

2025 Rule of Law Report - targeted stakeholder consultation

Fields marked with * are mandatory.

Introduction

The annual Rule of Law Report lies at the centre of the Annual Rule of Law Cycle, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues. So far, five editions of the Rule of Law Report have been published since 2020.

As every year, the Commission would like to invite the stakeholders to provide contributions to the 2025 Rule of Law Report. On the basis of these contributions and on-going developments, further targeted questions may be shared at a later stage of preparation of the 2025 Rule of Law Report, in particular in the context of country visits, or bilateral contacts.

The Commission invites stakeholders to provide contributions which include:

- (1) information on measures taken to implement the recommendations addressed to the Member State in the 2024 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter and**
- (2) any other significant developments since January 2024^[1] and up to the date of submission falling under the ‘type of information’ outlined below.**

The input should consist of a short summary, if possible in English, covering the areas referred to below. Legislation or other documents may be referenced with a link. Contributions should focus on significant developments since the last Rule of Law Report both as regards the legal framework and its implementation in practice.

If you would like to provide further specific **input related to the single market dimension in the Rule of Law report**, you can also respond to the additional targeted consultation available [here](#).

^[1] Unless the information was already submitted in the input for the previous Rule of Law Reports.

Type of information to be included:

Under each of the four pillars, the replies should include references to the following types of information:

A) Legislative developments

- Newly adopted legislation
- legislative drafts currently discussed in Parliament
- legislative plans envisaged by the Government

B) Policy developments

- Implementation of legislation
- evaluations, impact assessment, surveys
- white papers/strategies/actions plans/consultation processes
- follow-up to reports/recommendations of Council of Europe bodies or other international organisations
- important administrative measures
- generalised practices

C) Developments related to the judiciary / independent authorities

- important case law by national courts
- important decision/opinions from independent bodies/authorities
- state of play on terms, nominations and expired mandates for high-level positions (e.g. Supreme Court, Constitutional Court, Council for the Judiciary, Prosecutor General, heads of independent authorities included in the scope of the request for input[2])

D) Any other relevant developments

- National authorities are free to add any further information, which they deem relevant; however, this should be short and to the point.

Please also indicate whether the developments reported are linked to the implementation of reforms and investments under the RRP, where applicable. To simplify your answers to the questionnaire, **if there are no developments, it is sufficient to indicate this** and the information covered in the contributions for the previous Rule of Law Reports does not need not be repeated.

[2] Such as: media regulatory authorities and bodies, national human rights institutions, equality bodies, ombudsman institutions, supreme audit institutions and, where they exist, transparency authorities.

About you

* I am giving my contribution as

- ☐ Academic/research institution
- ☐ Business association
- ☒ Civil society organisation/NGO
- ☐ International organisation
- ☐ Judicial association or network
- ☐ Media organisation or association
- ☐ Public authority or network of public authorities

☐ Other

*** Organisation name**

250 character(s) maximum

Association Center for Public Innovation

Main Areas of Work

- ☐ Justice System
- ☐ Anti-corruption
- ☐ Media Pluralism
- ☒ Checks and Balances
- ☐ Other

Please insert an URL towards your organisation's main online presence or describe your organisation briefly:

500 character(s) maximum

www.inovarepublica.ro

Transparency register number

Check if your organisation is in the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making

199639751405-33

*** Country of origin**

Please indicate the country of origin of your organisation

- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☐ Greece
- ☐ Hungary
- ☐ Ireland
- ☐ Italy
- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta

- ☐ Netherlands
- ☐ Poland
- ☐ Portugal
- ☒ Romania
- ☐ Slovak Republic
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden
- ☐ Other - please specify

First name

Ovidiu

Surname

Voicu

Email Address of the organisation

ovidiu.voicu@inovarepublica.ro

*** Publication of your contribution and privacy settings**

You can choose whether you wish for your contribution to be published and whether you wish your details to be made public or to remain anonymous.

- ☐ Anonymous - Only your type of respondent, country of origin and contribution will be published. Organisation name, URL, transparency register number, first name and surname given above will not be published. **To maintain anonymity, please refrain from mentioning the name of your organisation and any details from which your organisation can be identified in the rest of your contribution.**
- ☒ Public - Your personal details (name, organisation name, transparency register number, country of origin) will be published with your contribution).
- ☐ No publication - Your contribution will not be published. Elements of your contribution may be referred to anonymously in documents produced by the Commission based on this consultation.

☒ I agree with the personal data protection provisions.

[Specific privacy statement targeted stakeholder consultation 2025 rule of law report.pdf](#)

Questions on horizontal developments

In this section, you are invited to provide information on general horizontal developments or trends, both positive and negative, covering all or several Member States. In particular, you could mention issues that are common to several Member States, as well as best practices identified in one Member State that could be replicated. Moreover, you could refer to your activities in the area of the four pillars and sub-topics (an overview of all sub-topics can be found below), and, if you represent a Network of national organisations, to the support you might have provided to one of your national members.

Overview topics for contribution

[List of topics - 2025 Rule of Law Report.pdf](#)

Please provide any relevant information on horizontal developments here

5000 character(s) maximum

In Romania, there was limited or no progress, in 2024, on a range of issues flagged in the previous Rule of Law reports, and related to the checks and balances and protection of the civic space:

- no measures were taken to improve the integrity framework, in particular related to revolving doors and rules on lobbying for Members of Parliament;
- no real efforts were made to ensure effective public consultations before the adoption of legislation;
- there is no progress on the process for obtaining accreditation for one or two NHRI, taking into account the UN Paris Principles, and the mandate of the Ombudsperson (Avocatul Poporului) has ended for more than six months;
- no measures were taken to improve access to public information, and the implementation of the Open Data Directive is greatly delayed by the lack of secondary legislation.

In addition, the electoral year 2024 was severely marked by the Government's repeated decisions to modify the electoral legislation through emergency decree, and by the historical decision of the Constitutional Court to annul the presidential elections. No public institution has provided solid reasoning for this decision.

The Center for Public Innovation is primarily involved in activities aiming at protecting and enhancing the civic space in Romania and in the European Union. These activities include advocacy, research, civic education and strategic litigation.

Questions for contribution

Under each pillar, you are invited to provide information on measures taken to implement the recommendations addressed to the Member State in the 2024 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2024 Rule of Law Report and any other significant developments since January 2024 and up to the date of submission^[3]. Please always include a link to and reference relevant legislation/documents (in the national language and/or where available, in English). **Significant developments** can include challenges, positive developments and best practices, covering both legislative developments or implementation and practices.

Information provided in reply to the first question under each pillar, related to the follow-up to the recommendations, does not need to be repeated in subsequent parts of the questionnaire, but can be cross-referenced in the subsequent questions, where relevant. All other questions are not limited to the recommendations, but as in previous years, cover the entire scope of the Report.

^[3] Unless already covered in the input for the previous Rule of Law Reports.

Member State/enlargement country covered in contribution [only one choice possible]

If you wish to submit information concerning several Member States/enlargement countries, please fill in the questionnaire separately for each country. There is no limit to the number of contributions submitted by a single participant.

☐ Albania

- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☐ Greece
- ☐ Hungary
- ☐ Ireland
- ☐ Italy
- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta
- ☐ Montenegro
- ☐ Netherlands
- ☐ North Macedonia
- ☐ Poland
- ☐ Portugal
- ☒ Romania
- ☐ Serbia
- ☐ Slovakia
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden

I. Justice System

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the justice system (if applicable)

5000 character(s) maximum

A. Independence

Appointment and selection of judges, prosecutors and court presidents (incl. judicial review)

(The reference to 'judges' concerns judges at all level and types of courts as well as judges at constitutional courts)

5000 character(s) maximum

Irremovability of judges, including transfers, (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (incl. judicial review)

5000 character(s) maximum

Promotion of judges and prosecutors (incl. judicial review)

5000 character(s) maximum

Allocation of cases in courts

5000 character(s) maximum

Independence (including composition and nomination and dismissal of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)

5000 character(s) maximum

Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (incl. judicial review)

5000 character(s) maximum

Independence/autonomy of the prosecution service

5000 character(s) maximum

Independence of the Bar (chamber/association of lawyers) and of lawyers

5000 character(s) maximum

Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

5000 character(s) maximum

The Center for Public Innovation undertook research on the civic space and perception on civic NGOs. A secondary result of our research is a worrying trend of negative perceptions on magistrates (judges and prosecutors). Many respondents in our qualitative research (interviews and focus-groups) mentioned that they see the magistrates as a 'caste of privileges'. The main reasons given were:

- the repeated decisions by Courts to increase salaries, bonuses, pensions and other privileges of magistrates;
- the refusal, by the Constitutional Court, backed by the High Court, to even consider decreasing or at least taxing the high 'special pensions' of magistrates;
- the increasing lengths of proceedings, in particular in civil cases, and the attitude of judges.

While we are aware that this is not a quantitative study, representative for the entire population, we think it is an important negative signal, worth considering.

B. Quality of justice

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined in the introduction)

Accessibility of courts (e.g. court/legal fees, legal aid, language)

5000 character(s) maximum

Resources of the judiciary (human/financial/material), remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year)

(Material resources refer e.g. to court buildings and other facilities. Financial resources include salaries of staff in courts and prosecution offices.)

5000 character(s) maximum

Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)

5000 character(s) maximum

Digitalisation (e.g. use of digital technology, including electronic communication and AI tools, within the justice system and with court users, procedural rules, access to judgments online)

5000 character(s) maximum

Use of assessment tools and standards (e.g. ICT systems, including AI-based systems, for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)

5000 character(s) maximum

Geographical distribution and number of courts/jurisdictions (“judicial map”) and their specialisation, in particular specific courts or chambers within courts to deal with fraud and corruption cases.

5000 character(s) maximum

C. Efficiency of the justice system

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section 2)

Developments related to efforts to improve the efficiency of the justice system (e.g. as regards length of proceedings)

5000 character(s) maximum

In our contribution for the 2024 Rule of Law Report, we flagged the issue of the length of proceedings, which becomes an effective barrier against access to justice. We presented two relevant cases from our strategic litigation program, for access to public innovation. There is no progress on this topic.

Here is the updated information on the two cases.

In both cases, the right to information was affected because of the length of the Court proceedings. We have asked for information about spending from public money in the electoral year 2020. We are now in the year 2025, after one full electoral cycle, and the Romanian justice system was not able to deliver a verdict or a solution.

[Background] In February 2021, based on the freedom of information act (Law no. 544/2001), we asked all political parties that receive public subventions to release information on how they've spent it (in 2020, electoral year). We have sued those that did not reply.

Case 1 – against Social-Democratic Party (PSD, in power)

- case initiated in April 2021. Won in first court (Bucharest Court) in December 2021.
- PSD appeal, on procedural grounds. In May 2023, the Bucharest Appeal Court decided that the lower court did not respected the procedure, and the trial must start from the beginning.
- the Bucharest Court assigned the first term in January 2024 but it was postponed indefinitely because of the Judges' protest.

[update]

- in June 2024 the Bucharest Court rejected our claim by accepting an exception raised by PSD. According to the decision, the Executive Director of the organization did not prove that he is the legal representative. The decision is surprising, because in five other cases, also at the Bucharest Court, the judges accepted that the Executive Director is, in fact, the legal representative (as stated by the bylaws of the organization).
- in October 2024, we have appealed against the decision. The first term at the Bucharest Appeal Court is in April 2025.

Case 2 – against the National Liberal Party (PNL, in power)

- case initiated in April 2021. Won in first court (Bucharest Court) in November 2021, and PNL didn't appeal.
- we have only received the final decision in October 2022 (!)
- PNL refused to obey the decision, so we started a new case, for non-compliance with Court decisions, in July 2023.

[update]

- we won in first Court in December 2023, and in appeal in April 2024, but PNL refused to release information.
- because there is no provision in the law of how exactly we can enforce the Court decision, we had to start a new action in Justice. In January 2025, this is still ongoing.

Any other developments related to the justice system - please specify

5000 character(s) maximum

II. Anti-Corruption Framework

Where previous specific reports, published in the framework of the review under the UN Convention against Corruption, of GRECO, and of the OECD address the issues below, please make a reference to the points you wish to bring to the Commission's attention in these documents, indicating any relevant updates, changes or measures introduced that have occurred since these documents were published.

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the anti-corruption framework (if applicable):

5000 character(s) maximum

A. The institutional framework capacity to fight against corruption (prevention and investigation / prosecution)

List any **changes** as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention, detection, investigation and prosecution of corruption and the resources allocated to each of these authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic and with foreign authorities. Indicate any relevant measures taken to effectively and timely cooperate with OLAF and EPPO

5000 character(s) maximum

Safeguards for the functional independence of the authorities tasked with the prevention and detection of corruption

5000 character(s) maximum

Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators

5000 character(s) maximum

B. Prevention

Measures to enhance integrity in the public sector (including as regards incompatibility rules, revolving doors, codes of conduct, ethics)

5000 character(s) maximum

No measures were taken to improve the integrity framework, in particular related to revolving doors and rules on lobbying for Members of Parliament. The two issues were flagged and recommendations were made in the previous Rule of Law reports.

The case of the former minister of education (until December 2024), Ligia Deca, is a good example. Mrs. Deca run for the Parliament but she was not elected. Immediately, she was appointed as vice-rector in

charge with strategic projects by a public university, the National School of Political and Administrative Sciences (SNSPA) from Bucharest.

From her new position, Mrs. Deca would supervise a number of projects financed by national and EU funds. In several of this projects, SNSPA was selected as partner by the Minister of Education, in a nontransparent manner and without an open tender, based on its perceived expertise.

A report published in January 2025 by the Ministry of Education (https://www.edu.ro/sites/default/files/fisiere%20articole/Raport_FSS_2023.pdf) shows that in 2023, SNSPA has received 2.22mIn lei (440.000 euro) from the Special Situation Funds, which is entirely at the decision of the Minister, Mrs. Deca. The similar report for 2024 was not made public yet.

Mass-media (<https://www.edupedu.ro/caz-de-revolving-door-la-fosta-ministra-ligia-deca-numita-prorector-snsa-la-nici-trei-saptamani-dupa-ce-a-pus-in-consultare-ca-ministru-cel-mai-scump-proiect-de-testare-a-competent/>) wrote that one of the last decisions of Mrs. Deca as minister was to to prose a draft Government Decision initiated a strategic research project that included SNSPA as partner. Vice-rector Deca would be the implementer of this project.

Measures to enhance general transparency of public decision-making (including rules on lobbying, asset and interest disclosure rules, gifts policy, transparency of political party, financing)

5000 character(s) maximum

In our contribution for the 2024 Rule of Law report, we flagged the lack of transparency of political party financing. There was no progress on this issue.

The relevant legislation is blocked in the Parliament, where the Juridical Commission of the Chamber of Deputies is refusing to debate the report.

(the draft bill fiche is available at: https://cdep.ro/pls/proiecte/upl_pck2015.proiect?cam=2&idp=21125)

One of the reasons for annulling the presidential elections, according to the Constitutional Court, was related to the financing of the campaign run by Mr. Georgescu, the winner of the first round of elections.

For more information, we are copying here the 2024 contribution.

Opaque political party financing may affect media neutrality

Romania hasn't made any progress on improving the transparency of public funding for political parties, despite concerns and recommendations of international institutions and civil society organizations. The political parties represented in the Parliament receive consistent subventions from the public budget, around €50mIn yearly.

A large part of this money is used for influencing mass-media, without any public oversight of the spending. The high value of subsidies allowed political parties to use these funds for massive campaigns to buy access to the press outside election periods, without transparency mechanisms. The lack of transparency of party financing was repeatedly flagged as an unsolved issue by the Rule of Law reports.

The 2023 Rule of Law report notes that the framework for political party financing did not change compared to previous years, and the financing of media, in particular audio-visual media, by political parties, lacks transparency.

The Media Pluralism Monitor 2023 is assessing that political independence remains a high-risk area for Romanian mass-media, noting, among others, that “a number of websites and television channels have been receiving money from parties [...] in exchange for the production or publication of certain kinds of material”.

An investigation published by the Libertatea newspaper in December 2023 shows that the website of one news television, Digi24, has received in 2023 payments in total value of € 1mln from one governing political party, the National Liberal Party (Partidul National Liberal) but it did not mark any published materials as publicity (see: <https://www.libertatea.ro/stiri/investigatie-un-milion-de-euro-de-la-pnl-pentru-site-ul-digi24-articolele-nu-au-fost-marcate-cu-semnul-p-publicitate-dar-au-fost-trimise-pentru-plata-la-partid-4745569>).

According to the Coalition Electoral Code NOW (we are one of the members of the Coalition), improving the situation requires both legislative changes and increased transparency of the Permanent Electoral Authority (see: <https://codeelectoralacum.ro/wp-content/uploads/2021/02/Cod-Electoral-Acum-document-de-pozitie-februarie-2021.pdf>).

Several legislative proposals on this topic have been submitted to the Parliament in 2022-2023, but none of them is close to being adopted.

Measures to prevent conflicts of interest in the public sector. Please specify the features and scope of their application (e.g. categories of officials concerned, types of checks and corrective measures depending on the category of officials concerned)

5000 character(s) maximum

--> For the three previous points, **please also provide information and figures on their application /enforcement**, such as number of detected breaches/irregularities of the various rules in place and the follow-up given (investigations, sanctions, etc.)

Measures to ensure whistleblower protection and encourage reporting of corruption, including their application (i.e. number of reports received, and the follow-up given)

5000 character(s) maximum

Specific measures to enhance transparency, integrity and accountability in sectors with high risks of corruption, with a view to monitor and prevent corruption and conflict of interests, and where applicable measures to prevent and address corruption committed by organised crime groups.

Such high-risk sectors could include: public procurement, including construction, transport/infrastructure, defence, cohesion, agriculture, environment, healthcare, citizen/residence investor schemes, large-scale investments of national interest and the spending of EU funds, urban planning.

5000 character(s) maximum

C. Repression

The legal framework on the criminalisation and sanctions for corruption and related offences, including foreign bribery

5000 character(s) maximum

Official data on the number of investigations, prosecutions, final judgments and the application of sanctions for corruption offences (differentiated by offence if possible). Please indicate whether the cases: involve legal persons; are related to the implementation of EU or national funds; involve high level corruption. Please indicate which data is publicly available and how policy-making is informed by the data

5000 character(s) maximum

Potential obstacles identified in law or in practice to the investigation and prosecution of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)

5000 character(s) maximum

Information on effectiveness of criminal and non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders

5000 character(s) maximum

Any other developments related to the anti-corruption framework - please specify

5000 character(s) maximum

In our 2024 Rule of Law contribution, we have flagged the new exceptions to the legislation on transparency in decision-making, adopted by the Government of Romania in 2022, through emergency ordinance. The Ombuds Office challenged the ordinance to the Constitutional Court but the Court is refusing to discuss the case.

There was no progress in 2024. Here is our previous contribution, for information.

Transparency in decision-making

In March 2022, the Government of Romania amended, through emergency ordinance, the legislation on transparency in decision-making. The new provisions are expanding the exception to the general procedures on transparency when adopting new legislation, for „emergency situations”. Civil society organizations warned that the new definition is giving arbitrary power to any public institution to classify new legislation as „urgent”, thus avoiding the public consultation process. The Ombuds office (Avocatul Poporului), at the request of the civil society organizations (including our organization), has challenged the Ordinance before the Constitutional Court.

By the end of December 2023, the Court has not progressed in anyway with the case. Such delay is

extremely unusual.

The 2023 Rule of Law report is noting the situation and concluded that 'no progress has yet been made to address the recommendation made in the 2022 Rule of Law Report to ensure effective public consultation before the adoption of draft legislation'. The situation remains unchanged by December 2023.

In September 2023, together with two other organizations, we have sent an Amicus Curie position to the Constitutional Court, urging it to debate and rule on the exception raised by the Ombuds office (see: <https://www.stareademocratiei.ro/2023/10/06/amicus-curiae-pentru-modificarile-aduse-legii-transparentei/>). The document also includes a review of situations where public institutions used the exception. Among others, we showed that the Minister of European Investments and Projects (Ministerul Investițiilor și Proiectelor Europene) adopted without consultation 16 emergency ordinances, all of them related to the Recovery and Resilience Facility. We concluded that the entire legislation related to how the RRF money are spent was adopted without proper consultation.

III. Media pluralism and media freedom

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding media pluralism and media freedom (if applicable)

5000 character(s) maximum

Please note our contribution on transparency of political party financing, in the previous section.

A. Media authorities and bodies

(Cf. Article 30 of Directive 2018/1808)

Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies

5000 character(s) maximum

Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body of media regulatory authorities and bodies

5000 character(s) maximum

Existence and functions of media councils or other self-regulatory bodies

5000 character(s) maximum

B. Safeguards against government or political interference and transparency and concentration of media ownership

Measures taken to ensure the fair and transparent allocation of state advertising

5000 character(s) maximum

Safeguards against state / political interference, in particular:

- safeguards to ensure editorial independence of media (private and public)
- specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their financial and operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions
- information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licenses, company operation, capital entry requirements, concentration and corporate governance

5000 character(s) maximum

Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners

5000 character(s) maximum

C. Framework for journalists' protection, transparency and access to documents

Rules and practices guaranteeing journalists' independence and safety, including as regards protection of journalistic sources and communications, referring also, if applicable, to follow-up given to alerts lodged with the Council of Europe's Platform to promote the protection of journalism and safety of journalists

5000 character(s) maximum

Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists

5000 character(s) maximum

Access to information and public documents by public at large and journalists (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)

5000 character(s) maximum

There have been no significant improvements to the legal framework on access to information. The new legislation is still pending (see 2024 Report, p. 22)

In June 2022, Romania transposed the Open Data Directive through the Law No.179/2022 on open data and the reuse of public sector information. However, by January 2025, the law remains inapplicable, because the Government has not adopted the necessary secondary legislation. The term was 90 days from the adoption of the Law.

Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

5000 character(s) maximum

Any other developments related to media pluralism and freedom - please specify

5000 character(s) maximum

IV. Other institutional issues related to checks and balances

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the system of checks and balances (if applicable)

5000 character(s) maximum

There was no visible progress on the following major recommendation included in the 2024 Rule of Law report:

- Step up efforts to ensure effective public consultations before the adoption of legislation.
- Take forward the process for obtaining accreditation for two National Human Rights Institutions, taking into account the UN Paris Principles.

A. The process for preparing and enacting laws

Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'[1]/public consultations (including rules and practices on the transparent participation of civil society to policy development and decision-making processes), and transparency and quality of the legislative process both in the preparatory and the parliamentary phase

[1] This includes also the consultation of social partners

5000 character(s) maximum

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Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions)

5000 character(s) maximum

In 2024, the Government adopted 199 ordinances (out of which 156 emergency ordinance), an increase compared to 2023. Some of these ordinances are regulating more than one domain.

Of particular concern were the ordinances that changed the electoral legislation.

There is no data on the number of secondary norms (Government Decisions and Minister Orders) adopted through the emergency procedure introduced in 2022 (see the above comment, at the beginning of the section).

Rules and application of states of emergency (or analogous regimes), including judicial review and parliamentary oversight

5000 character(s) maximum

Regime for constitutional review of laws

5000 character(s) maximum

B. Independent authorities

Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

(Cf. the website of the European Court of Auditors: <https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#>)

5000 character(s) maximum

There was no progress on obtaining accreditation for a National Human Rights Institution. As we have mentioned in our 2024 Report contribution, legislative changes are needed to advance with the process of accreditation.

The mandate of the Ombudsperson (Avocatul Poporului) ended in June 2024 but the Parliament has made no steps to selected a new one. The civil society asked for a fair and transparent process (see: <https://www.stareademocratiei.ro/2024/12/11/viitorul-avocat-al-poporului-trebuie-sa-fie-un-garant-real-al-protejarii-drepturilor-fundamentale/>) but there was no answer from the political parties.

In this context, it is important to underline that the Ombuds Office is the only institution that can ask the Constitutional Court to review the constitutionality of the Government Emergency Ordinances.

Statistics/reports concerning the follow-up to recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past two years

5000 character(s) maximum

C. Accessibility and judicial review of administrative decisions

Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data)

5000 character(s) maximum

Judicial review of administrative decisions: short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review)

5000 character(s) maximum

Rules and practices related to the application by all courts, including constitutional jurisdictions, of the preliminary ruling procedure (Art. 267 TFEU)

5000 character(s) maximum

Implementation of final judgments by the public administration and State institutions and follow-up given to supranational judgments, including decisions from the European Court of Human Rights, as well as available remedies in case of non-implementation

5000 character(s) maximum

D. The enabling framework for civil society

Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration, transparency and dissolution rules)

5000 character(s) maximum

In 2023, the Government proposed new legislation, amending the current legislative framework for the functioning of association and foundations.

Unlike other issues, it was not considered an emergency (see the above comments), thus it was sent to the Parliament as draft bill. See: https://cdep.ro/pls/proiecte/upl_pck2015.proiect?cam=2&idp=21379

For unknown reasons, the Juridical Commission of the Chamber of Deputies is refusing to debate the bill, which remains blocked since February 2024.

Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures to protect them from attacks – verbal, physical or on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services, as well as available remedies

5000 character(s) maximum

There is no progress on the transposition of the Anti-SLAPP Directive in the national legislation.

Romania is still in the two years frame but the civil society organizations have repeatedly asked the Ministry of Justice to accelerate the proceedings, given the increasing number of SLAPPs against activists and journalists. So far, no progress was made.

Organisation of financial support for civil society organisations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)

5000 character(s) maximum

E. Initiatives to foster a rule of law culture

If there have been developments related to initiatives to foster a rule of law culture, please specify, which (e. g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society, education initiatives, etc.)

5000 character(s) maximum

Any other developments related to the system of checks and balances - please specify

5000 character(s) maximum

In December 2024, the Constitutional Court of Romania has made the historical decision to annul the presidential elections. The decision was based on information received from the intelligence services, and which is only partially available to the public.

By January 2025, no public institution has provided additional explanations, and no clear accusations were made against people, organizations, or countries that might have tried to interfere with the elections.

The lack of information is severely eroding the people's trust in the state and democratic institutions.

Supporting document upload

If you would like to submit any supporting document(s) to your contribution, please upload your file(s) here

Contact

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