



STATEMENT
on the Smear Campaign against Magistrates
and
the New Law Amending the Service Pensions of Magistrates¹ in Romania

Background

At its plenary meeting on 12 October 2025 in Baku, the European Association of Judges (EAJ) was informed by its member, the Romanian Association of Magistrates (*Asociația Magistratilor din România*), about recent developments in Romania, which raise serious concern.

The new government has launched an extremely aggressive and unprecedented public campaign against the judiciary. High-ranking politicians and officials blame magistrates – and judges and prosecutors alone – for all the country's financial problems. Encouraged by this aggressive campaign, a wave of hatred against magistrates has been stirred up among the general population. The more the Supreme Council of Magistracy and the Romanian Magistrates' Association try to correct the misinformation and falsehoods which have been circulated, the more the hateful reactions increase, without anyone from the executive or legislative branches providing an appropriate, fact-based response.

Against the backdrop of this campaign to discredit the judiciary, the government has introduced a series of new changes to the status of judicial office holders. In particular, significant changes have been made to the conditions for retirement.

Already in 2023, the provisions governing judicial service pensions were fundamentally altered. The alterations included several significant changes regarding the amount of service pensions and the age for retirement. On reviewing the changes, the Constitutional Court found a violation of the institutional component of judicial independence, referring specifically to the provisions determining the amount of the service pension, as well finding that the provisions for the implementation of the increase in the regular retirement age were defective in a manner likely to violate the legal certainty associated with judicial independence.² Following the decision of the Constitutional Court, the legislation in issue was amended in January 2024.

However, in 2025, a new bill was introduced. It further raised the retirement age to 65 and increased the minimum qualifying service period by 10 years. At the same time, the amount of the pension was drastically reduced (from 80% of the gross salary to 70% of the net amount). Moreover, indexation was abolished, meaning that magistrates' pensions are never to be increased or updated regardless of salary increases for serving judges, increases in prices or wages through inflation rate or statutory increases in the minimum wage. All these changes apply only to judges and prosecutors and not to other members of the civil service or public office holders. They do not constitute a temporary measure but are permanent.³

¹ In Romania the term "Magistrates" encompasses judges and prosecutors.

² Romanian Constitutional Court Decision No. 467/2023, paras 108, 119, 125.

³ which contradicts the case law of the CJEU (see Joined Cases C-146/23 [Sąd Rejonowy w Białymstoku] and C-374/23 [Adoreiké] judgment of February 25, 2025; see also EAJ Statement on Material Independence of Judges § 19

Assessment

The EAJ considers that the situation described above violates international and European standards and urges the government and the legislature of Romania, as the other two powers of the state, to comply with these standards.

On the attacks on judges:

1. Although objective criticism of courts and their decisions is permissible, it is not acceptable for other powers in the state to criticize the judiciary in a manner that undermines its independence, judicial authority, or public confidence in the judiciary and encourages disobedience and even violence against magistrates⁴.

2. The executive and legislative branches are obliged to take all necessary and appropriate protective measures when the functions of the courts are threatened by physical attacks or intimidation against members of the judiciary⁵.

3. The judiciary must point out that unbalanced critical statements and intimidation by politicians and others constitute a serious problem and represent an attack on the constitution of a democratic state, as well as an attack on the legitimacy of another branch of government and trust in it. Such behaviour also violates international standards. Judges and prosecutors, and especially magistrates' associations, have a duty to work for the independence of the judiciary, the constitutional order, and the restoration of democracy at both the national and international levels⁶.

Regarding changes to the pension system

4. Financial independence depends not only on remuneration, but is also influenced by pension provisions, pensions being deferred remuneration. Magistrates' remuneration should be commensurate with the dignity of their profession and the burden of their responsibilities⁷.

5. Frequent and substantial changes to the rules governing the status of judges and prosecutors may seriously undermine the efficiency and quality of justice⁸.

6. The amended legal provisions contradict European standards because:

- a) Magistrates must be guaranteed a pension based on their status, the amount of which should be as close as possible to their last salary for judicial work. Specific legal provisions should be introduced to prevent targeted reductions in magistrates' salaries⁹.
- b) Judges or public prosecutors may not be singled out from others remunerated by the state as the sole subject of measures reducing or otherwise adversely affecting their emoluments, including pensions.
- c) A reduction in emoluments, including pensions, payable to judicial office holders is only permissible in extreme budgetary emergencies and then only as a temporary and not permanent step¹⁰.

⁴ Recommendation CM/Rec (2010)12 on judges: independence, efficiency and responsibilities, para 18; CCJE Opinion No. 18(2015) "The position of the judiciary and its relation with the other powers of state in a modern democracy", para 36.

⁵ CCJE, Opinion No. 18(2015) para 52.

⁶ *id.*, paras 20, 36, 52.

⁷ UN Basic Principles on the Independence of the Judiciary, para 11, Recommendation of the Committee of Ministers of the CoE (2010) 12 para 54, EAJ Statement on Material Independence of Judges, para 3; see also, CCJE, Opinion No 1(2001) on independence of judges para 61.

⁸ See regarding the previous reform of the pension Venice Commission, Opinion CDL-AD(2019)014 on Emergency Ordinances ON EMERGENCY ORDINANCES GEO No. 7 and GEO No. 12 Amending the Law of Justice para 12.

⁹ See FN 7 above and European Charter on the Status of Judges, art. 6.4..

¹⁰ See CJEU, Joined Cases C-146/23 [Sąd Rejonowy w Białymstoku] and C-374/23 [Adoreiké] and EAJ Statement on Material Independence of Judges para 19.

7. Frequent and significant changes to the rules governing the status of judges and prosecutors can seriously undermine the efficiency and quality of the justice¹¹.

Conclusion:

The EAJ therefore calls on all competent Romanian authorities

- to fulfil their respective responsibilities and put an end to attacks and campaigns against judges and prosecutors;
- to bring the legal provisions on the service pensions of judges and prosecutors into line with European standards; and
- to involve the judiciary, including judges' associations, in debates and the drafting of legislation on their status and the functioning of the judicial system.

¹¹ Venice Commission FN 8 above and Romanian Constitutional court FN 2 above.