

Mr. Cătălin Marian Predoiu
Minister of Justice of Romania

Copy:

Mrs. Gabriela Scutea
General Prosecutor

Mrs. Nicoleta Margareta Țiță
President of the Superior Council of
Magistracy

Mr. Traian Cornel Briciu
President of the National Association
of Romanian Bars

Brussels, 27 February 2020

Dear Mr Predoiu,

The Council of Bars and Law Societies of Europe (CCBE) is recognised as the voice of the European lawyers. The CCBE represents the national Bars and Law Societies of 45 countries from the European Union, the European Economic Area, and wider Europe, and through them more than one million European lawyers.

The CCBE also acts as a consultative and intermediary body between its Members and between the Members and the institutions of the European Union and the European Economic Area on all cross-border matters of mutual interest, including the legal profession and the Rule of Law in general.

It is important to stress that the CCBE always places a great emphasis on the respect of the rule of law, democratic principles and fundamental rights. One of our core missions is to protect the independence of lawyers and the core values of the profession.

As you know, to become a fully-fledged lawyer in Romania, a person must be registered by a Bar which is a member of the National Associations of Romanian Bars, after having successfully passed the state examination and completed an induction training period.

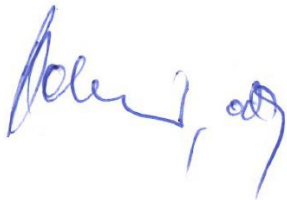
The CCBE has been informed by its full member, the National Associations of Romanian Bars, about a continuing illegal pathway to falsely access the profession of lawyer in Romania. A private organisation, operating in Romania, is carrying out illegal activities by using the same name as the official National Associations of Romanian Bars and issuing fake formal "Romanian" qualification documents attesting that the bearer is a Romanian lawyer. Afterwards, it is reported that the illegally created documents are being used fraudulently in other EU countries.

According to the information the CCBE has received, the High Court of Cassation and Justice of Romania, by its decision 15/2015, has already recognised that the sole legal mode for exercising the lawyer profession in Romania is the one provided by the Law No. 51/1995, (republished, with subsequent amendments). This mode is conditional on registration in the Bar register of a Bar which is a component Bar of the National Association of the Romanian Bars, which is the sole and exclusive professional organisation for lawyers in Romania.

The Romanian Court also stated, in its decision interpreting and enforcing the provisions of Article 348 of the Criminal Code, that a person practicing activities specific to the profession of lawyer as part of an entity which is not part of one of the professional organisation forms acknowledged by the Law No. 51/1995, is committing the crime of 'exercising without right a profession or activity' as provided by Article 348 of the Criminal Code.

The CCBE has also received worrying information and warnings from several of its members, other Bars and Law Societies of the Member States of the European Union, explaining that they are receiving requests, from EEA citizens, to be registered under directive 98/5/EC,¹ or to have their qualification recognised under directive 2005/36/EC² using as evidence of their formal qualification, documents issued by the fraudulent Romanian organisation that is using the name 'National Associations of Romanian Bars' as mentioned above in this letter.

The CCBE considers that this situation endangers the European mechanisms for the free movement of lawyers within the European Union and the European Economic Area. Therefore, the CCBE urges you to ensure the full implementation of the case law of the Romanian national court as well as urgently to take all the necessary coercive measures within your competence to stop any further fraudulent and illegal actions that have been already recognised as such by the said court.



Ranko Pelicarić
President of the CCBE

¹ The directive 98/5/EC facilitates and authorizes the practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained.

² The directive 2005/36/EC establishes the rules according to which a Member State which makes access to or pursuit of a regulated profession in its territory contingent upon possession of specific professional qualifications shall recognise professional qualifications obtained in one or more other Member States and which allow the holder of the said qualifications to pursue the same profession there, for access to and pursuit of that profession.