
Le Président
The President

Ms Raluca Prună
Minister of Justice
MINISTERUL JUSTIȚIEI
Str. Apolodor Nr.17,
Sector 5, București
Romania

Brussels, 22 November 2016

Dear Ms Minister,

I am writing to you on behalf of the Council of Bars and Law Societies of Europe (CCBE), which represents the bars and law societies of 45 countries, and through them more than 1 million European lawyers.

The regulation of the profession, the defence of the rule of law, human rights and democratic values are the most important missions of the CCBE. In this context, the CCBE regularly meets with representatives of the European institutions to discuss matters relating to the lawyer's profession and its core functions.

The National Association of the Romanian Bars (NARB) has informed us about their concerns with regard to the Ministry of Justice proposals to amend Law n. 303/2004 which establishes the statute of judges and prosecutors. These proposals would allow judges, prosecutors, magistrates and judicial staff assimilated to magistrates, to join the Bar without any examination if they have a minimum of 18 years of professional experience. We understand that NARB was not consulted when the work on the draft law was started. NARB only learnt about these proposals when they were already final and made public on the website of the Ministry of Justice.

The CCBE fully shares the concerns of NARB. We believe that it is of utmost importance that the Bar is consulted on such proposals as they directly affect the legal profession i.e. the access to the profession. Regulating the admission to the profession and enrolment of lawyers is one of the main competences and functions of European Bars. The aim is to ensure a high standard of legal training and professional competence. It would be contrary to core principles of the legal profession – independence and self-regulation - if an institution or body which is external to the lawyer's profession could decide on who could gain admission to the Bar. We note that the inter-professional Charter of Romanian Judges, Prosecutors and Counsels of 23 September 2015 also provides that "*Developing and amending laws on the judiciary requires a more in-depth inter-profession dialog between Romanian judges, prosecutors and counsels at institutional level (...)*".

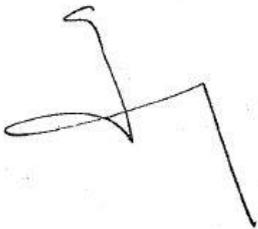
We would also like to emphasise that a high standard of professional competence of lawyers is a cornerstone for the furtherance of the rule of law and democratic society. The practice of law requires very specific competences and skills and the rules on access to the profession therefore need to make sure that all future lawyers possess these competences and skills (see attached CCBE Recommendations on the Training Outcomes of European Lawyers of 23 November 2007). Therefore, any changes relating to the access to the legal profession need to guarantee a high level of competence of future professionals so to ensure high-quality legal services.

Finally, we believe that any changes concerning the access to the legal profession should be made through changes to the law on the legal profession i.e. Law nr. 59/1995.

Considering the above, we urge you to establish a proper consultation process which includes representatives of NARB so that the views of the legal profession concerning this important proposal can be properly heard and fully taken into account.

We would greatly appreciate if you could inform us about the next steps that will be taken by the Ministry and any further developments concerning this matter.

Yours sincerely,

A handwritten signature in black ink, consisting of a stylized 'M' followed by a horizontal line and a vertical line extending downwards.

Michel Benichou
President

Annex:

CCBE Recommendation on Training Outcomes for European Lawyers, 23 November 2007 (in English and French)