

PANEL OF ANA ROXANA TUDOSE

Title of the panel: The Role of the High Court of Cassation and Justice in the Process of Unifying Judicial Practice: Current Situation and Perspectives.

Moderator's introduction:

Ana Roxana Tudose is currently a fully qualified attorney with the Bucharest Bar Association and a partner at Cliza Law Office, with an impressive legal career built over more than twenty-eight years of practice in the field of law.

In addition to her work as a lawyer, Roxana is part of the associated teaching staff within the Faculty of Law of “Nicolae Titulescu” University of Bucharest, Department of Public Law, where she teaches Administrative Law and contributes to the professional training of young lawyers.

Before devoting herself to the practice of advocacy, Roxana had a long career in the magistracy, lasting 25 years, which she spent at the highest level of the Romanian judicial system, holding positions of great responsibility, including: judge at the High Court of Cassation and Justice, Division of the Contentious Administrative and Fiscal; vice-president of Ploiești Court of Appeal; and president of the Civil, Labor, and Social Security Division of Prahova County Court.

She began her career as a magistrate firstly as a prosecutor, later becoming a judge specializing, in turn, in juvenile and family cases, then in land matters, in cases involving disputes with professionals, insolvency and bankruptcy, and in cases concerning labor and social security matters; subsequently, for more than 15 years, she served as a judge specialized in administrative and tax litigation cases, including at the Supreme Court.

Since 2012, she has held a Ph.D. in law, earned from the Faculty of Law at the University of Bucharest, in the field of civil procedural law.

Presentation of the panel:

The panel addresses one of the most sensitive and important aspects of the judicial system's operation: ***ensuring the uniform interpretation and application of the law.***

In a complex legal system, where the existence of multiple courts can inevitably lead to diversity in case law, mechanisms for unifying judicial practice become essential to ensuring legal certainty and equality before the law.

The papers to be presented within this panel offer a complementary analysis of the main institutional instruments involved in this process: ***the preliminary ruling procedure, the appeal in the interest of the law, the role of the Public Ministry, and the control exercised by the Constitutional Court with respect to these mechanisms.***

The Panel aims to conduct an in-depth academic analysis of how the consistency and predictability of the law can be strengthened in Romanian case law, with the following topics to be examined: the regulatory and doctrinal framework, identified issues in judicial practice, and solutions or perspectives for future development.

We intend to pay special attention to certain sensitive, yet no less relevant, issues, such as: the interaction between the High Court and the Public Ministry in the unification mechanisms; potential tensions between the unification mechanisms and constitutional control; and the impact of these mechanisms on legal certainty and the predictability of case law.

Content of the panel:

The Role of the High Court of Cassation and Justice in the Process of Unifying Judicial Practice: Current Situation and Perspectives.

1. **Mecanismul pronunțării unei hotărâri prealabile pentru dezlegarea unor chestiuni de drept: admisibilitate, sesizarea instanței supreme și efectele hotărârii pronunțată în cadrul acestui mecanism de unificare. Aspecte de practică judiciară/The mechanism for issuing a preliminary ruling to settle questions of law: admissibility, referral to the supreme court, and the effects of the ruling issued under this unification mechanism. Aspects of judicial practice: Mr. Adrian Remus Ghiculescu, Judge holding the professional rank of the High Court of Cassation and Justice, currently director of the National School of Court Clerks.**
2. **Condițiile de admisibilitate, delimitarea recursului în interesul legii de alte instrumente de unificare, efectele hotărârii pronunțată în cadrul**

acestui mecanism de unificare. Aspecte practice/Conditions for admissibility, distinguishing the appeal in the interest of the law from other unification mechanisms, and the effects of the decision rendered under this unification mechanism. Practical aspects – Mrs. Diana Tamagă, Judge of the High Court of Cassation and Justice, currently the President of the Division of the contentious administrative and fiscal of this court.

3. **Rolul esențial al Procurorului General al Parchetului de pe lângă Înalta Curte de Casație și Justiție în interpretarea și aplicarea unitară a legii, tradiție legislativă, asigurarea respectării drepturilor și libertăților fundamentale/The essential role of the Prosecutor General of the Prosecutor's Office attached to the High Court of Cassation and Justice in the uniform interpretation and application of the law, legislative tradition, and ensuring respect for fundamental rights and freedoms: Mr. Liviu Drăgănescu, former Prosecutor at the Prosecutor's Office attached to the High Court of Cassation and Justice.**
4. **Rolul Curții Constituționale a României, de a remedia, pe calea excepției de neconstituționalitate, situațiile în care, în cadrul mecanismelor de unificare, instanța supremă își depășește rolul constituțional de „a asigura interpretarea și aplicarea unitară a legii”, rol afirmat de art. 126 alin.3 din Constituția României/The role of the Constitutional Court of Romania to remedy, through the exception of unconstitutionality, situations in which, within the framework of unification mechanisms, the supreme court exceeds its constitutional role of “ensuring the uniform interpretation and application of the law,” a role affirmed by Article 126, paragraph 3, of the Constitution of Romania: Mr. Gheorghe Stan, judge of the Constitutional Court of Romania.**