

**CONSILIUL SUPERIOR AL MAGISTRATURII**

**Concurs pentru ocuparea a 2 posturi de personal de specialitate juridică asimilat judecătorilor și procurorilor din cadrul aparatului propriu al Consiliului Superior al Magistraturii**

**Proba scrisă la limba străină  
15 aprilie 2018**

**SUBIECTELE DE CONCURS**

**LIMBA ENGLEZĂ**

**VARIANTA 1**

**1. Traduceți următorul text din limba engleză în limba română:**

"The Court notes at the outset that the applicant's complaint partly concerns events that took place before Romania ratified the Convention on 20 June 1994. It does not have jurisdiction *ratione temporis* to examine this part of the applicant's complaint; and the subsequent failure of remedies used by the applicant with the aim of redressing the alleged interference cannot bring it within the Court's temporal jurisdiction. Nor does the case concern a continuing situation which began before the Convention came into force and extended beyond that date. Between 24 April 1978 and 18 January 2012 the applicant served various prison sentences on a non-continuous basis, after being convicted on eleven occasions of a range of offences; his spells in prison were interspersed with periods at liberty.

The Court further reiterates that, pursuant to Article 35 § 1 of the Convention, it may only deal with a matter within a period of six months from the date on which the final decision was taken. Where it is clear from the outset that no effective remedy is available to the applicant, the six-month period runs from the date of the acts or measures complained of, or from the date of knowledge of such acts or their effect on or prejudice to the applicant. It must be pointed out that the applicant did not apply to the Court until 8 March 2010, even though he had felt the adverse effects of the situation underlying his complaints to the Court for almost thirty-two years as a result of the domestic legislation governing prison work. The Court therefore considers that its jurisdiction to examine the applicant's complaint extends no further back than 24 December 2007, when his most recent period of imprisonment began. It notes that prior to that date, the applicant had been at liberty on several occasions and there would have been nothing to stop him from applying to the Court at those times to complain about events occurring during his various periods of imprisonment.

**COMISIA DE ELABORARE A SUBIECTELOR:**





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The Court observes that since the entry into force of the Execution of Sentences Act (Law no. 275) on 4 July 2006, prisoners have needed to give their consent before being assigned work. Indeed, it appears from the information supplied by the Government that a specialist panel assigned the applicant the task of maintaining the prison's vehicle fleet after he himself had requested to work. In any event, there is no indication in the material in the Court's possession that the work done by the applicant during his most recent period of detention would not have been covered by the provisions of Article 4 § 3 (a) of the Convention, which excludes "any work required to be done in the ordinary course of detention imposed according to the provisions of Article 5 of the Convention" from the term "forced or compulsory labour". In this connection, the Court observes that in the *Stummer v. Austria* case it held that obligatory work performed by a prisoner without being affiliated to the old-age pension system had to be regarded as "work required to be done in the ordinary course of detention" within the meaning of Article 4 § 3 (a) of the Convention."

**COMISIA DE ELABORARE A SUBIECTELOR:**

