions, as well as to develop long term systemic solutions to be consistently implemented in the future, which shall ensure appropriate workforce supply in the organization of the Romanian probation service.**

A set of possible directions that the Consultant recommends to consider for the future developments within the probation service in Romania has been described in the last part of this section.

1. High-level overview of the required knowledge and qualifications

Having analyzed the scope of accountabilities to be required within the target probation service that are reflected at a considerable level of detail within the text of the Draft Project Law on the organization and operation of the probation service, it should be emphasized that the spectrum of accountabilities inbound in the role of probation system as a whole is considerably wide. This includes such main aspect as:

- (i). *The activity of evaluation – both adult and juvenile individuals at different stages of the legal procedure, both during pre-trial, trial and execution phase*

This accountability to be performed according to the predefined standard and procedure, requires the knowledge of strictly legal and procedural requirements related to this activity, essential knowledge related to the sociological and psychological domain in order to draft conclusions and recommendations, as well as ability to co-operate and seek information from external parties necessary to be involved in the process of evaluation, for example external psychologists, counselors or physicians.

- (ii). *The activity of coordination of the supervision process in relation to both minors and adults*

In relation to this accountability it should be stated that the knowledge of the legal regulations regarding specific measures ordered for specific protégés is a key requirement, together with the procedural aspects regarding the accurate execution thereof. Basic diligence in handling files and relevant documentation appears absolutely indispensable in view of the obligatory steps predefined in the Draft Project Law on the organization and operation of the probation service and aimed at ensuring transparency, accessibility and accuracy of the documentation prepared. However, due to the required specificity of the way control over the compliance should be exercised – meaning direct interaction and exposure to contact with protégés, one should not underestimate the necessity of a focused knowledge both of the juvenile psychology with a special emphasis on aspects related to juvenile individuals within crime-endangered environment, as well as solid, relevant psycho and sociological background for the personnel dealing with adults. Each of these two domains (adult and juvenile supervision process) appears substantial enough to be deemed as a distinct area of specialization that can be defined within the system.

It appears well-advised at this stage to support the reinstatement of the persons under supervision into the social life, to ensure that the personnel dealing with the two key groups of protégés – adults and juveniles – possesses the required specialized knowledge, adequate to deal with each of the groups. For this to take place successfully in the longer term, an approach that would assume specialization in relation either to minors or adults is recommended to be considered. This is especially worth considering in view of practices already functioning in other states (*e.g.* Spain, where the approach to juveniles is treated distinctly and separate from the adult track of procedures throughout the entire justice system, with specialization in handling cases related to minors being inherent for all institutional bodies and roles within the system (courts, prosecution offices, police, probation)).

- (iii). *The activity in connection with incarcerated convicts*

With regard to this type of accountability a set of tasks defined for a probation officer arises which is mainly connected with the participation of the preparation for release, taking part in the commissions for conditional release as well as being part of the sessions of correctional councils.

Again, in order to provide essential, credible and legally accurate input in these activities, substantial, specialized expertise is required to probation officer, together with the knowledge of the binding legal regulations regarding measures and legal institutions dealt with.

Taking the above observations into account, the Consultant recommends drafting specific requirements for the target role of a probation officer – if so decided, broken down by specialization in adults or juveniles - that would specifically indicate the desired levels of capability in such domains as:

- legal knowledge;
- internal procedure and compliance with internal regulations binding for probation service;
- relevant areas of psychology and sociology, as well as pedagogy or social work adequate for the specialization;
- knowledge of the broad environment and network of stakeholders potentially involved in the process of rehabilitation and re-instatement into society (*e.g.* relevant community institutions);
- personal attitudes and competencies (desired trends of behavior) necessary for the successful realization of tasks and activities defined for probation service.

It should also be specified what type of educational background is required, with indication of preferences or options depending on specialization type.

2. Recommendations for development of long term, systemic approach to human resources management within Romanian probation service

A set of recommendations related to key human resources management processes are presented below for the Beneficiary to consider implementing within the future organization of probation service.

2.1. Management of the supply of desired workforce for the organization of probation service

Although this process is definitely of a long-term nature, the Consultant recommends to consider launching the reorganization within the probation service as soon as possible, in order to ensure that adequately qualified personnel is in place and capable to handle the required accountabilities.

Key elements of this process are:

(i). Workforce planning

We recommend that the Beneficiary considers defining parameters of demanded workforce for specific periods of time (*e.g.* 3 year perspective), both in terms of its quantity as well as quality, and implements it as a long-term on-going process. Based on the identified drivers of workforce demand, for instance criminality levels per specific demographic groups, projections for recruitment needs (increases, decreases, re-locations) could be made. In general terms, these projections shall constitute basis for organizational and budgetary planning on the mid-term basis. Within this process it is also recommended to monitor the workload levels within probation services on the global country basis, so

that further recruitment process not only takes into account the external sources but also considers the perspective of the internal labor market within the organization of probation service and enables re-location decisions.

(ii). *Sourcing and recruitment*

Another aspect that should be taken into consideration is the identification of potential sources of future personnel for the probation service; naturally this could account for specific types of faculties at universities and high schools, relevant for the future requirements on the job of a probation professional. Once these are identified, the Consultant recommends to consider launching co-operation with those education institutions in order to ensure that relevant communication and information campaigns are initiated in order to build awareness of the profession as well as to communicate the employer's offer and expectations (the so-called "employer value proposition" or EVP) that should be defined by the probation service in order to attract adequate individuals to probation service. Definition of the mentioned EVP for future probation employees should be developed with special care so that it targets the desired profile of candidates as well as communicates the benefits and challenges of this profession. This should contribute to minimizing the risk of new hires leaving the jobs due to discrepancy with their expectations developed prior to recruitment.

Due to the complexity and specificity of the professional activities inherent in the profession, the Consultant also recommends that the Beneficiary considers, apart from assessing the compliance of the candidates with formal requirements, implementing psychological testing and assessment to be run prior to recruitment in order to avoid future mismatches that could result mainly from inadequate psychological predispositions of the candidates.

2.2. Development and sustaining of key capabilities of the probation personnel

Having identified and defined the key requirements for the role of a probation officer, broken down by domain categories mentioned earlier in this section, the Consultant recommends that the Beneficiary ensures the effective implementation and functioning of an operational system of training and development of the probation personnel corresponding to potential progression along levels within probation development path.

It is well-advised to interlink the actual training needs for a specific period with a systemic assessment of training needs, gathered through probation service heads and potentially also corresponding to the results of the employee appraisal system that the Beneficiary might want to consider.

Due to the fact that the nature of the accountabilities inherent in the role of the probation service are challenging from the psychological and emotional perspective, it is also worth considering to ensure that there is a possibility for probation officers, especially those who have less experience within the system, to resort to psychological supervision. This would provide additional support for the less experienced staff as well as would contribute to the quality of performance within probation service. Another option that could be considered for the sake of ensuring adequate support for employees who are entering the profession and starting their development therein, is to launch a mentoring program, where more senior and experienced colleagues whose performance is adequate and compliant, could take on mentoring responsibilities towards more junior ones.

2.3. Performance management

Performance management is another process that underlies effective human resource management.

Taking into account the specifics of the profession within the probation service, the foregoing aim of this process would be to monitor compliance with expectations and requirements defined for the role of a probation officer at each level of their development path, to identify individual challenges and development needs as well as to agree relevant steps to bridge the gaps identified. This process would entail active involvement of the heads of probation services who should take on active role in this process, providing support, identifying potential risks but also being responsible for executing compliance and high performance within the service they manage. Should the Beneficiary consider implementing this process into the organization, the Consultant recommends a yearly performance assessment mode, with a mid-year review session to take place.

2.4. Internal monitoring of employee opinions and attitudes

In the long-run, it is also worth considering the implementation of a process aimed at gathering opinions and attitudes of the probation personnel. This could be done by means of a questionnaire-based survey that could be run on a regular basis, for instance every 1-2 years. This approach provides opportunity to gain knowledge regarding key aspects of functioning of the organization as perceived by its employees. It constitutes a credible and efficient tool of gathering information that can be used for action planning in the area of human resources as well as risk management in this domain.

2.5. Effective administration and human resources support

Taking into account the scale of change to be expected in the area of probation, with the high priority for the specialized probation employees to get actively involved in the process of social re-instatement of protégés, it seems highly advisable to ensure that probation services have adequate administrative support staff, dedicated to their organization. This aspect has been raised in Interim Report III and should be re-emphasized at this point, as the necessity to focus the professional probation staff on the merit work as much as possible, appears evident.

On the other hand, having in mind the spectrum of changes to be introduced from the perspective of human resources management, especially the necessity to manage the probation workforce on a systemic basis, the Consultant recommends that the Beneficiary considers introducing the human resources function into the probation organization that would be responsible for design, implementation and management of the key human resources processes and systems supporting effective functioning of probation service according to its mission defined under the New Codes.

As regards the human resources processes detailed hereinabove, namely:

- Management of the supply of desired workforce for the organization of probation (1),
- Development and sustaining of key capabilities of the probation personnel (2),
- Internal monitoring of employee opinions and attitudes (3),
- Effective administration and human resources support (4),

the Consultant wishes to underline the fact that, for the purpose of building and maintaining an efficient organization of human resources at the level of the probation service, processes No.1 and No.2 should be granted maximum priority; we recommend that their development and implementation be considered as soon as possible, as well as their positioning, in the long-term, as

strategic human resources processes within the probation service . It may be deemed that process No.4 is meant to facilitate and support the effective achievement of the first two processes, which are fundamental for the organization.

Once the essential framework of the human resources processes is in place, the Beneficiary may continue to developing and implementing process No3, for the purpose rendered above, under the herein section.

V. CONCLUSIONS ON FINANCIAL AND BUDGETARY IMPLICATIONS OF THE NEW CODES ENFORCEMENT

The processes of data collection and analysis which were completed through the elaboration of Interim Reports II and III led to a series of findings, conclusions and recommendations on the budgetary/financial impact of the New Codes enforcement as presented in the following section. The resulting conclusions and recommendations were divided in two main categories:

- **General conclusions and recommendations**, namely those which refer to the entire judiciary system; and
- **Specific conclusions and recommendations**, namely those which relate to the impact of the New Codes on the physical infrastructure (courtrooms, office spaces, other areas in courts, detention areas in the prisons system), the IT infrastructure, the judiciary assistance system, the revenues collected and the procedural costs.

A. GENERAL CONCLUSIONS

1. Need to resize the budget

The analysis performed revealed that the current state budget assigned to the Ministry of Justice is insufficient for the New Codes enforcement and the structure of the budgetary expenditure is unbalanced: the courts' budget is to an overwhelming extent (between 80% and 90%) used to finance the staffing expenditure (salaries, contributions and other salary rights) and the amounts allocated for investments and the courts' operation have a secondary, almost insignificant role in the current budget structure. Considering the human resources and the infrastructure necessary to enforce the New Codes, it is recommended that the budget of the HCCJ, the Ministry of Justice and the Public Ministry be resized, both by supplementing the amounts given to the courts to finance staffing expenditure and investments, and by ensuring a balance between the main budgetary components (salaries and investments).

Estimated financial impact of the New Codes enforcement over a three-year period subject to the analysis (RON)							
HCCJ							
Institutions	Type of expenditure	Physical infrastructure	IT infrastructure	Salary costs (permanent bonuses, including employer contributions)	Other salary costs	Special endowment	TOTAL
HCCJ		5.014.989,26	443.417,97	56.528.542,11	8.236.244,53	0,00	70.223.193,87
TOTAL		5.014.989,26	443.417,97	56.528.542,11	8.236.244,53	0,00	70.223.193,87
Ministry of Justice							
Institutions	Type of expenditure	Physical infrastructure	IT infrastructure	Salary costs (permanent bonuses, including employer contributions)	Other salary costs	Special endowment	TOTAL
Courts of Appeal		20.346.962,89	1.351.296,18	120.727.304,68		0,00	142.425.563,76
Tribunals		41.940.637,14	1.579.225,66	108.610.824,39	35.353.619,12	0,00	152.130.687,19
District Courts		25.757.990,36	1.325.247,10	10.229.832,38		0,00	37.313.069,84
Probation services		38.231.662,86	2.910.985,03	108.565.693,34		10.435.906,91	160.144.248,16
TOTAL		126.277.253,25	7.166.753,98	348.133.654,80	35.353.619,12	10.435.906,91	527.367.188,06
Public Ministry							
Institutions	Type of expenditure	Physical infrastructure	IT infrastructure	Salary costs (permanent bonuses, including employer contributions)	Other salary costs	Special endowment	TOTAL
POHCCJ		2.679.996,99	77.202,25	7.949.756,37		0,00	10.706.955,61
Prosecution Offices attached to the Courts of Appeal		2.274.533,35	93.985,34	-13.971.668,36	5.222.214,20	0,00	-11.603.149,67
Prosecution Offices attached to the Tribunals		16.883.546,43	829.084,99	22.288.552,66		0,00	40.001.184,08
Prosecution Offices attached to the District Courts		33.748.871,98	1.537.331,68	30.171.992,05		0,00	65.458.195,72
TOTAL		55.586.948,76	2.537.604,26	46.438.632,71	5.222.214,20	0,00	109.785.399,93
GRAND TOTAL							707.375.781,87

2. Need to develop and maintain homogenous databases

The assessment of the impact of the New Codes enforcement was made more difficult by the type and availability of the data, more precisely by the lack of sufficiently detailed, centralized and updated sets of data. The available information came from several sources: the Ministry of Justice, the Public Ministry, the individual courts and prosecution offices, the SCM, etc., and the structure, content, format, details and reporting manners thereof were significantly different from one institution to another. As mentioned in the previous interim reports, the insufficient data were the result mainly of the fact that the data collected so far from the different institutions have not been sufficiently detailed for an exhaustive assessment of the amendments brought by the New Codes. Among the examples of indicators related to which the data are insufficient the followings may be mentioned: the average duration of a civil/criminal case, the average number of terms necessary to settle one civil/criminal case, the annual number of subpoenas, the amounts granted in the legal aid system, clear records on the number of cases where legal aid was granted, the amounts collected in the judiciary system from stamp fees and transferred to the local budgets, the tax charged on the fees of the bailiffs transferred to the state budget, etc. **In order to eliminate the constraints related to data availability, it is recommended to develop and permanently update homogeneous databases for all the institutions involved, considering the need to adjust the data structure, content, format and reporting manners, to motivate the users to enter/update the information and to ensure a continuous monitoring at central level of the integrity of data in these databases.**

3. Need to adapt solutions for construction/extension of key areas according to specific conditions

Given that the plans of the buildings where the district courts, tribunals, courts of appeal and prosecution offices attached thereto operate are significantly different from one institution to another, it is recommended that the decision of construction/extension of the key areas take into account the concrete conditions at the level of each institution for which the supplementation of the existing areas was estimated, namely: the sizes, division and special arrangement of the current rooms, the existence of possible available spaces, possibilities to extent the buildings vertically and/or horizontally, the characteristics of the land's seismic motion, the geomorphologic features of the site land, the current resistance structure of the buildings, the global concept regarding usage safety, etc. Obviously, when estimating the number of key areas the amendments generated by the entry into force of the New Codes were considered (especially the dynamics of the workload and of the staff necessary), **but the decision to supplement the space cannot be adopted in lack of a thorough analysis made for *each* court/prosecution office, which requires that technical projects/execution details be drafted by observing all the design requirements for such buildings (aesthetic, operational, structural, ecologic requirements, etc.).** Therefore, the purpose of this exercise was to make a general estimate of the key areas necessary for the implementation under optimal conditions of the New Codes. For objective reasons, related to the large number of courts/prosecution offices to analyze, temporal and financial limitations, etc., the precise determination of the need for additional space in each institution is out the scope of the current contract.

B. SPECIFIC CONCLUSIONS

1. Physical infrastructure

1.1.(a). Courtrooms

The analysis performed revealed that a large number of courts did not have a sufficient number of courtrooms as compared to the annual caseload thereof (the number of cases they must settle in one calendar year). Beside, it was ascertained that a significant number of courts do not currently have courtrooms dedicated exclusively to the settlement of civil and criminal cases, respectively. With respect to the areas dedicated to the performance of the preliminary chamber procedure, the number thereof is limited, and approximately one third of the total number of courts does not have such chambers. Under these circumstances, the sessions which should be held in the preliminary chamber are held most of the times either in the courtrooms at the end of the court sessions or in the judge offices. This leads to the breach of the solemnity of the session and of the procedural formalities.² The preliminary analysis emphasized considerable variations between the courts with respect to the number and size of the courtrooms/areas dedicated to preliminary chamber sessions.

Within the entire judiciary system, the entry into force of the New Codes will require the supplementation of the number of courtrooms. However, considering the limited number of areas dedicated to the preliminary chamber procedure and the new provisions introduced by the NCPC with respect to performance of the trial's investigation in first instance in the council chamber, in the Consultant's opinion it is recommended to avoid the building of a considerable number of areas to be used exclusively for the preliminary chamber procedure, given that the stage of trial investigation can be performed in the current areas used for the courtrooms, under observance of the specific rules of this procedure.

Considering the current number of courtrooms/spaces used for the preliminary chamber procedure, as well as the current and estimate caseload, the need for courtrooms for each category of court was predicted.

The main conclusions and recommendations that resulted from the analysis are the following:

- It is estimated that the enforcement of the New Codes shall result in the need to supplement the number of courtrooms in the courts by 54 such areas. The impact of the New Codes enforcement on the courtrooms is different depending on the type of court. Therefore, it is expected that the

Estimated financial impact of the New Codes enforcement on courtrooms infrastructure (RON)		
HCCJ		
Institutions	Type of expenditure	Courtrooms
HCCJ		285.651,29
TOTAL		285.651,29
Ministry of Justice		
Institutions	Type of expenditure	Courtrooms
Courts of Appeal		1.142.505,50
Tribunals		17.061.642,66
District Courts		318.223,18
TOTAL		18.522.371,34
GRAND TOTAL		18.808.022,63

² The Consultant refers to the situation frequently met in the practice of several courts when courts settle at the end of the hearing cases that should be judged in preliminary chamber, even though subpoenas are issued for the first hour (first part of the session), as well to the situation when subpoenas are issued in cases to be settled in preliminary chamber, without indicating the chamber number or by indicating the courtroom number, even though the judge decided the ruling of the respective case in its office. Settling a case in the judge office does not ensure the solemnity of the session, given that, usually, in the same office there is at least one more judge.

need for courtrooms will be higher in the case of the tribunals than in that of the other types of courts;

- Within the HCCJ, the increase in the number of cases to be solved (largely civil and also criminal) requires supplementation of HCCJ infrastructure by one courtroom; the total costs related to such area are estimated to approximately 286 thousand RON. Mention should be made that the estimation made by the Consultant is the exclusive result, mathematically determined, of the impact of the New Codes over the physical infrastructure having as destination court rooms at the level of HCCJ. As per the information provided by the Beneficiary, the Consultant understands that there already was an important minus as regards such spaces at the date the Report was elaborated, namely a number of 7 court rooms being strictly necessary for the accordingly functioning of this institution;
- In the case of tribunals and courts of appeal (own bodies) there is a need to supplement the courtrooms to reflect the increase in the number of cases deferred to such courts. Thus, the enforcement of the New Codes requires increasing the existing infrastructure of the courts of appeal (own bodies) by 3 courtrooms and of tribunals by 49 courtrooms. The costs incurred are estimated to 1.1 MRON and 17.1 MRON, respectively;
- As a result of the transfer of competencies to the superior courts, the change in the number of cases to be solved within district courts is insignificant, and consequently, the current number of courtrooms within such courts is expected to be maintained. An exception is the District Court Sector 2 in Bucureşti, where the existing infrastructure is to be supplemented by one courtroom, which will require an investment estimated to approximately 318 thousand RON;
- The New Codes enforcement impact on the need for courtrooms varies significantly from one court of appeal to another (including the courts subordinated thereto). There are courts of appeal (Bacău, Braşov, Constanţa, Oradea, Piteşti, Suceava and Târgu Mureş) for which the New Codes enforcement impact will be rather low on the number of courtrooms, which requires the supplementation of the said number by 1-2 such spaces for all the courts subordinated to the courts of appeal in question. On the opposite side, for the courts of appeal in Bucureşti, Cluj or Timişoara it is anticipated that the New Codes enforcement will have a stronger impact on the need for courtrooms and consequently, an increase in the number of courtrooms by over 5 such spaces for all the courts subordinated to the said courts of appeal will be required. Under these circumstances, it is recommended that the amounts distributed from the state budget to the courts of appeal be resized, so as to allocate sufficient resources for those courts on which the expected impact of the New Codes enforcement is stronger;
- If it is decided that new courtrooms shall be built (instead of adopting a solution related to the reorganization/re-division of the existing rooms), it is preferable to elaborate and use uniform design standards in order to create similar courtrooms both with respect to costs and to the available functionalities. Also, it would be advisable to consider making a clear distinction between the courtrooms according to the type of cases tried therein (civil, criminal);
- Considering the provisions in the NCPC regarding the performance of the trial investigation process in the preliminary chamber, it is recommended that the hearing terms be well planned for

each case which shall be investigated/settled in one day. Only a strict scheduling of the court sessions for one day may lead to the avoidance of long waiting periods outside the courtroom;

Consideration may be given to sharing the spaces (courtrooms, preliminary chambers) of district courts with tribunals. Such estimation cannot be done within this Report, because such a solution requires specific analysis and decision making based on intrinsic and specific local conditions for each court. The local decision should only lay with the Beneficiary.

1.1.(b). Office spaces

Beginning from the estimated net effect of the New Codes enforcement on the human resources, the need for office spaces was estimated for the judges, prosecutors and auxiliary personnel in the courts and prosecution offices as well as for the probation personnel.

The analysis performed revealed considerable discrepancies between the courts/prosecution offices, both with respect to the size of the office spaces for the different staff categories and with regard to the average area dedicated to each staff category. Moreover, the assessment of the current situation revealed considerable differences inside the same court/prosecution office with regard to the size of offices and the area assigned to one judge/prosecutor/auxiliary personnel in the courts/prosecution offices.

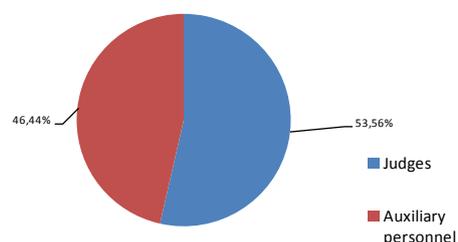
According to the preliminary analysis, it was found that most of the existing offices have a mixed use, and the specialization of the judges and auxiliary personnel of the courts on civil/criminal cases is not a criterion for the spatial distribution thereof in the current offices. In addition, there are cases, although few, in which the office spaces are occupied by various staff categories (judges and auxiliary personnel).

In order to estimate the need for office spaces, considering the lack of accepted standards used for the design of office spaces and also the various cases found in the courts, prosecution offices and probation services, the Consultant chose to use average figures for the areas held by each staff category (judges, prosecutors, auxiliary personnel in the courts/prosecution offices and probation personnel) in each type of court or prosecution office attached thereto (district court, tribunal, court of appeal) and within the probation system.

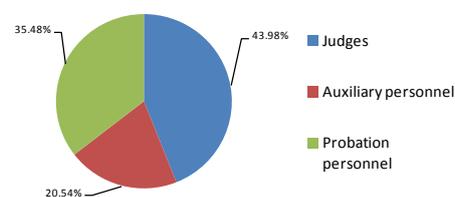
According to the data below, the total cost of investments in office spaces forecasted for the categories of staff above is estimated to 168.1 MRON.

Estimated financial impact of the New Codes enforcement over a three-year period subject to the analysis (RON)		
HCCJ		
Categories of personnel	Type of expenditure	Offices' Physical infrastructure
Judges		2.532.934,09
Auxiliary personnel		2.196.403,89
TOTAL		4.729.337,97
Ministry of Justice		
Categories of personnel	Type of expenditure	Offices' Physical infrastructure
Judges		47.390.556,03
Auxiliary personnel		22.132.663,02
Probation personnel		38.231.662,86
TOTAL		107.754.881,92
Public Ministry		
Categories of personnel	Type of expenditure	Offices' Physical infrastructure
Prosecutors		39.144.225,48
Auxiliary personnel		16.442.723,28
TOTAL		55.586.948,76
GRAND TOTAL		168.071.168,65

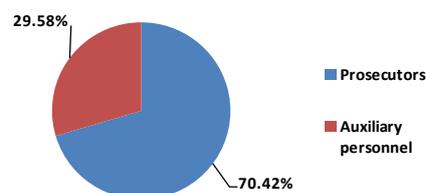
The share of infrastructure expenditure for offices per types of personnel (HCCJ) in the total infrastructure expenditure estimated for HCCJ



The share of infrastructure expenditure for offices per types of personnel (Courts) in the total infrastructure expenditure estimated for Ministry of Justice



The share of infrastructure expenditure for offices per types of personnel (Prosecutors Offices) in the total infrastructure expenditure estimated for Public Ministry



Within the HCCJ, total costs related to the need of office spaces were estimated to about 4.7 MRON. As regards the areas estimated for each category of staff, the highest percentage in the total costs estimated for the HCCJ belongs to the the areas allocated for judges, i.e. 53.56%, while the areas allocated for the auxiliary personnel are 46.44% in the total costs.

The weight of expenses related to ensuring physical infrastructure for judges in the amount of 107.75 MRON estimated for supplementing office spaces within the whole Ministry of Justice is 43.98%, while the area made available for the probation staff is 35.48%. The lowest weight in the total costs belongs to areas allocated to the auxiliary personnel (20.54%).

Within the Public Ministry, the infrastructure related to prosecution offices is 70.42% of the total amount of 55.5 MRON of the costs for additional areas. The costs for office spaces intended for the specialized auxiliary personnel are 29.58% in the total costs.

The main conclusions and recommendations as regards the office spaces are as follows:

- Although at the level of all district courts a considerable decrease in the number of judges is expected (over 300 judges provided in the personnel scheme), for some courts the number of judges is expected to grow. For these district courts (43 courts) the office space for judges must be supplemented. Following the analysis performed, it is recommended to allocate additional

financial resources especially for the district courts in București (district courts in Sector 1, 2 and 3), Cluj-Napoca and Constanța in order to extend the office spaces for judges.

- In the case of all tribunals, except for those in Sibiu, Hunedoara, Vâlcea, Neamț, Dolj, Mehedinți, Iași, Buzău, Dâmbovița and the Commercial Tribunal Argeș, it is anticipated that the office spaces for judges will have to be supplemented. The same need was ascertained for all the courts of appeal (own bodies), except for the Court of Appeal in Iași.
- Within the HCCJ (civil and criminal divisions), the number of positions for judges is expected to increase during the third year of analysis by 72 as compared to the reference period, which requires investments in office spaces intended for judges.
- Except for 30 judges out of the total of 179, the assessment of the need for infrastructure did not reveal a need to supplement the office area for the auxiliary personnel in the district courts. The transfer of competence from the district courts to superior courts will be reflected correspondingly in the need to supplement the auxiliary personnel in the tribunals and courts of appeal and, implicitly, the need to supplement the office spaces for the auxiliary personnel. As a consequence, it is recommended to allocate additional financial resources especially to all the courts of appeal (own bodies) and to the tribunals
- Within the HCCJ (civil and criminal divisions), a net increase in the number of positions for assistant magistrates to 77 and for the auxiliary personnel to 153 during the first year after the transition period is estimated, as compared to the reference period, which requires supplementing the office spaces.
- Even if for all the prosecution offices attached to the district courts a significant decrease in the number of prosecutors was estimated (195 prosecutors), there were prosecution offices (37 prosecution offices attached to district courts) where the number of prosecutors and, implicitly, the office space assigned to them will need to be supplemented. A considerable increase of the need to supplement areas for the prosecutors is anticipated for the prosecution offices attached to the district courts in București (sectors 2, 3 and 4), Constanța, Cluj Napoca and Timișoara.
- The analysis performed on the prosecution offices attached to the tribunals revealed that it would be necessary to supplement the financial resources allocated to resize the spaces used by the prosecutors only for 17 prosecution offices attached to tribunals. In case of the Prosecution office attached to the Tribunal in Iași a significant addition to the existing office spaces is needed, in order to accommodate the new personnel scheme (46 new positions are estimated for prosecutors).
- The estimated change in the number of prosecutors (in the staff scheme) during the third year after the entry into force of the New Codes as compared to the reference year requires, in the case of the prosecution offices attached to the HCCJ, investments in office spaces for an additional number of 15 prosecutors (in the staff scheme).
- In spite of the decrease in the number of positions for the auxiliary personnel at the level of all prosecution offices attached to district courts by 56 positions, it was ascertained that this staff category will have to be supplemented for 59 such prosecution offices. A significant impact on the areas dedicated to the auxiliary personnel was estimated for the prosecution offices attached to the district courts in București – Sector 2 and Constanța.

- For the prosecution offices attached to tribunals, significant changes in the number of positions allocated to the specialized auxiliary personnel were identified (the reduction of the approved positions by 76). However, the analysis performed revealed the need to assign additional office spaces for the auxiliary personnel of 17 prosecution offices. Additional financial allocations are expected mainly for the prosecution offices attached to the tribunals in Brăila and Iași.
- As regards prosecution offices attached to the courts of appeal (own bodies), the only prosecution offices where additional infrastructure will be needed are those in Bacău, Brașov, Constanța, Craiova and Timișoara. In the other prosecution offices, decreases in the number of staff positions are expected. Consequently, no investment will be needed in additional office spaces.
- The estimated change in the number of personnel between the reference year and the third year after the entry into of the New Codes (i.e. the increase in the number of positions on the staff scheme from 147 to 155 employees) is expected to require, in the case of the prosecution office attached to HCCJ, additional investments in office spaces for 8 persons.
- The analysis of the New Codes impact on the human resources within the probation system led to estimating new staff
- entries (additional staff) and consequently, to the need to ensure supplementary office spaces. The analysis of the impact of the New Codes entry into force indicated a total number of probation staff (probation officers and auxiliary personnel) of 1,177. As a consequence, major investments are expected within the probation services in order to ensure additional office spaces for 894 persons (the net effect being generated by the difference between the estimated number of probation personnel and the current number of personnel).
- Having in view the above, **re-sizing the budgetary allocation dedicated to courts/prosecution offices/probation offices is recommended where additional office spaces were estimated as needed.**
- **It is recommended that the final solution for the organization of the new offices take into account the particularities of each court/prosecution office/probation office, such as: possible available areas, potential dividers, the spatial location of needed equipment and materials according to the frequency of their use etc.**

1.1.(c). Spaces with other uses in the courts (archives, registrar's offices, public areas, spaces used to host the detainees in the courts)

The effect of the New Codes enforcement on these spaces cannot be generally quantified. According to the data supplied by the courts, the current degree of occupancy of the archives is of 100% for the tribunals and courts of appeal, while the same indicator is of approximately 93% for the district courts. Under these circumstances, it is obvious that these areas will have to be supplemented in the immediate period, but the decision of building/extending the archives is not a direct result of the New Codes enforcement. In other words, the supplementation of the spaces used for archives is needed irrespective of the New Codes enforcement. Therefore, the impact of the New Codes enforcement on the archive spaces could not be isolated and quantified. Nevertheless, to offer a basic guidance in this respect, the Consultant provided in the Interim Report III an estimate of the costs that might be involved by setting-up an additional archive area for each court.

In a similar manner, the areas dedicated for hosting the detainees in the courts and those especially arranged for the meetings between the defense attorneys and the detainees while they are at the court's headquarters, although absolutely necessary for operational and efficient courts, they are not a direct consequence of the New Codes enforcement. With respect to public areas, an estimate thereof is hard to make in lack of complete and detailed information about the daily inflow of people in each court (staff serving the court, the parties in the trials, detainees, defendants, attorneys, witnesses, companions of the detainees/defendants/parties, general audience, etc.), the number of court sessions in one day and the sequencing thereof (scheduling, duration and the judicious distribution on courtrooms).

1.1.(d). Detention areas in the prisons

The impact of the New Codes enforcement on the prisons system in Romania is not quantifiable. This is due to the following reasons:

- The inexistence of relevant statistical data, given the novelty of the impact items (the introduction of new legal matters and of new offenses charged). Theoretically though, the introduction of new offences in the criminal field may lead to an increase in the number of convictions involving imprisonment, with an impact on the degree of occupancy of the prisons. In this respect, the budgetary resources allocated to the enforcement system will have to be adequately resized, along with the physical infrastructure and that of human resources, so as to ensure the operation of this system according to the new requirements.
- The increase in the number of offences charged with fines as single punishment or as alternative punishment to that of imprisonment, as per the NCrC, might have a positive effect on the enforcement system in Romania. Nevertheless, the individualization of the punishment in each concrete case is and remains a sovereign prerogative of the court of law, which is called to choose, according to all the criteria and circumstances of the offence and of the perpetrator, the adequate criminal charge for the purpose of the criminal trial in question. Given that the number of convictions to imprisonment is the decisive factor for establishing the degree of occupancy of the prisons system, the impossibility of determining same *a priori* makes the impact of these provisions on the enforcement system impossible to quantify, since the general direction of the impact is towards decrease.
- Given that the NCrC provides a punishment regime which is generally softer than that of the system currently in force with respect to a considerable number of criminal offences, the entry into force of the New Codes will create the assumptions for the formulation and settlement of challenges against enforcement pursuant to the compulsory enforcement of the more favorable criminal law. The enforcement of this principle may result in the release (or faster release, including through the faster access to some means of individualization of punishments, like parole, as an effect of increase of punishments) of the convicts in those cases in which the punishment enforced pursuant to the current CrC is imprisonment and, either the offence committed was pardoned, or the punishment enforced pursuant to the New Codes is fine or imprisonment the maximum limit of which was reduced compared to the maximum limit in the current regulation. Therefore, the result might be a decrease in the number of convicts in the prisons and, implicitly, a

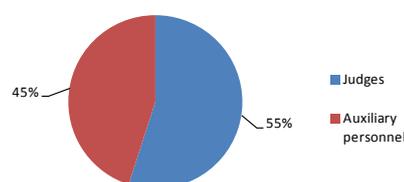
decrease of the degree of occupation thereof, but the impact cannot be quantified in this case either.

2. The IT Infrastructure

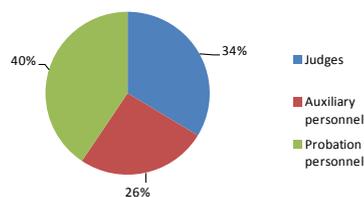
A first finding of the analysis is that the institutions in the judiciary system are fully computerized and the current staff has the IT equipment necessary to perform their current activities. Considering this finding, the impact of the New Codes enforcement on the IT infrastructure was estimated based on the net anticipated effect of the implementation of the new regulations on the human resources need. In this regard, the need for IT equipment was estimated on each staff category: judges, prosecutors, probation officers and auxiliary personnel in the courts, prosecution offices and probation system.

Estimated financial impact of the New Codes enforcement on IT infrastructure (RON)		
HCCJ		
Categories of personnel	Type of expenditure	IT Infrastructure
Judges		243.710,64
Auxiliary personnel		199.707,33
TOTAL		443.417,97
Ministry of Justice		
Categories of personnel	Type of expenditure	IT Infrastructure
Judges		2.412.796,32
Auxiliary personnel		1.842.972,63
Probation personnel		2.910.985,03
TOTAL		7.166.753,98
Public Ministry		
Categories of personnel	Type of expenditure	IT Infrastructure
Prosecutors		1.644.743,50
Auxiliary personnel		892.860,76
TOTAL		2.537.604,26
TOTAL GENERAL		10.147.776,21

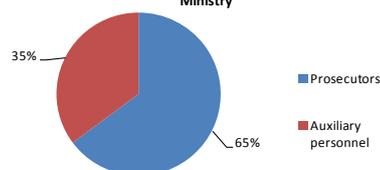
The share of IT infrastructure expenditure per types of personnel (HCCJ) in the total IT infrastructure expenditure estimated for HCCJ



The share of IT infrastructure expenditure per types of personnel (Courts) in the total IT infrastructure expenditure estimated for Ministry of Justice



The share of IT infrastructure expenditure per types of personnel (Prosecutors Offices) in the total IT infrastructure expenditure estimated for Public Ministry



The main conclusions and recommendations regarding the IT equipment are the following:

- The analysis as regards the HCCJ led to the conclusion that the IT equipment dedicated both to judges and to the auxiliary personnel in this court need to be supplemented. The cost of estimated investments needed for supplementing the IT infrastructure in the HCCJ is approximately 443 thousand RON. 55% of the total estimated expenditure should be allocated for acquiring IT equipment dedicated for judges, while the rest of 45% should be allocated for equipping the auxiliary personnel.
- Costs incurred with ensuring IT equipment to the courts were estimated to about 7.2 MRON. If the destination of investments is considered according to the categories of staff in the judiciary

system, the distribution is rather balanced: 40% of the total expenditure estimated for supplementing the IT infrastructure within the Ministry of Justice is intended for the adequate equipment of the probation staff (probation officers and auxiliary personnel), while 34% and 26% of such expenditure are intended for acquiring IT equipment for judges and auxiliary personnel in courts, respectively. The high weight of costs for supplementing IT equipment for the probation staff is triggered by the increased prerogatives of this staff following the enforcement of the New Codes, which requires adequately re-sizing such personnel.

- With respect to the district courts, 43 courts were identified for which the IT equipment should be supplemented for the judges. Therefore, it is recommended to resize the budgetary allocations dedicated to IT equipment in these courts (especially for the district courts in București, Cluj, Galați and Constanța). The analysis performed emphasized the need to supplement the IT equipment dedicated to judges in the case of most of the tribunals, except for those in Sibiu, Hunedoara, Vâlcea, Neamț, Dolj, Mehedinți, Brăila, Vrancea, Iași, Caraș-Severin, Buzău, Dâmbovița and the Commercial Tribunal Argeș. Moreover, additional IT equipment was anticipated for the judges in all courts of appeal (own bodies), except for the Court of Appeal in Iași.
- The human resources analysis revealed a need for supplementation of the existing staff of the probation system by 723 probation officers, in order to meet the new prerogatives of this system. Moreover, the need to create 171 positions for the auxiliary personnel of the probation system was identified. Such increase of staff within the probation system is correspondingly reflected on the need of additional IT equipment also. Estimated costs of investments in IT infrastructure are approximately 2.9 mRON.
- The human resources analysis revealed a need for supplementation of the auxiliary personnel in 30 district courts, and this conclusion is adequately reflected on the IT equipment supplies of this type of courts. The highest investments are expected in case of district courts within the courts of appeal Cluj, București and Galați. The need to resize the auxiliary personnel identified for the tribunals and the courts of appeal implies a corresponding supplementation of the IT equipment dedicated thereto. Under these circumstances, it is recommended that the financial resources used for this purpose be supplemented, especially for the courts that shall record a significant increase of their auxiliary personnel: the courts of appeal in Craiova and București, (own bodies), as well as the tribunals in Cluj, Sălaj, Mehedinți, Satu Mare, Suceava, Timiș and Caraș-Severin.
- Within the Public Ministry, supplementing the IT equipment needed for prosecutors and the auxiliary personnel in prosecution offices will require increasing the budget by around 2.5 mRON. Out of the total amount estimated, 65% should be intended for the IT equipment for prosecutors, while 35% should be allocated for IT infrastructure for the auxiliary personnel within prosecution offices.
- According to the analysis performed, 37 prosecution offices attached to district courts shall need a supplementation of the IT equipment used by the prosecutors. Significant investments in IT equipment for the prosecutors were anticipated for the prosecution offices attached to the district courts in București, Constanța, Cluj and Pitești. For the prosecution offices attached to the tribunals, the financial resources allocated for IT equipment supplies for the prosecutors must be

supplemented in the case of the prosecution offices attached to the tribunals in Timiș, Buzău, Iași, Vrancea, Brăila, Gorj, Tulcea, Constanța, Cluj, Ialomița, Giurgiu, București, Brașov, Botoșani, Vâlcea, Alba and the prosecution office attached to the Tribunal for Minors and Family Brașov. Only the prosecution offices attached to the courts of appeal in Bacău, Brașov, Constanța, Craiova, Ploiești and Timișoara (own bodies) will need similar investments and a significant financial effort is anticipated for the courts of appeal in Constanța, Bacău and Brașov.

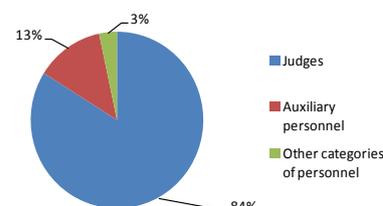
- Although the human resources analysis emphasized a decrease in the need for auxiliary personnel in the prosecution offices attached to the courts of appeal (own bodies), there were 5 prosecution offices of this type which will need a supplement of this staff category and this will be reflected in an additional need for IT equipment. It is to be expected a supplementation of the financial resources with this destination for the prosecution offices attached to the district courts in Bacău, Brașov, Constanța, Craiova and Timișoara. The analysis performed on the auxiliary personnel of the prosecution offices attached to the tribunals and courts of appeal revealed the need to allocate considerable financial resources to provide the additional auxiliary personnel identified for these prosecution offices with IT equipment. It is anticipated that 17 prosecution offices attached to tribunals will need additional supplies of IT equipment for the auxiliary personnel; therefore, the budgetary allocations will have to be oriented mainly towards the prosecution offices attached to the tribunals in Iași, Brăila, Alba, Brașov, Constanța and the prosecution office attached to the Tribunal for Minors and Family Brașov. Also, 59 prosecution offices attached to district courts will need supplements of IT equipment dedicated to the auxiliary personnel and the most significant investments in this respect will be necessary for the prosecution offices attached to district courts in București Sectors 1, 2,4 and 5, Constanța, Cluj Napoca and Râmnicu Vâlcea.
- The Consultant's opinion is that it is absolutely necessary to adapt the information system, so as to enable the automatic detection of incompatibilities, in order to support accordingly the effort of the Ministry of Justice effort from an operational/functional point of view. However, this is not a direct consequence of the New Codes enforcement. Such an adjustment of the system could be only designed and implemented through an independent project benefiting from a budget based on a functional analysis of the existing systems. As a result of this, additional functional specifications for the new actions and analyses of the possibilities of extending the existing system may be developed (the financial component may vary from some thousand hundreds Euro to millions or even tens of millions Euro). Based on such an analysis, a decision may be made whether the existing system can afford additional new actions, both from the viewpoint of the application and the system infrastructure.

3. Staffing expenditure

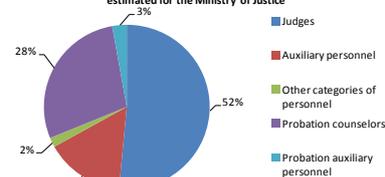
The New Codes enforcement will trigger an increase in the staffing expenditure according to the table below:

Estimated financial impact of the New Codes enforcement over a three-year period subject to the analysis (RON)				
HCCJ				
Categories of personnel	Type of expenditure	Salary costs (permanent bonuses, including employer contributions)	Other salary costs	Total
Judges		53.673.566,35		
Auxiliary personnel		8.164.711,64	8.236.244,53	
Other categories of personnel		2.133.233,29		
TOTAL		63.971.511,28	8.236.244,53	72.207.755,81
Ministry of Justice				
Categories of personnel	Type of expenditure	Salary costs (permanent bonuses, including employer contributions)	Other salary costs	Total
Judges		179.292.053,90		
Auxiliary personnel		53.712.112,81		
Other categories of personnel		6.563.794,74	35.353.619,12	
Probation counselors		98.719.970,62		
Probation auxiliary personnel		9.845.722,72		
TOTAL		348.133.654,80	35.353.619,12	383.487.273,91
Public Ministry				
Categories of personnel	Type of expenditure	Salary costs (permanent bonuses, including employer contributions)	Other salary costs	Total
Prosecutors		37.213.640,38	5.222.214,20	
Auxiliary personnel		9.224.992,34		
TOTAL		46.438.632,71	5.222.214,20	51.660.846,91
GRAND TOTAL				507.355.876,64

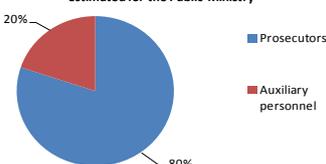
The share of salary costs (permanent bonuses, including employer contributions) per types of personnel (HCCJ) in the total salary costs (permanent bonuses, including employer contributions) estimated for HCCJ



The share of salary costs (permanent bonuses, including employer contributions) per types of personnel (Courts) in the total salary costs (permanent bonuses, including employer contributions) estimated for the Ministry of Justice



The share of salary costs (permanent bonuses, including employer contributions) per types of personnel (Prosecution Offices) in the total salary costs (permanent bonuses, including employer contributions) estimated for the Public Ministry



The main conclusions and recommendations of the analysis performed with respect to staffing expenditure are the following:

- An increase in the number of staff will be needed for the HCCJ. The total amount of the staffing expenditure was estimated to approx. 72.2 MRON. The total expenses with the salaries of judges have the highest share in the salary expenses, around 84%, while the rest of 16% belong to expenses for the auxiliary personnel (13%) and for other categories of staff (3%).
- The human resources expenses within the Ministry of Justice were estimated to approx. 383.5 mRON. Also in this case, expenses with judges' salaries are the highest share in the salary expenses, over 50% of the total amount, followed by expenses with the probation officers, around 28% and the expenses with the auxiliary personnel (15%).
- The same situation was found for the Public Ministry, where 80% of the total staffing expenditure are related to prosecutors, while 20% are related to staffing expenditure for the auxiliary personnel.
- The financial impact anticipated for the entire judiciary system is of increase of salary expenditure for the judges. For the entire period of analysis (3 years) savings were estimated for the district courts due to the decrease of the number of judges; in the case of the courts of appeal, the expenditure for the salaries of judges are expected to decrease during the second transition year as

compared to the precedent year, followed by a slight increase during the third year. Within the tribunals, the total salary expenditure have an increasing trend, while for judges, salary expenditure decreases slightly during the second transition year, followed by an increase during the third year. Within the HCCJ, an increase of the salary expenditure for judges is estimated during the first two transition years, followed by a reduction thereof during the third year.

- The analysis revealed that the level of salary expenditure is expected to increase to a higher extent for the courts of appeal in București, Cluj, Constanța and Galați, due to a significant increase in the number of judges in the Court of Appeal in Cluj (own bodies), in the tribunals in București, Cluj, Constanța, Galați and in the district courts of Sectors 1, 2 and 3 in București, of Cluj, Constanța and Brăila. On the opposite side, for the courts of appeal in Ploiești, Iași, Bacău and Pitești, a decrease of salary expenditure was found, generated by a decrease in the number of judges of the tribunals in Dâmbovița, Neamț, Vâlcea and the district courts in Târgoviște, Găiești, Câmpina, Râmnic Sărat, Vălenii de Munte, Bacău, Piatra Neamț, Onești, Roman, Vaslui, Pașcani, Bârlad, Câmpulung, Horezu and Curtea de Argeș.
- Due to the need to supplement the staff, the New Codes enforcement shall generate for the entire judiciary system an increase in the salary expenditure for the auxiliary personnel. With respect to the evolution of the estimated salary costs for the auxiliary personnel for each category of court, for each of the three years of the period analysed, for the courts of appeal an increase of human resources costs is estimated during the first transition year, followed by a decrease thereof during the second year and a significant increase during the third year. On what the tribunals are concerned, the level of salary expenditure is higher every year as compared to the prior year. As for the district courts, savings of human resources costs are estimated, the amount of these savings decreasing slightly from one year to another. In the case of the HCCJ, the amount of staffing expenditure increases significantly during the second year of analysis as compared to the first year, while a slight reduction it is expected during the third year.

It is expected that the staffing expenditure increases to a higher extent in the case of the courts of appeal București, Cluj and Craiova, with a significant need to increase the number of auxiliary personnel for tribunals in București, Cluj, Bistrița Năsăud, Sălaj, Mehedinți and Olt. In exchange, for the courts of appeal Ialomița and Oradea, a moderate increase of the number of auxiliary personnel needed in tribunals was found and, on the other side, a moderate decrease of the number of auxiliary personnel needed for district courts attached to these courts of appeal.

- The analysis performed in Interim Report III concluded that the New Codes enforcement shall have a significant impact on the salary expenditure corresponding to other staff categories than the specialized auxiliary personnel, such as procedural agents, the staff not working with the public, other auxiliary personnel and the contractual staff. At the level of the entire judiciary system a financial impact is estimated for these staff categories in the sense of an increase in salary expenditure for the period taken into account. With respect to the impact of the New Codes on each type of court, an increase in salary expenditure is estimated for all types of courts. The highest increase of human resource costs is estimated for district courts, where an increase in the number of staff (approved positions in the staff scheme) by 12% as compared to the reference period is estimated. In the HCCJ, a decrease in the number of positions for this category of staff by 20 is estimated for the third year of the analyzed period.

- The New Codes enforcement shall generate a financial impact of increase in salary expenditure for the prosecutors at the level of all prosecution offices in the judiciary system. As regards the evolution of human resources costs estimated for each category of prosecution offices for each of the three years of analysis, within the prosecution offices attached to the courts of appeal, a successive decrease of such costs is expected. At the opposite end, in the case of the prosecution offices attached to tribunals, the salary expenditure (including the permanent bonuses and the employer's contribution) for prosecutors are expected to increase successively during the entire period of analysis. In the case of prosecution offices attached to district courts, the salary expenditure is expected to diminish during the second year of analysis as compared to the first year and then to increase significantly during the third year of analysis. With respect to the prosecution office attached to the HCCJ, the salary expenditure are expected to increase during the second transition year as compared to the year before, following to remain constant up to the end of the analysed period.
- The level of salary expenditure is expected to increase to a higher extent in case of the prosecution offices attached to the courts of appeal in București, Iași and Brașov (as a result of the significant increase of the need for prosecutors within the prosecution offices attached to the courts of appeal in Galați and Constanța (own bodies) and within the prosecution offices attached to the tribunals in București, Giurgiu, Iași and Brașov or district courts in București sectors 1-6, Iași, Bârlad and Brașov). At the opposite end, for prosecution offices attached to the courts of appeal Alba Iulia and Bacău, a decrease of salary expenditure is estimated, due to a decrease in the need for prosecutors for the prosecution offices attached to the tribunals in Bacău, and Neamț and to district courts Petroșani, Deva and Hunedoara.
- Following the analysis of the expenditure for auxiliary personnel in the prosecution offices at an aggregate level, we can conclude that the New Codes enforcement shall generate a financial impact in the sense of the salary expenditure increasing. It is estimated that for the entire period under analysis savings will be registered every year with respect to the salary expenditure for prosecution offices attached to the courts of appeal, while for prosecution offices attached to district courts, annual increases of salary expenditure will be registered. As for the prosecution office attached to the HCCJ, increases in the salary expenditure are estimated during the first two transition years, while during the third year, the human resources costs are expected to remain constant. Also, it should be expected that the level of salary expenditure will increase to a larger extent for the prosecution offices attached to the courts of appeal in București and Iași (correlated with a considerable increase in the need for auxiliary personnel for the prosecution offices attached to the district courts in București sectors 2 and 4 and Tribunal Iași). At the opposite end, in the case of the prosecution offices attached to the courts of appeal in Alba Iulia and Bacău, a decrease in salary expenditure is estimated, correlated with the decrease in the need for auxiliary personnel for the prosecution offices attached to the tribunals in Bacău and Neamț and district courts in Deva, Hunedoara, Mediaș, Petroșani, Târgu Neamț and Bicăz.
- At the level of the probation system, in the context of extension of the prerogatives thereof through the New Codes enforcement, the existing qualified staff is recommended to be used as efficiently as possible, by ensuring different auxiliary personnel necessary for the operation of this system. According to the concrete needs on the date of the analysis, the probation officers who

work in the probation services had also administrative prerogatives related to their specific activity. **Upon the date of preparing this report, the probation officers who work in the probation services are also performing administrative prerogatives related to their specific activity. The New Codes enforcement will generate a need to employ new individuals with administrative prerogatives in the probation system in order to ensure adequate administrative support.** The purpose of this administrative staff will be to assist and take over from the probation officers the fulfillment of certain duties that are not strictly related to the particular probation activity thereof.

- The analysis of the financial impact on the staffing expenditure was performed at an aggregate level, for the whole of the probation system. The total financial impact generated by the enforcement of the New Codes on the salary expenditure (including the permanent bonuses and the employer's contributions) as a result of the need to increase the human resources at the level of the probation system is estimated to 108.5 mRON. This result derives from estimating an increase in expenses with respect to the salaries of both the probation officers and the auxiliary personnel.

4. Other types of expenditure generated by the New Codes enforcement

4.1.(a). Costs for serving subpoenas and service of process

In order to estimate the impact of the New Codes enforcement on the costs for serving subpoenas and for the service of process, the Consultant requested the following data:

- The average number of subpoenas sent in a civil/criminal case for each procedural stage (first instance, appeal and final appeal);
- The total number of subpoenas sent in the civil/criminal cases;
- The average number of persons served subpoenas in a civil and criminal case;
- The total average cost of one subpoena (including the costs for consumables and the expedition costs);
- The specialists' opinion regarding the amendment of the number of subpoenas sent in a civil/criminal case (increase/decrease/maintenance) and the estimate percentage by which the number of subpoenas sent in a case shall be amended after the introduction of the notice of trial date.

Given the lack of clear records and of comparable and reliable data on the average number of subpoenas sent in a civil/criminal case and the total number of subpoenas sent in the civil/criminal cases, the impact of the New Codes enforcement could not be quantified.

4.1.(b). Special equipment at the level of the probation system

The New Codes will have a significant impact on the probation system in Romania. The NCC and the NCPC will bring amendments with respect to the regime of punishments without imprisonment, by extending the scope of punishments that do not involve imprisonment through the introduction of new matters (the postponement of the punishment's enforcement, community work), as well as the scope of the educational measures that don't involve imprisonment. Therefore, the role of probation system shall increase in the system of criminal justice, both through the development of the existing prerogatives and through the supplementation thereof with new prerogatives, by observing the individualization of punishment measures introduced by the New Codes.

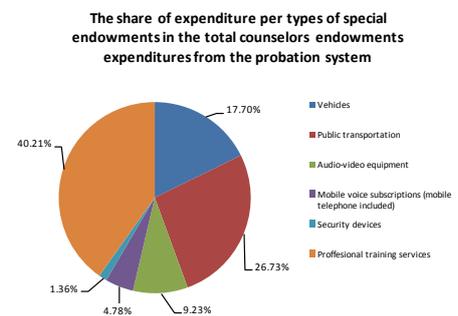
The analysis of the impact of the New Codes on the probation system, namely the need to ensure special equipment for the probation officers, was materialized in the identification of general guidelines. The concrete situation can be identified when a punctual and specific analysis is performed at the level of each probation service, if an inside vision of this complex system were available, namely if there was comprehensive information about the difficulties and shortcomings faced by each probation officer in his/her daily activity.

The quantification in money of the specific manners to equip within the probation system was provided in two distinct steps. In the first step, the financial estimate of the types of special equipment intended for the **current staff** within the system was made. This estimate resulted in expenses for equipping the current staff during the first year after the enforcement of the New Codes. There were also included the expenses with specific equipment needed for each probation location, since such type of expenditure is one time incurred.

In the second step, the financial estimate of the special equipment that is to be made available to the probation officers that are **additional staff** within the probation system. The estimation of the expenditure with equipment for additional personnel was made for a period of three years after the enforcement of the New Codes. The total expenditure resulted include the costs needed for the equipment of both additional probation officers for the three years of analysis and the current probation officers during the second and the third year of New Codes enforcement.

The total costs with the equipment within the probation system include both the expenses with facilities made available to the current probation staff and those intended for equipping the probation locations. Altogether, the estimation of current expenditure corresponding to the special equipment for the probation system during the three years after the enforcement of the New Codes is as follows:

Estimated financial impact of the New Codes enforcement over a three-year period subject to the analysis (RON)		
Ministry of Justice		
Institutions	Type of expenditure	Special endowment
Probation Services	Vehicles	1,847,658.45
	Public transportation	2,789,280.00
	Audio-video equipment	962,840.20
	Mobile voice subscriptions (mobile telephone included)	498,490.13
	Security devices	141,798.13
	Professional training services	4,195,840.00
	GRAND TOTAL	



The largest share in the total expenditure has the expenditure with professional training (40.21%), while the smallest share is for expenditure with safety devices (1.36%).

The main conclusions and recommendations regarding the assurance of special equipment for the probation system are the following:

- The analysis performed and the meetings held with the Beneficiary lead to the conclusion that the needs of the probation services will increase after the New Codes enforcement. The enforcement of the NCC and the NCPC requires the reorganization of the current probation system and the adequate resizing of the financial and material resources necessary to face the significantly extended prerogatives of this system.
- The performance of the extended prerogatives of the probation officers will require more travelling in the field to check the observance of the obligations imposed by the court on the monitored person and of the educational measures ordered for the minors, as well as a strong collaboration with other public institutions and the use of specific equipment. Under these circumstances, it is foreseen that the probation services will have an increased need for equipment and devices specific for their activity, as well as for means of transportation needed to exercise the prerogatives (for example, the adequate supplementation of the car fleet, subscriptions for public transportation) corresponding to the major role of probation as a coordinator of the measures taken against the monitored person. With regard to the cars held, the corresponding costs were estimated for each headquarters of the probation services. A minimum of one and a maximum of two cars per headquarters should be considered, according to the immediate needs found for each headquarters. Within the analysis, costs incurred with supplementing the existing car fleet by 51 cars were estimated.

- In order to be easier to travel in the locality where they operate in order to perform their daily activities, the probation officers have the possibility to travel by the means of mass transportation available in the locality. The option of ensuring monthly subscriptions to the means of mass transportation is a feasible alternative, since not all the officers can use the cars of the probation services, given that they are mainly used for travels outside their localities of domicile.
- The adequate reconfiguration of the probation system in order to take into account the specificity of the increased prerogatives of the probation services in light of the new regulations must also consider other appropriate solutions to ensure the performance under good conditions of the officers' activity. Therefore, other equipment should be considered, like: audio and video equipment, safety devices (pepper sprays for self defense, ultrasonic whistles, etc.), voice subscriptions, provided either as special equipment for each probation service (headquarters and/or secondary office) or as individual equipment for each probation officer, according to the identified needs. These elements must be taken into account especially due to the field work of the probation officers, as well as to the risks they face (like the risk of monitoring individuals on parole, especially those that imply a high degree of danger).
- At the same time, the adjustment of the probation system to the new regulations imposes as a priority the ensuring of training and specialization courses for all the probation officers in order to adequately train them for an efficient exercise of their new prerogatives according to the requirements imposed on the system.
- Having in regard the above, **it is recommended that the precise sizing of the need for equipment and the related costs should be performed according to the budget which can be allocated, as well as to other needs resulting from the diversification of the activity in the probation system.**

5. The judiciary assistance system

In order to determine the impact of the New Codes enforcement on the judiciary assistance in the criminal field (ex officio legal aid), the Consultant requested the following types of data:

- The number of criminal cases in which ex officio legal aid was granted, the weight of the criminal cases in which judiciary assistance was ensured on the total number of criminal cases with judiciary assistance and the amount of the attorney's fees corresponding to such criminal cases in which ex officio legal aid was granted;
- The number of criminal cases in which an attorney was appointed ex officio for the persons with limited capacity of exercise, either as civil or injured party in the criminal case, as well as the amount of the attorney's fees corresponding to these cases;
- The number of criminal cases in which an attorney was appointed ex officio for the persons that require mandatory judiciary assistance and the chosen attorney was not present or refused without justification to provide the judiciary assistance services, as well as the attorney's fees corresponding to these cases.

With respect to establishing the impact of the New Codes enforcement on the judiciary assistance in civil cases (public legal aid) the following types of data were requested:

- The number of civil cases in which public legal aid was granted, the weight of civil cases in which public legal aid was granted on the total number of cases of legal aid and the total amount of the public legal aid granted at system level;
- The number of litigants who formulated the final appeal applications on their own, although they were included in the category of persons eligible for requesting public legal aid according to the current regulations and what would be the case for resorting to this system in order to exercise this extraordinary means of appeal after the enforcement of the NCPC;
- The current number of civil cases in which public legal aid was granted in the form of exemptions, discounts, payment schedules or payment postponement for the stamp fees and the amount of the exemptions, discounts, payment schedules or payment postponements for the stamp fees;
- The current number of civil cases in which public legal aid was granted in the form of payment to the attorney appointed for legal aid and representation;
- The current number of civil cases in which public legal aid was granted in the form of payment of the fee for the expert, the translator, the interpreter and the amount of the fees of the experts, translators, interpreters.

An estimate of the need for financing in the legal aid system after the New Codes enforcement could not be made in lack of clear records of the amounts granted in the legal aid system, and of the number of cases in which legal aid was granted for civil and criminal cases.

Under these circumstances, the main recommendations regarding the legal aid system are the following:

- Given that the statistical data regarding the amounts collected in the judiciary system are incomplete, a clear identification of the revenues collected which might be a potential financing source for the legal aid and the ex officio legal aid system must be made;
- Since the current allocation from the state budget of the amounts dedicated to financing the legal aid and ex officio legal aid system is not effectively correlated with the amounts collected by the state budget from the judiciary system in Romania and with the weight thereof in the budgetary revenues, it is necessary to establish a system of prioritization of the need for funds in the judiciary system on categories of expenditure, as well as of the need for funds corresponding to the different systems financed from the state budget;
- Ensuring an efficient system of management of the legal aid and ex officio legal aid system's operation and the creation of a strict control system of the granting of legal aid;
- Setting certain selection criteria, as well as certain adequate training and professional improvement programs for the attorneys who provide legal aid services, in order to ensure as high as possible a quality level for the assistance and representation granted in these cases.

6. Revenues

Considering that the regime and manner of collection of the amounts resulting from the performance of judicial process are regulated by special laws, the Consultant's opinion is that the impact of the New Codes enforcement on the revenues cannot be quantified at this time. The exception is represented by the provisions in the NCC on the minimum and maximum limits of the judiciary fines, which might cause amendments with regard to the possible sources of revenues in the judiciary system.

The impact of this amendment brought by the NCC on the revenues collected in the judiciary system cannot be quantified since the decision to apply the fine in the cases in which it is provided as punishment alternative to imprisonment is at the court's discretion. Therefore, both the estimate number of cases in which a fine could be ordered and the amount of the fines based on the system of fine-days remain impossible to quantify.

Under these circumstances, the main recommendations which should be considered are the following:

- Increasing transparency with respect to all the amounts collected in the system, through collaboration with the other institutions involved in the budgeting (the Ministry of Public Finance, the local financial administrations, etc.);
- Establishing correlations between the amounts collected in the judiciary system and the amounts allocated from the state budget by the Ministry of Justice. It is obvious that these correlations must consider the macroeconomic context, on the one hand, and the adequate prioritization of the financing needs of the other sectors financed from the state budget, on the other hand;
- Making the local authorities co-interested in providing financial support for the exercise of the judicial process through the identification of support measures for the activity in the system (for example, collaboration with the probation services for an efficient exercise of the extended prerogatives thereof according to the New Codes);
- Analysis of the opportunity of changing the regime of certain categories of revenues collected through the judiciary system, in order to ensure the use thereof to support the efficient operation of the system; in the case at hand, analysis of the opportunity to use as revenues to the state budget and include in the budget of the Ministry of Justice the amounts collected through the judicial process, which are currently transferred to the local budgets (for example, stamp fees, a percentage of criminal fines), in order to ensure the necessary financial base for the operation of the system in the framework of the New Codes enforcement;
- Ensuring an actual administration of the amounts currently included in the revenues and expenditure budget thereof, by the Ministry of Justice.

7. Procedural cost

The provisions of the New Codes bring some amendments with respect to the manner of establishing the amount of the procedural costs borne by the beneficiaries of the judicial process. It is the Consultant's opinion that certain aspects should nevertheless be emphasized and they could be taken into account as having a potential impact on the reduction of procedural costs, as follows:

- The access to the legal aid and ex officio legal aid system under the law can also have the effect either of payment exemption for certain cost categories or of granting of discounts, payment schedules, payment postponement for the same (the judiciary fees provided by law), or the total or partial payment exemption for the fees of attorneys, experts, translators, interpreters, as well as of the fees of the court bailiffs, if applicable;
- The principle of the party that loses the trial bearing the trial expenses may also influence the procedural cost. According to the CCP/NCCP, the trial expenses are mainly stamp fees and the stamp duty, the attorneys' fees, those of the experts and specialists, amounts due to witnesses for travel and losses caused by the need to attend the trial, if applicable. According to the legal provisions, the party that loses the trial shall be bound, upon request, to pay the trial expenses. Considering its active role, the court may order the reduction of the trial expenses representing the attorneys' fees, when they are in clear disproportion to the value or complexity of the case or to the activity performed by the attorney;
- The duration of the trial may affect the procedural cost borne by the beneficiary of the judicial process. Therefore, the duration of the trial may lead to the increase or decrease of the expenditure for the evidence administered in the case (witnesses, experts, etc.), the amount of the attorneys' fees, as well as the prejudice suffered by the complainant for not exercising the rights which are subject to litigation. Considering the nature of the possible cost components, the Consultant believes that the impact of a possible reduction of the duration of the trials on the procedural cost as a result of the New Codes enforcement cannot be quantified;
- The enforcement court may retrench costs with enforcement by means of challenge to enforcement, to be claimed by the interested party, and by taking into account the evidence administered by the respective party;
- The enforcement court may also decrease part of costs with enforcement representing fees of attorneys, as well as fees of court experts and specialists.

C. SPECIFIC CONCLUSIONS AND RECOMMENDATIONS FURTHER TO THE ENTRY INTO FORCE OF NCC

In addition to the major regulatory impact of certain law concepts, which will be noticeable in practice and may be studied by doctrine in the years to come, having made the object of a detailed analysis in Interim Report I, the entry into force of NCC on October 1, 2011 triggers, by reference to certain provisions of IL NCC, a series of effects which are of interest in terms of their immediate impact on the courts' workload/caseload. We are mainly referring to the provisions which may cause a significant impact, *i.e.* **those relating to the activity of the court of tutorship, as well as the civil procedural rules generating a temporary shift of competence according to the value of claims in the relationships between professionals.**

1. Conclusions and recommendations as regards the regulation of the court of tutorship's activity

First of all, note should be made that in the absence of data accurately reflecting the current structure and number of judges and auxiliary staff dedicated to minor and family cases, which will be the backbone of the newly created court of tutorship, the Consultant was unable to provide a detailed analysis of the impact generated by this new institution, as it did for other new institutions.

The method used by the Consultant in determining the staffing and budget needs further to the New Codes implementation requires in all cases a thorough knowledge of the existing structure (staffing, wages, infrastructure, IT) which is supposed to be affected and therefore representing the main basis of analysis. In this respect, after having calculated the current caseload according to the impact elements identified in the new legal provisions, the future number of cases and staffing need can be identified, as well as the budget, area and IT system requirements.

The received data did not allow for establishing the number of judges, auxiliary staff, area and IT systems which are necessary for settling minor and family cases. In the case of the district courts competent to settle most such cases in first instance, the received data fail to distinguish between judges specializing in civil or criminal matters, and even less so between the sub-divisions of these categories. Moreover, it does not follow from the received data whether all courts will have divisions or panels specializing in minors and family cases.

Therefore, in the absence of data for a thorough analysis, the suggestions made in this particular section are of a **general nature**, and they will mainly refer to the competence of the court of tutorship and the organization thereof.

In Interim Report I, the Consultant made a brief overview of the court of tutorship's competence, as one of the factors based on which the new institution's impact on the judiciary system was estimated. As mentioned in Interim Reports I and II, the court of tutorship's scope of duties is not sufficiently clear under the new regulation. *Inter alia*, it does not clearly follow whether this institution will have or not jurisdiction to settle criminal cases involving minors; the matter is all the more unclear since TMFB, the only court specializing in minors and family matters in Romania, has jurisdiction to judge both civil and criminal matters, and, as mentioned above, the data at district court level generally fail to distinguish between judges specializing in civil or criminal matters.

In analyzing the competence of the court of tutorship, the duties taken over from the tutorship authority play a significant part in terms of the potential impact on the workload.

Pursuant to NCC, the duties of the tutorship authority are transferred to the newly created court of tutorship. As an exception to this NCC rule, Art.229 para.(2) letter b) of the IL NCC sets out that the psychological investigation report remains to be drafted by the tutorship authority, save for the investigation provided under Art.508 para.(2) NCC, which is to be carried out by the general directorate for social assistance and child protection.

For instance, the court of tutorship takes over from the tutorship authority duties on: (i) parental protection, such as: establishing the minor's name in the absence of the parents' agreement, consent to the minor's change of residence for the purpose of completing his education or professional training, at the request of the minor past the age of 14, approval that the parent having lost parental rights would maintain personal relationships with the child, (ii) instituting curatorship for legally capable persons and appointing the curator, save for notary-established curatorship in succession cases and curatorship of deaf-mute persons, appointing the curator for legally capable persons and minors, in the case of conflicts of interest in the relationships with the tutor, (iii) authorization of acts of disposal, such as those concerning the minor's property, notwithstanding whether they are performed by the minor's representative or by the minor himself, with the approval of his representative; (iv) minor's tutorship³, such as: changing the residence of the minor placed under tutorship, exercising a constant and effective control over the manner in which the tutor fulfills his duties towards the minor and his properties, deciding on the sale of property belonging to the minor placed under tutorship, in case the minor's revenues are not sufficient to cover his expenses, establishing preliminary measures until the tutor takes over his duties, etc., (v) declaring legal incapacity: appointment of the tutor further to a fully competent court declaring the incapacity, appointing the curator until the settlement of the motion for declaring legal incapacity, establishing the domicile of the legally incapable person, etc.

As to the organization of the tutorship authority, *i.e.* offices, departments or services within the public local authorities, statistics concerning the number of claims on such matters can be found with the district, municipal, city or commune town halls. However, we must point out that **not all these new competences transferred from the tutorship authority to the court of tutorship would result in new cases pending before such courts; in many cases, claims on the elements listed above may be accessory to cases already pending before the court of tutorship.**

The solution preferred by the lawmaker in relation to the organization of the court of tutorship is, pursuant to Art.229 of NCC Draft IL, an organization **in two stages**.

In a first stage, the duties of the court of tutorship are to be taken over, as the case may be, by TMFB, the existing divisions or panels specializing in minors and family matters, organized under Law No.304/2004 at the level of district courts, tribunals and courts of appeal, and, in the second stage, various norms are to be enforced so as to regulate the organization, operation and duties of the court of tutorship.

³ The competence to appoint the minor's tutor was transferred from the tutorship authority to the court of law, under Law No.272/2004.

As we already mentioned above, a first remark would be that, further to the Consultant's findings in the processing of the data made available by the Beneficiary, it does not clearly follow that such specialized divisions or panels for minors and family are organized at the level of all courts, which could generate difficulties in the implementation of the regulation in the first stage. More exactly, in the absence of such specialized structures, the relevant motions will be filed before the civil court and are to be tried by the same judges who ruled on such cases under the previous regulations.

Also in the first stage, according to Art.229 para.(4) of the IL NCC, the courts will be able to delegate to the tutorship authority some of the new duties taken over from the latter (more exactly, the duties of exercising tutorship on the minor's property or of supervising how the tutor manages the minor's property).

Considering the features of this first implementation stage, briefly identified above, and in the absence of data to indicate that there will be specialized structures for minor and family cases at the level of all courts, the data on which we may rely in estimating the workload transferred from the tutorship authority or the headcount involved in the trial of minor and family cases, **we deem that it is recommendable to rethink the tutorship court organization process, more exactly to divide the first stage into several steps.**

A first step of the first stage could be to **establish specialized divisions/panels in all courts**, according to Art.41 para.(1) of Law No.304/2004⁴. This would ensure the necessary institutional framework for the takeover of the court of tutorship's competences and would render possible a determination of the caseload for these panels/divisions, as well as the staffing needs, IT systems, infrastructure needs. In fact, **we deem that it is recommendable for the actual takeover of the tutorship authority's duties to be prorogated until such structures have been established at the level of all courts.**

The next step of the first stage would be **to monitor the activity of these structures, in order to determine their caseload, staffing needs, infrastructure, IT systems needs, etc.**, in other words, in order to set the ground for an analysis which would allow for the selection of the most appropriate organization form of the court of tutorship in the second stage: as specialized divisions/panels of the courts, as distinct courts or a mixed scenario (maintaining TMFB and creating other specialized courts in certain jurisdictions, in parallel with the creation/maintaining of specialized divisions/panels in other jurisdictions).

Finally, in the second stage, depending on the results of the analysis on the data gathered during the second part of the first stage, the most appropriate organization form of the court of tutorship is to be decided, for grounded reasons. The panels and divisions created at the beginning of the first stage will be the backbone of the new institution, irrespective of the organization form which will be selected (panels/divisions or distinct courts).

⁴ At the proposal of the courts' management bodies, by decision of CSM.

2. Conclusions on the impact of the provisions of NCC affecting the courts' substantive competence

Please note that, at the time when Interim Report I was drafted, only an interim version of the IL NCC, which meanwhile has been amended, was available to the Consultant. In the initially analyzed version, *i.e.* the draft approved by the Romanian Senate on December 8, 2010, the draft IL NCC did not contain any provisions on the amendment or repeal of any CPC provisions, while IL NCC, as published, has introduced several changes in relation to enforcement proceedings, divorce proceedings, competence of the courts in the disputes qualified as commercial under the former regulation, procedure for the settlement of such disputes after the effective date of NCC.

Inter alia, Art.219 of IL NCC brought a few changes to CPC so as to harmonize it with the new provisions of NCC, from the perspective of eliminating the concept of “commercial nature” of the cases and including them under the scope of civil cases.

One of these amendments refers to the repeal of Art.2 item 1 letter a) CPC, which provided for the substantive competence of the tribunals to try, as first instance courts, commercial disputes with the value of the claim of more than RON 100,000. In the light of Art.2 item 1 letter b) CPC, which provides for the tribunals' competence to try as first instance courts the civil cases with the value of the claim of more than RON 500,000, it follows that the immediate effect of repealing the said procedural rule will be to broaden the substantive competence of the district courts and, therefore, to increase their caseload with those cases which, under the former regulation, were commercial and had a value ranging from RON 100,001 to RON 500,000. **Therefore, the coming into force of the IL NCC triggered a shift in competences from the tribunals to the district courts as regards the said cases, which are quite frequent in practice.**

On the other hand, Art.93 item 1 letter a) NCPC provides for the tribunals' competence to try, as first instance courts, the financially assessable claims with a value of more than RON 100,000, no matter if the parties are professionals or not. Therefore, upon the coming into force of the NCPC, the competence on the cases with a financially assessable claim of more than RON 100,000 will be transferred from the district courts to the tribunals.

Hence, it may be noted that, **as regards the cases which were deemed commercial under the former regulation and having a value from RON 100,001 to RON 500,000, there is a temporary transfer of competence from the tribunals to the district courts**, because, after the coming into force of the NCPC, the tribunals will acquire again a competence of first instance courts in such cases.

To conclude, the repeal of Art.2 item 1 letter a) of CPC results in a **temporary increase of the district courts' substantive competence, which will be annulled upon the coming into force of NCPC.**

VI. APPENDICES

APPENDIX NO.1 - GLOSSARY

No.	Enactment	Abbreviation
1.	The Romanian Constitution , published in the Romanian Official Gazette, Part I No.767 of October 31, 2003, as amended and supplemented by Law No.429/2003 on the revision of the Romanian Constitution.	Constitution
2.	The Civil Code of Romania , published in Brochure No.0 of July 26, 1993, as amended and supplemented <i>inter alia</i> by Government Emergency Ordinance No.138/2000 for the amendment and supplementation of the Civil Procedure Code.	CC
3.	The Civil Code of Romania , published in the Romanian Official Gazette, Part I No.511 of July 24, 2009.	NCC
4.	The Criminal Code of Romania , published in the Romanian Official Gazette, Part I No.65 of April 16, 1997, as amended and supplemented <i>inter alia</i> by Government Emergency Ordinance No.198/2008 on the amendment and supplementation of the Criminal Code.	CrC
5.	The Criminal Code of Romania , published in the Romanian Official Gazette, Part I No.510 of July 24, 2009.	NCrC
6.	The Civil Procedure Code of Romania , published in Brochure No.0 of July 26, 1993, as amended and supplemented <i>inter alia</i> by Law No.177/2010 for the amendment and supplementation of Law No.47/1992 on the organization and operation of the Constitutional Court, the Civil Procedure Code and the Criminal Procedure Code of Romania.	CPC
7.	The Civil Procedure Code of Romania , published in the Romanian Official Gazette, Part I No.485 of July 15, 2010.	NCPC
8.	The Criminal Procedure Code of Romania , published in the Romanian Official Gazette, Part I No.78 of April 30, 1997, as amended and supplemented <i>inter alia</i> by Law No.177/2010 for the amendment and supplementation of Law No.47/1992 on the organization and operation of the Constitutional Court, the Civil Procedure Code and the Criminal Procedure Code of Romania.	CrPC
9.	The Criminal Procedure Code of Romania , published in the Romanian Official Gazette, Part I No.486 of July 15, 2010.	NCrPC
10.	The Family Code of Romania , published in Brochure No.0 of July 26, 1993, as amended and supplemented <i>inter alia</i> by Law No.288/2007 for the amendment and supplementation of Law No.4/1953 – the Family Code.	Family Code
11.	The Commercial Code of Romania , published in Brochure No.0 of June 27, 1997, as amended and supplemented <i>inter alia</i> by Law No.219/2005 on the approval of Government Emergency Ordinance No.138/2000 for the amendment and supplementation of the Civil Procedure Code.	Commercial Code
12.	Draft Project Law on the organization and operation of the probation service of May 20, 2011, as published on the internet page of the Beneficiary.	Draft Project Law on the organization and operation of the probation service
13.	Law No.71/2011 on the implementation of Law No.287/2009 on the Civil Code, published in the Romanian Official Gazette, Part I No.409 of June 10, 2011.	IL NCC

No.	Enactment	Abbreviation
14.	Draft law for the implementation of Law No.134/2010 on the Civil Procedure Code, an enactment which is currently being drafted, according to the Beneficiary's indications.	Draft IL NCPC
15.	Draft law for the implementation of Law No.135/2010 on the Criminal Procedure Code, currently being drafted	Draft IL NCrPC
16.	Law No.208/2010 for the amendment and supplementation of Government Ordinance No.2/2000 regarding the organization of judicial and extrajudicial technical expert appraisals, published in the Romanian Official Gazette, Part I No.784 of November 24, 2010.	Law No.208/2010
17.	Law No.202/2010 on certain measures for the acceleration of trial settlement, published in the Romanian Official Gazette, Part I No.714 of October 26, 2010.	Law No.202/2010
18.	Law No.76/2009 on the approval of Government Emergency Ordinance No.75/2008 on the setting of measures for the settlement of financial aspects in the judiciary system, published in the Romanian Official Gazette, Part I, No.231 of April 8, 2009.	Law No.76/2009
19.	Law No.303/2004 on the status of judges and prosecutors, republished in the Romanian Official Gazette, Part I No.826 of September 13, 2005, as amended and supplemented <i>inter alia</i> by Government Emergency Ordinance No.59/2009 for the amendment of Law No.303/2004 on the status of judges and prosecutors and for the amendment and supplementation of Law No.317/2004 on the Superior Council of Magistracy.	Law No.303/2004
20.	Law No.304/2004 on judicial organization, republished in the Romanian Official Gazette, Part I No.827 of September 13, 2005, as amended and supplemented <i>inter alia</i> by Government Emergency Ordinance No.114/2009 on certain financial-budgetary measures.	Law No.304/2004
21.	Law No.211/2004 on certain measures for ensurance of the protection of offense victims, published in the Romanian Official Gazette, Part. I No.505 of June 4, 2004, as amended and supplemented <i>inter alia</i> by Government Emergency Ordinance No.113/2007 for the amendment and supplementation of Law No.211/2004 on certain measures for ensurance of the protection of offense victims.	Law No.211/2004
22.	Law No.500/2002 on public finance, published in the Romanian Official Gazette, Part I No.597 of August 13, 2002, as amended and supplemented <i>inter alia</i> by Government Emergency Ordinance No.37/2011 on the amendment and supplementation of Accounting Law No.82/1991 and for the amendment of other applicable enactments.	Law No.500/2002
23.	Law No.78/2000 for preventing, investigating and sanctioning corruption, published in the Romanian Official Gazette, Part I No.219 of May 18, 2000, as amended and supplemented <i>inter alia</i> by Law No.69/2007 on the amendment of let.b) and let.c) under Art.10 of Law No.78/2000 for preventing, investigating and sanctioning corruption.	Law No.78/2000
24.	Law No.99/1999 on certain measures for acceleration of the economic reform, published in the Romanian Official Gazette, Part I No.236 of May 27, 1999, as amended and supplemented <i>inter alia</i> by Law No.161/2003 on certain measures for ensuring transparency in the exercise of public dignities, public and business offices, preventing and sanctioning corruption.	Law No.99/1999

No.	Enactment	Abbreviation
25.	Law No.178/1997 for the authorization and payment of interpreters and translators used by the Supreme Council of Magistracy, the Ministry of Justice, the Prosecutor Office of the High Court of Cassation and Justice, the National Anticorruption Prosecutor Office, criminal investigation bodies, courts, public notaries offices, lawyers and court bailiffs, published in the Romanian Official Gazette, Part I No.305 of November 10, 1997, as amended and supplemented <i>inter alia</i> by Government Ordinance No.13/2010 for the amendment and supplementation of several normative enactments in the justice field for the transposition of Directive 2006/123/CE of European Parliament and Council of December 12, 2006 on the services within the internal market.	Law No.178/1997
26.	Law No.146/1997 on judicial stamp duties, published in the Romanian Official Gazette, Part I No.173 of July 29, 1997, as amended and supplemented <i>inter alia</i> by Law No.202/2010 on certain measures for the acceleration of trial settlement.	Law No.146/1997
27.	Law No.51/1995 on the organization and exercise of the legal profession, republished in the Romanian Official Gazette, Part I No.113 of March 6, 2001, as amended and supplemented <i>inter alia</i> by Law No.81/2010 for the rejection of Government Emergency Ordinance No.159/2008 on the amendment and supplementation of Law No.51/1995 on the organization and exercise of the legal profession.	Law No.51/1995
28.	Law No.105/1992 on the regulation of private international law relationships, published in the Romanian Official Gazette, Part I No.245 of October 1, 1992, as amended and supplemented <i>inter alia</i> by Law No.202/2010 on certain measures for speeding up the settlement of trials.	Law No.105/1992
29.	Companies Law No.31/1990 , republished in the Romanian Official Gazette, Part I No.1066 of November 17, 2004, as amended and supplemented <i>inter alia</i> by Government Emergency Ordinance No.90/2010 for the amendment and supplementation of Companies Law No.31/1990.	Law No.31/1990
30.	Government Emergency Ordinance No.75/2008 on the setting of measures for the settlement of financial aspects in the judiciary system, published in the Romanian Official Gazette, Part I No.462 of June 20, 2008, as amended and supplemented <i>inter alia</i> by Law No.76/2009.	GEO No.75/2008
31.	Government Emergency Ordinance No.51/2008 on the public legal aid in civil matters published in the Romanian Official Gazette, Part I No.327 of April 25, 2008, as amended and supplemented <i>inter alia</i> by Law No.193/2008 approving Government Emergency Ordinance No.51/2008 on the public legal aid in civil matters.	GEO No.51/2008
32.	Government Emergency Ordinance No.119/2007 on the measures for controlling the delay in the performance of payment obligations resulting from commercial contracts, published in the Romanian Official Gazette, Part I No.738 of October 31, 2007, as amended and supplemented <i>inter alia</i> by Government Emergency Ordinance No.76/2010 for the amendment and supplementation of Government Emergency Ordinance No.34/2006 on the awarding of public procurement contracts, public work concession contracts and service concession contracts.	GEO No.119/2007
33.	Government Ordinance No.5/2001 regarding the order for payment, published in the Romanian Official Gazette, Part I No.422 of July 30, 2001, as amended and supplemented <i>inter alia</i> by Law No.195/2004 for	GO No.5/2001

No.	Enactment	Abbreviation
	the approval of Government Emergency Ordinance No.58/2003 on the amendment and supplementation of the Civil Procedure Code.	
34.	Government Ordinance No.2/2000 regarding the organization of judicial and extrajudicial technical expert appraisals, published in the Romanian Official Gazette, Part I No.26 of January 25, 2000, as amended and supplemented <i>inter alia</i> by Law No.208/2010 for the amendment and supplementation of Government Ordinance No.2/2000.	GO No.2/2000
35.	Government Ordinance No.32/1995 on the legal stamp duty, published in the Romanian Official Gazette, Part I No.201 of August 30, 1995, as amended and supplemented <i>inter alia</i> by Government Emergency Ordinance No.77/2008 for the amendment of Art.3 of GO No.32/1995.	GO No.32/1995
36.	Government Decision No.460/2009 for the award of competence to the Ministry of Communications and Information Society to develop the procedures of open bid, limited bid or negotiation with prior publishment of a participation announcement, as the case may be, in order to conclude a framework-agreement having as object the acquisition of the right to use software products by lease with buy option, published in the Romanian Official Gazette, Part I No.277 of April 28, 2009.	GD No.460/2009
37.	Decision of the Superior Council of Magistracy No.676/2007 for the approval of the Regulation on the evaluation of the professional activity of judges and prosecutors, published in the Romanian Official Gazette, Part I No.814 of November 29, 2007, as amended and supplemented <i>inter alia</i> by Decision of the Superior Council of Magistracy No.837/2010 for the amendment of the Regulation on the evaluation of the professional activity of judges and prosecutors, approved by Decision of Plenum of the Superior Council of Magistracy No.676/2007.	Decision No.676/2007
38.	Decision No.387/2005 Superior Council of Magistracy for the approval of the internal Regulations of courts, published in the Romanian Official Gazette, Part I No.958 of October 28, 2005, as amended and supplemented <i>inter alia</i> by Decision No.1788/2009 supplementing the internal Regulations of courts, approved by the Decision No.387/2005 of the Superior Council of Magistracy Plenum .	CSM Decision No. 387/2005
39.	Order of the Minister of Justice and Citizens' Freedoms No.772/2009 on the setting of tariffs for the payment of interpreters and authorized translators employed by the Superior Council of Magistracy, the Ministry of Justice and Citizens' Freedoms, the Prosecutor Office of the High Court of Cassation and Justice, the National Anticorruption Directorate, the criminal prosecution bodies, the courts of law, the notary public offices, the lawyers and the court bailiffs, published in the Romanian Official Gazette, Part I No.208 of April 1, 2009.	Order No.772/2009
40.	Order of the Minister of Justice No.2550/2006 on the approval of minimal and maximal fees for the services provided by the court bailiffs, published in the Romanian Official Gazette, Part I No.936 of November 20, 2006.	Order No.2250/2006
41.	Decree No.31/1954 on individuals and legal entities, published in the Romanian Official Bulletin No.8 of January 30, 1954, enforced by Decree No.32/1954 .	Decree No.31/1954
42.	National Administration of Penitentiary	ANP
43.	Superior Council of Magistracy	CSM

No.	Enactment	Abbreviation
44.	The European Court of Human Rights	ECHR Court
45.	The Court of Justice of the European Union	CJEU
46.	The High Court of Cassation and Justice (including former Supreme Court of Justice)	HCCJ
47.	The Prosecutor's Office attached to the High Court of Cassation and Justice	POHCCJ
48.	Full Time Equivalent	FTE
49.	The National Currency of Romania	RON/lei
50.	The survey made by the Consultant in courts and prosecutor offices, in order to amend the data collected during the Project, to collect information with regard to the modality in which practitioners perceive the impact that the New Codes shall have on the judiciary system, as well as to collect other missing data, necessary for finalizing the Project.	Gallup survey
51.	The provision by the Consultant of the consulting services provided under the Contract for Services, namely assisting the Beneficiary in preparing for the enforcement of the New Codes, by conducting an assessment from an institutional, human resources, fiscal and economic perspective.	The Project