



## PRESS RELEASE No 84/24

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Judgment of the Court in Case C-53/23 | Asociația “Forumul Judecătorilor din România” (Associations of judges)

### **Rule of Law: EU law does not require that professional associations of judges are granted the right to challenge decisions relating to the appointment of prosecutors**

A Romanian professional association of judges challenges the appointment of certain prosecutors responsible for conducting investigations concerning cases of corruption in Romania. They consider that the national legislation on which those appointments are based is incompatible with EU law and should not be applied.

Hearing that case, the Court of Appeal of Pitești (Romania) asks the Court of Justice whether the Romanian procedural rules, which, in essence, prevent associations of judges from bringing an action against the appointment of those prosecutors, since those rules make the admissibility of such an action subject to the existence of a legitimate private interest, comply with EU law. The Romanian court also refers questions regarding the compatibility of that legislation with undertakings given by Romania to combat corruption and with EU law.

The Court of Justice holds that **EU law does not preclude a national law which excludes, in practice, professional associations of judges from challenging the appointment of prosecutors competent to conduct criminal prosecutions against judges, by requiring the existence of a legitimate private interest to be established** in order for such an action to be admissible.

In principle, it is for the Member States to decide who may bring actions before the courts, without however undermining the right to effective judicial protection. It is true that, in certain cases, EU law requires the Member States to permit representative associations to bring legal proceedings in order to protect the environment or combat discrimination. However, there is no provision of EU law that requires the Member States to guarantee, generally, to professional associations of judges the right to contest any incompatibility with EU law of a national measure relating to the status of judges.

In addition, the sole fact that national legislation does not permit those associations to bring such actions is insufficient to create, in the minds of individuals, legitimate doubts as to the independence of Romanian judges.

**NOTE:** A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of EU law or the validity of an EU act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court’s decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

Unofficial document for media use, not binding on the Court of Justice.

The [full text and, as the case may be, an abstract](#) of the judgment is published on the CURIA website on the day of delivery.

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Images of the delivery of the judgment are available on "[Europe by Satellite](#)" ☎ (+32) 2 2964106.

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