

To: Dr. Armenak Utudjian, President of the Austrian Bar

From: The National Association of Bars of Romania

Ref: 54th European Presidents' Conference 2026 in Vienna

Dear Mr. President,

On behalf of the National Association of the Romanian Bars (UNBR), please receive below a short overview of the main developments affecting the justice system and the legal profession in Romania during 2025, as well as the contribution of UNBR in the ongoing debates and evolutions.

2025 was a period of intense institutional debate and structural pressure for the Romanian justice system. Against this background, UNBR acted consistently and committed to safeguarding the independence of lawyers, the right of defense and the proper functioning of justice, while engaging constructively with national and European partners.

1. Follow-up to European Commission recommendations and institutional dialogue

Romania continued the process of aligning the Justice Laws with European standards, considering the recommendations of the Venice Commission. According to the Commission, this represents significant progress in 2025. UNBR actively contributed through institutional dialogue, formal opinions and consultations, advocating stability, predictability and independence within the justice system.

Notable measures of improving the legal aid system have been taken, including (i) updating legal aid fees, (ii) adopting a new procedure for judicial assistance (SAJ), (iii) development of a national digital platform for managing legal aid, (iv) continuous dialogue with the Ministry of Finance to address payment delays and uniform billing rules.

Protection of the independence of the legal profession and the right to defense has had two major victories - firstly, amendments to Law no. 129/2019 on AML were adopted to preserve professional secrecy and prevent the transformation of lawyers into reporting agents of the state. Secondly, Romania signed the *European Convention for the Protection of the Profession of Lawyer* in 2025, reinforcing guarantees of independence, confidentiality and freedom from external pressure.

UNBR has been consistently submitting formal opinions, engaging in structured dialogue with Parliament, the Government and judicial authorities, and advocating against the excessive use of emergency ordinances that could undermine legal certainty. For instance, UNBR has sent consistent points of view to the Parliament and other authorities regarding protecting professional secrecy and the lawyer-client relationship in the face of excessive expansion attempts of AML obligations; defending the legal demarcation of legal activities in the face of attempts to

"outsource" them to other professions; correcting CAEN classifications and tax procedures that could have left lawyers without insured status; reforming expert mechanisms to shorten the duration of trials without sacrificing the rights of the parties; defending clear and complete reasoning in judgments against reductive simplification; firmly criminalizing the unauthorized practice of law as a firm barrier against legal imposture.

Meanwhile, in what concerns the issues of rules of lobby for MPs and the accreditation of NHRI (Paris Principles), while some progress has been made, there was no decisive breakthrough.

2. Judicial independence, governance and public confidence

The institutional framework governing the appointment, promotion and accountability of judges and prosecutors remained formally unchanged in 2025. Nevertheless, public debate intensified around transparency in promotions, leadership appointments and the functioning of the Superior Council of Magistracy (CSM). Leadership changes at the High Court of Cassation and Justice and at the Constitutional Court attracted heightened public attention.

Towards the end of the year, following the release of a press documentary, public debate on the justice system intensified following allegations of systemic abuse and concerns about undue influence inside the judiciary. The President of Romania announced a national debate and the possibility of a consultative referendum concerning the CSM, further amplifying public scrutiny. In parallel, the Judges' Section of the CSM initiated a broad internal consultation among judges, whose preliminary results revealed widespread perceptions of public pressure on the judiciary, high workload and organisational shortcomings.

In this context, UNBR consistently underlined that the independence of the judiciary and of lawyers must be preserved not only through formal guarantees, but also through responsible public discourse and institutional restraint. UNBR's public interventions sought to temper polarisation and reaffirm the role of justice actors as safeguards of citizens' rights.

3. Irremovability, retirement regime and systemic stability

One of the most sensitive issues in 2025 concerned the retirement regime of judges and prosecutors. Government initiatives aimed at raising retirement ages and capping service pensions, in the context of fiscal consolidation and EU commitments, generated significant institutional tension. The Constitutional Court blocked an initial reform attempt, and subsequent legislative efforts remain under constitutional review.

These debates raised in intensity against a background of magistrates' protests, suspension of hearings and increased delays in proceedings, highlighting the necessity to reinforce system stability. In response, UNBR launched and actively promoted the Pact for Justice project, an institutional initiative designed to prevent systemic blockages, address underfunding of defense and foster coordinated responses to structural risks. The Pact for Justice project was conceived as

a permanent consultative framework among legal professions and state authorities, reinforcing dialogue rather than confrontation.

The disciplinary framework for judges and prosecutors remained unchanged in 2025. However, the European Court of Human Rights' judgment in *Danileț v. Romania* underscored the importance of proportionality and safeguards in disciplinary proceedings, particularly where freedom of expression is concerned. UNBR consistently stressed that reinforcing European standards that protect justice professionals from undue pressure, while maintaining legitimate accountability mechanisms. disciplinary and criminal tools must not be misused as instruments of intimidation or reputational damage.

4. Independence of the legal profession and protection of professional secrecy.

A defining development in 2025 was the legislative debate on anti-money-laundering (AML) rules. Early draft proposals promoted by executive authorities risked removing the opposability of lawyers' professional secrecy, potentially transforming lawyers into reporting agents of the state. UNBR adopted a firm institutional position, formally requesting Parliament to reject the proposal and warning of incompatibility with the right of defense and European case-law.

Following sustained advocacy, Parliament adopted Law no. 86/2025, which preserved professional secrecy safeguards and confirmed that AML obligations must be applied in compliance with the Lawyers' Law.

Romania also signed in 2025 the European Convention for the Protection of the Profession of Lawyer, a development strongly welcomed and promoted by UNBR as a cornerstone for protecting lawyers against intimidation, pressure and abuse.

5. Legal aid, access to justice and resources

Access to justice remained a central concern in 2025, particularly regarding the legal aid system. Severe underfunding and delayed payments continued to pose challenges. UNBR repeatedly addressed formal memoranda and public letters to the Government and Parliament, warning that underfinancing defense undermines the justice system as a whole.

At the same time, positive developments were achieved, including the adoption of a new Procedure for Judicial Assistance (SAJ) and progress towards a national digital platform for managing legal aid, aimed at improving transparency and timeliness. These reforms were actively supported and shaped by UNBR.

6. Training, digitalisation and professional adaptation

UNBR ensured continuity and quality in the training of lawyers through the National Institute for the Training and Improvement of Lawyers (INPPA). Initial training curricula continued to place

strong emphasis on European law, while new modules were introduced on digitalisation and the ethics of artificial intelligence in legal practice.

In the area of digitalisation, UNBR recognised the expansion of electronic communication tools within the justice system as a positive trend. At the same time, it identified significant risks related to illegal online legal services, impersonation of lawyers and cybersecurity threats. These concerns were addressed through the national conference *“Defending the Profession of Lawyer at the Digital Frontier”*, reflecting UNBR’s proactive approach to technological change.

7. Overall final remarks

Throughout 2025, public perception of justice and legal professions was shaped by political discourse, media narratives and systemic stress. UNBR responded through consistent institutional communication, European engagement and the Pact for Justice project, emphasising that independence is fundamental and should be actively and effectively protected.

In conclusion, 2025 was a challenging yet formative year for the Romanian justice system. Amid institutional pressures and public debate, the National Association of the Romanian Bars acted as a responsible and constructive actor, defending core rule-of-law principles while promoting dialogue, European alignment and practical solutions.

UNBR remains fully committed to cooperating with the CCBE and European institutions in safeguarding the independence of lawyers and the effective functioning of justice across Europe.

Please accept the assurance of our highest consideration.

Yours sincerely,

National Association of the Romanian Bars (UNBR)