

28 September 2021

Re: Statement in support of Judge Costin Andrei Stancu

We are writing on behalf of *The Good Lobby Profs*, a team of 60+ academic experts specialising inter alia in rule of law matters, to express our grave concerns about Resolution 2492/26.08.2021 whereof the Romanian Judicial Inspectorate took disciplinary action against Judge Costin Andrei Stancu of the Pitesti Court of Appeals and referred his case to the Section for Judges of the Superior Council of Magistracy.

Having reviewed the Resolution and supporting documents, we must conclude unequivocally that Judge Stancu is the victim of abuse on the part of the Judicial Inspectorate and that the above-mentioned Resolution violates his independence as a member of the judiciary. The Resolution seeks disciplinary action against Judge Stancu's application in a case before him of the Judgment of the Grand Chamber of the Court of Justice of the European Union in Case C-83/19 of 18 May 2021. The Resolution faults Judge Stancu's "interpretation that the CJEU [a]s final and binding" as "revealing [...] that he shares the idea that has emerged in the public space, supported by certain politicians." (p. 23).

This conclusion is inexplicable and deceptive. We confirm that long-standing doctrines of EU constitutionalism regarding the primacy of EU law and the interpretation and application of EU law in national courts required Judge Stancu, in his capacity as a judicial officer of the European Union, to act as he did in applying relevant EU legal doctrine to the case before him. We further note that the Resolution baselessly imputes Judge Stancu to have acted in bad faith. Nothing in the file establishes or suggests that Judge Stancu sought by his disposition to cause harm to the applicant in the case before him.

We stand in solidarity with Judge Costin Andrei Stancu and call on the Superior Council of Magistracy to swiftly dismiss the disciplinary charges against him.

We call on the European Commission to monitor these proceedings closely and stand ready to bring an infringement action against Romania before the Court of Justice of the European Union should the disciplinary action not be dismissed.

The proceedings against Judge Stancu, and their chilling effect on the members of the Romanian judiciary, confirm the conclusion of the Grand Chamber of the Court of Justice of the European Union in Case C-83/19 that "the powers and functions of the Judicial Inspectorate might be used as an instrument to exert pressure on, or political control over, the activity of judges and prosecutors." [para. 206].

We call on all national institutions, including the Romanian Parliament, to meet their responsibilities under the EU Treaties and remove the threat that the Judicial Inspectorate poses to judicial independence and the rule of law in Romania.

Yours sincerely,

Professors Vlad Perju, Laurent Pech, Alberto Alemanno and Dr Joelle Grogan acting on behalf of *The Good Lobby Profs*