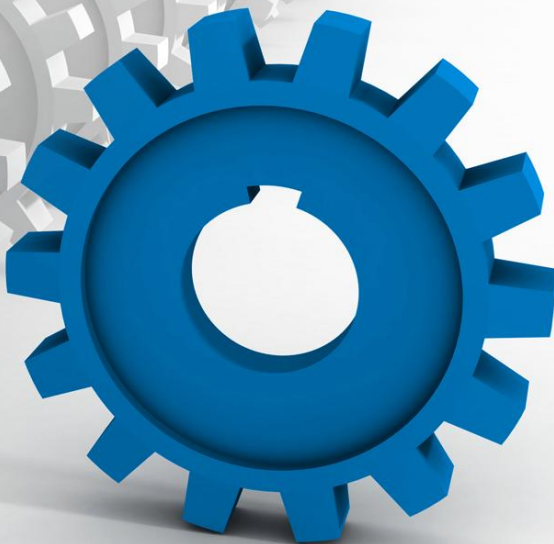


# **EuRoQuod**

**National Network of Judges  
acting as court coordinators for EU law**



**National Institute of Magistracy**





## Context

Only two weeks after Romania's accession to the EU in 2007, a county court was already referring to the Court of Justice a preliminary question on the regime of restrictions on the right to free movement of an EU citizen (*Jipa*). During the next five years, courts in Romania were to send almost 40 preliminary references, demonstrating their willingness to join the constant stream of dialogue carried out between the supranational courts of the EU and the national courts of its Member States by means of the preliminary references procedure.

However, in a number of cases preliminary references sent by Romanian courts – no different than courts from more experienced Member States – were dismissed completely or in part as manifestly

inadmissible or were suspended due to identical content. These occurrences drew attention to the necessity of making available to judges specific instruments able to assist them in their individual study of EU law. Such instruments had to be provided in order to help them distinguish purely internal cases from cases with EU law elements, learn to evaluate and interpret previous relevant judgments of the Court of Justice and, therefore, use the mechanism of preliminary references only when appropriate.

Judges cannot rely solely on information gathered from online forums and other informal media for a good administration of justice. More specifically, they need reliable information in order to find out if another court in the country has been or is being confronted with a similar problem of EU law in the process of deciding whether to act on the request of a party to send a preliminary reference.



For these reasons, the National Institute of Magistracy of Romania (NIM) has acknowledged it is necessary to make available to judges similar instruments to those created and used successfully in other Member States of the EU. *Eurinfra* in particular, a project launched in the Netherlands in late 2000, assists judges through its three sub-projects: an extensive database, a network of court coordinators for European law and, in completion, an increase of the scope of courses of European law provided by the *Studiecentrum Rechtspleging* (the Dutch institution for initial and on-going training of the judiciary).

Beginning with January 2011, the EU law Department of NIM initiated a project of online publication of the preliminary

references sent by Romanian courts to the Court of Justice, as well as of other materials useful for the study and the application of EU law. This project benefitted from the support of Mrs. Camelia Toader, Judge at the Court of Justice of the EU and of Mr. Răzvan-Horațiu Radu, Agent of the Romanian Government for the Court of Justice.

On 2 November 2011, NIM and the Agent of the Romanian Government for the Court of Justice addressed a common letter of support of this project to the Superior Council of the Magistracy (SCM).

SCM appreciated the utility of the endeavour and supported it by asking all courts to send to NIM a copy of the full text of the orders for reference, with a view to be promptly published on the dedicated section of NIM's website.

In June 2012, at NIM's initiative, the SCM approved a project whose objective is the creation of a national network of judges that would act as contact points on issues related to the application of EU law. This approval signifies an acknowledgement of the fact that exchange of information and

professional collaboration between judges represents a valuable component, which can be transformed into a veritable training instrument.

In the following, we will go into more details of our vision regarding the ways in which NIM is able to help judges tackle the problem of learning and applying EU law.

1 For details about Eurinfra go to [http://www.rechtspraak.nl/English/Publications/Documents/Eurinfra\\_EN\\_FR.pdf](http://www.rechtspraak.nl/English/Publications/Documents/Eurinfra_EN_FR.pdf)





is known to be passionate about EU law, knowledgeable about information resources and willing to guide the others in the process of tackling a particular EU law issue.

While online discussion groups help in their way, nothing can replace a good debate face-to-face among colleagues confronted with the same legal questions.

Benefitting from the experience of our Dutch colleagues, NIM will launch on 20 September 2012 the **National Network of Judges acting as court coordinators for EU Law**, with the approval of SCM (Decision no. 520/14 June 2012).

## 1. People

A Network of court coordinators is active in the Netherlands for over ten years. It brings together 36 judges who act as points of contact for their colleagues regarding matters of EU law. They coordinate their activities with the court management board, the sector chairperson, the quality coordinator and the training coordinator. In order to fulfil their responsibilities as court coordinators, they are exempt of part of their other duties.

Indeed, no one denies the importance of classical training methods, but it is often simpler and more effective to approach a colleague from the same court that



The Network will bring together in a first phase at least one judge from each Court of Appeal (15 courts in total) and each Division of the High Court of Cassation and Justice (4 Divisions in total). The final goal is to develop a Network formed of judges acting as court coordinators from each court in the country and from all levels of jurisdiction (245 in total), maybe even from each division where necessary.

During this first stage, the members of the Network are judges appointed on a voluntary basis, who manifest a particular interest for EU law, who are willing to acquire knowledge and to share with their colleagues some of their experience, without being relieved of their duties and without any financial advantages.

The duties of judges acting as court coordinators will be, in principle, the following:

- to offer assistance to their colleagues within the same court or the circumscription of their court of appeal, on request, to the end of distinguishing cases where EU law is applicable from purely internal cases;



- to assist their colleagues with documentary references on specific EU law issues;
- to guide their colleagues regarding the rules of drafting an order for reference that includes the elements indicated by the Court of Justice;
- to keep in contact with the other court coordinators members of the National Network, and also of similar networks from other Member States of the EU;
- to keep in contact with the central coordinator of the Network, who is a full time trainer at NIM, specialised in EU law, and whose role will be to assist the court coordinators in all their



activities;

- to keep updated on the case-law of the Court of Justice and the relevant literature, to participate to training sessions and conferences;
- to evaluate the actual training needs of their colleagues and to work with NIM with the objective of drafting realistic and efficient training programmes in the fields covered by EU law.

The launching Conference of the National Network of Judges acting as court coordinators for EU law, taking place on 20-21 September 2012 in Bucharest, represents an opportunity for the 43 members of the Network and the EU law trainer that will assume the role of central coordinator to meet for the first time in this formation. The objectives and components of the project will be clarified during the conference, as basis for discussion. The members of the Network will bring their perspective from the courts where they are active and they will demarcate the framework of the Network's activities.

This first conference will also include training sessions for the members of the Network, with a focus on acquiring and developing

abilities to use on-line resources, as well as workshops on approaching cases with EU law elements.<sup>1</sup>

The newly created Network intends to be part of the pan-European Network whose opportunity will be discussed at the Conference that will take place on 24-25 September 2012 in the Hague under the title "Europe Inter-connected" by the Dutch Network of court coordinators for European law, and in answer to Parliament Resolution of 14 March 2012 on professional training of the judiciary.<sup>2</sup>

1 In this context, we express our gratitude to the Academy of European Law in Trier (ERA) for their support in organizing the launching conference of the Network, especially for recommending trainers for the event and providing case studies in judicial cooperation in civil matters.

2 Representatives of networks similar to the Dutch Network of Court Coordinators from other seven Member States have confirmed their participation to this conference: Belgium, Bulgaria, the Czech Republic, Denmark, Italy, Poland and Spain. Our recently created Network will be represented as well, in answer to the kind invitation of Judge Rudolf R. Winter, president of the Dutch Network of Court Coordinators for European Law.





## 2. Resources

The good performance of the Network of judges acting as court coordinators depends upon the availability and knowledge of reliable and up-to-date information resources.

*Porta Juris*, the information portal available to our Dutch colleagues, contains a separate section dedicated to national case-law with EU law aspects, with links to specific sections of the law. A database of all cases referred to the Court of Justice since 2002 was also created, as well as a special European law section on the judiciary's intranet. This section gives links to a guide for requesting

preliminary rulings and information on the practical expertise of those judges that have already sent references to the Court.

NIM had the initiative to begin a programme of publication on-line of all orders for reference sent by Romanian courts, as well as of other materials that are deemed useful for the study and application of EU law. It is important to underline that the success of this programme is not possible without the active participation of all courts that address questions to the Court of Justice, which consists of simply sending to NIM a copy of the orders for reference in electronic format.

Access to a database of the orders for reference is essential to keep the judges updated in a prompt and uniform manner about the existence, the content and the stage of proceedings. Only so informed, judges are able to make a decision regarding the necessity of a new reference on the same subject and to follow the development of a case

of interest and, last but not least, to be up-to-date with the jurisprudence of the Court of Justice in cases originating from Romania.

The section dedicated to preliminary references from Romania can be accessed from the home page of the website of NIM, left menu, "Preliminary references sent by Romanian courts" or directly at <<http://www.inm-lex.ro/ue/resurse/cereri/>>.

The first page displays a **table in chronological order** which offers basic information for a quick update, as follows:

- case number;
- name of the parties in the national dispute;
- useful keywords;
- case status (pending, removed from the register after withdrawal by the referring court, stay of proceedings, dismissed as manifestly inadmissible, closed by order, closed by judgment).

From this table one can access a **case file** for each reference, which contains, as information



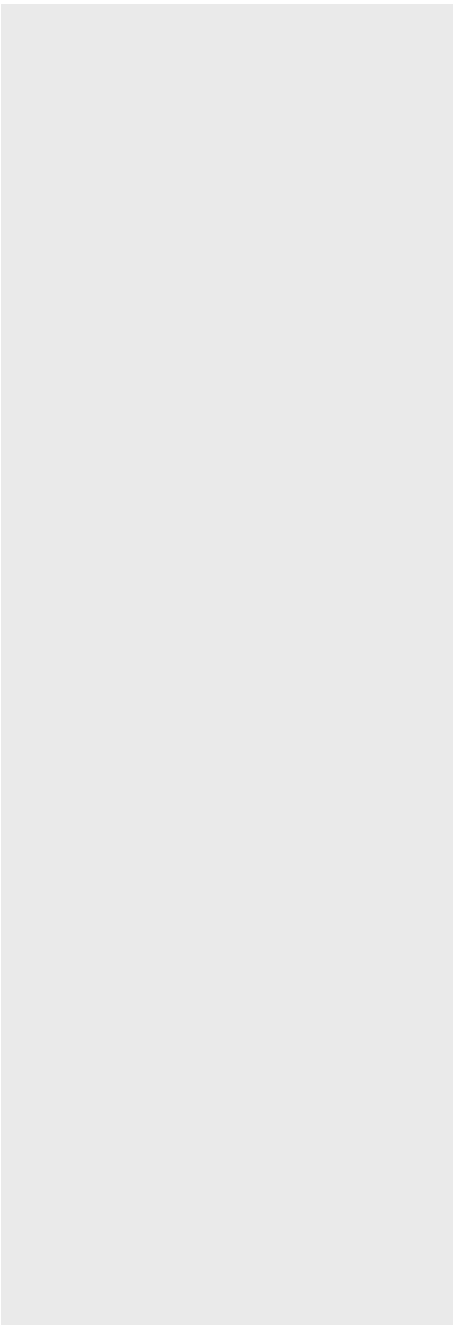
becomes available:

- details about the order for reference: referring court, national and European provisions under discussion, date of referral, date of registration at the Court, and most importantly, the full text of the order for reference;
- stage of proceedings before the Court, including whether PPA or PPU has been requested, the date of delivery of the Advocate General's Opinion or View, and other relevant data;
- the questions as they were addressed to the Court and also as they were reformulated by the Court, the comparison being useful for improving the drafting style for the future;
- a link to the official text of the

ruling of the Court (posted on *curia* or *EUR-Lex*) and a summary of the ruling;

- commentaries and articles on the case and/or references to articles in legal journals and other relevant resources.

Our plan is to integrate the collection of preliminary references (41 until September 2012) into a genuine database with advanced search capabilities by the end of the year 2012.







### 3. Professional training

The on-going training programme at centralised level offered by NIM in fields covered by EU law runs on several levels. Part of the seminars are addressed to judges and prosecutors who wish to acquire basic knowledge of EU law.

Other seminars have a larger degree of specialisation, in fields such as free movement of goods, free movement of persons, judicial cooperation in civil and criminal matters, particular aspects of the preliminary references procedure. In the last two years NIM organised seminars on very specific topics, in view of making available a forum for debate following the delivery of

significant judgments by the Court of Justice.

NIM also organises training events open to judges and prosecutors from other Member States, included in the catalogue of the European Judicial Training Network. The activities that take place at European level allow for a more uniform training and have the great advantage of bringing together diverse national experiences. The optimal framework for a useful exchange and for creating mutual trust is thus created. The various exchange programmes, internships, visits, international conferences and seminars are in themselves training



methods that can be used at European level. Their efficiency is already proven, given the experience of the programmes conducted by the European Commission.

The inclusion of advanced training sessions in EU law devised especially for the members of the Network of court coordinators will represent a constant priority for NIM in the framework of the Programme for on-ongoing training in the following years.

1 Network known as short EJTN. Details can be found at: [www.ejtn.net/](http://www.ejtn.net/)





## 4. Research

From the perspective of the Romanian judiciary, professional training in fields where EU law is applicable needs a strong research component, conducted in a structured and organised framework. This would facilitate for a significant number of judges and prosecutors the possibility to identify topics of great interest that have the potential of giving rise to divergent practice, and to elaborate in good time studies that are useful to all.

SCM and NIM have applied for a grant within the framework of the Annual programme for 2011 financed by the European

Commission in “Civil Justice”, in order to develop a research project spanning over 2 years, with the objective of organising and guiding judges in the process of writing 25 studies on topics of relevance regarding the incidence of EU provisions over national law and the application of European provisions protecting fundamental rights. The key to each study is its narrow focus on topics of high interest for the activity of judges and prosecutors.

The strong points of these studies are: an integrated approach (they will be conducted from the perspective of the interplay between national and European provisions); a rigorous approach to research, based on access to high quality resources and guided by experts in European law; their practical approach. Central coordination will be ensured by two trainers from NIM specialised in EU law and fundamental rights, who will supervise each and every

project. The results of the research will be communicated each year during a series of conferences organised by NIM at national level, with guests from courts of other Member States, from the Court of Justice of the EU and the European Court for Human Rights. Summaries of the studies will be published and distributed to the relevant division within courts and prosecutor's offices.



We hope that by developing and running this project together with the other two partner- schools for the judiciary from Italy and Poland, we will contribute to strengthening mutual trust in the European judicial area.

1 Krajowa Szkoła Sądownictwa i Prokuratury din Polonia ([www.kssip.gov.pl](http://www.kssip.gov.pl)) și Consiglio superiore della magistratura din Italia ([www.csm.it](http://www.csm.it) )



## 5. Looking to the future

Placed in this whole context, the National Network of Judges acting as court coordinators in EU law finds itself only at the beginning. The goals that its creators have in mind are ambitious, but they match up their enthusiasm.

Over time, the activity of these judges acting as court coordinators to gather data regarding the specific training needs of members of the judiciary all over the country will contribute to the achievement of a very important objective: the review of the on-going training programme in the fields covered by EU law that NIM conceives and oversees each year, so that it

meets up the expectations and corresponds to the realities in courts.

The traditional seminar, which will include a session of searching relevant on-line information, will remain a necessary component. However, NIM will add more



training sessions tailored to specific needs and focused on topics of acute interest to the judiciary.

Finally, we would like to give our warmest thanks to all those who are involved in the launching of this project and first of all to the 43 judges who will act as coordinators and who accepted the challenge to dedicate part of their time, expertise and energy to the immediate benefit of their colleagues and to the benefit of the whole Romanian judiciary.

We wish them good luck and we assure them that they will have in us, the team of the National Institute of Magistracy, a constant partner for dialogue and support.



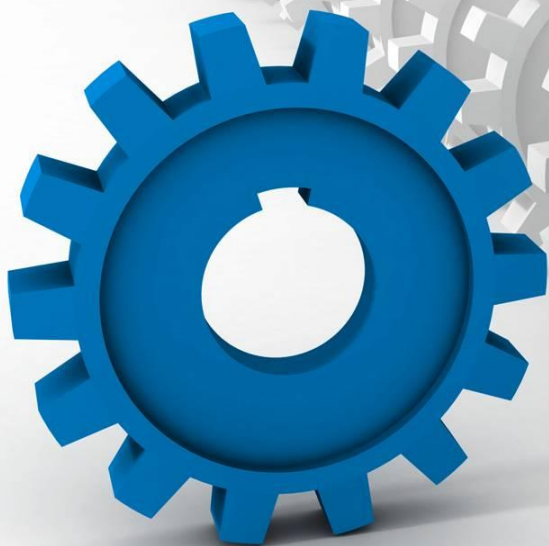
## Members of the National Network of Judges acting as court coordinators in EU law

Beatrice ANDREȘAN-GRIGORIU, EU law trainer, central coordinator, National Institute of the Magistracy (0727 317282; [beatrice.andresan@gmail.com](mailto:beatrice.andresan@gmail.com))

	Surname and name	Court
1.	RUSU Aurelia	ICCJ
2.	ROTARU Cristina	ICCJ
3.	MARCU Simona	ICCJ
4.	CÎRSTOCEA Mariana	ICCJ
5.	CONSTANDA Andreia	ICCJ
6.	SIMA Diana Maria	CA Alba (Tribunalul Alba)
7.	PĂTRAȘC BĂLAN Ionela Diana	CA Bacău (Tribunalul Bacău)
8.	BUȘCĂ Amelia Raluca	CA Bacău (Judecătoria Piatra Neamț)
9.	ORĂȘTEANU Nicolae	CA Brașov (Tribunalul Covasna)
10.	CIOLACU Cristina Gabriela	CA Brașov (Tribunalul Brașov)
11.	IACUBA Andrei	CA Brașov (Tribunalul pentru Minori și Familie Brașov)
12.	ȘTEFĂNIȚĂ Gabriel	CA Brașov Secția civilă, minori și de familie
13.	ROȘU Elisabeta	CA București
14.	DĂNĂILĂ Ileana Ruxandra	CA București
15.	CĂLIN Dragoș Alin	CA București

	<b>Surname and name</b>	<b>Court</b>
16.	NINU Ionica	CA București (Tribunalul București)
17.	FLORESCU Gabriela	CA București (Tribunalul București), INM
18.	IVANOVICI Laura	CA București (Tribunalul București)
19.	UNGUR Liviu	CA Cluj
20.	ANGHEL Răzvan	CA Constanța
21.	STĂNESCU-SAS Mihail	CA Constanța (Judecătoria Constanța)
22.	ILIE Constanța	CA Constanța (Judecătoria Constanța)
23.	TRANTU Mădălina	CA Constanța (Judecătoria Constanța)
24.	BEREVOESCU Carmen-Claudia	CA Constanța (Judecătoria Mangalia)
25.	NICOLA-GHEORGHIU Daniel	CA Constanța (Judecătoria Tulcea)
26.	CIOFU Vlad	CA Constanța (Judecătoria Tulcea)
27.	COTORA Mihaela	CA Craiova
28.	CIOLOFAN Alina	CA Craiova
29.	BACȘIN Simona	CA Galați
30.	NEAGU Daniela	CA Galați
31.	FUICĂ Benone	CA Galați
32.	BLEOANCĂ Alexandru	CA Galați (Tribunalul Galați)
33.	NIAGU Virginia	CA Galați (Judecătoria Tecuci)
34.	IONIȚĂ Marcela	CA Galați (Tribunalul Brăila)
35.	JOGHIU Sorin	CA Galați (Judecătoria Brăila)
36.	PALIOVICI Liliana	CA Iași
37.	GHIDEANU Anca	CA Iași
38.	MINCA Diana Eliza	CA Oradea (Judecătoria Satu Mare)
39.	ANDREESCU Marius	CA Pitești
40.	CIOPONEA Irina	CA Ploiești (Tribunalul Prahova)
41.	CĂRPINIȘ Petre Dănuț	CA Ploiești (Judecătoria Târgoviște)
42.	PALANCANU Alina Mihaela	CA Suceava (Judecătoria

	Surname and name	Court
		Botoșani)
43.	BRÂNZĂ Cătălin	CA Suceava (Judecătoria Suceava)
44.	MIHAI Cristina	CA Târgu Mureș (Tribunalul Mureș)
45.	FĂGĂRĂȘAN Mariana	CA Târgu Mureș (Judecătoria Târgu Mureș)
46.	PUP Cristian	CA Timișoara



National Institute of Magistracy  
Regina Elisabeta Boulevard 53, Bucharest  
[www.inm-lex.ro](http://www.inm-lex.ro)