

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

Fundatia pentru Dezvoltarea Societatii Civile (Civil Society Development Foundation)

Main Areas of Work

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

If "Other", please specify

civil society and democratic participation

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

500 character(s) maximum

www.fdsc.ro; www.activecitizensfund.ro; www.instaredebine.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

* 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

Simona

Surname

Constantinescu

Email Address of the organisation

simona.constantinescu@fdsc.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

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

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

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

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

No progress in 2024 regarding the transparency of political parties funds whilst the public subsidies for their operations has reached the highest historical amount (subsidies for political parties increased 26 times during the last 8 years: <https://hotnews.ro/partidele-afacerea-cu-cea-mai-mare-crestere-din-romania-finantarea-lor-a-crescut-de-26-de-ori-in-opt-ani-si-a-ajuns-sa-coste-aproape-380-de-milioane-de-lei-pe-an-ce-a-facut-recent-guvernul-1818761>).

The Government increased the subsidies beyond the limits set in the budget law via emergency ordinance (GEO 113/2024) - GEOs do not follow the same transparency regime as a regular law. There are no legal obligations to disclose the name of the service/ products providers paid from the subsidies and there is no track on the political publicity outside the elections calendar.

More details in the NGO Expert Forum report at <https://expertforum.ro/subventiile-2024-planuri-2025/>.

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

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

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

Infos/ data available at: <https://cji.ro/wp-content/uploads/2024/04/The-state-of-Romanian-media-in-the-2024-super-electoral-year.pdf> (Center for Independent Journalism NGO report released in April 2024)

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

Infos/ data on the independence of public service media and of media regulators, the misuse of state funds to influence media, and ensuring ownership transparency and media pluralism may be found in the NGO ActiveWatch report MEDIA CAPTURE MONITORING REPORT: ROMANIA/ October 2024: <https://ipi.media/wp-content/uploads/2024/10/Romania-Media-Capture-Monitoring-Report.pdf>

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

Several attacks and attempts to intimidation of journalists were reported in 2024, some examples below (more infos, individual alerts and reports on media & journalists may be found on www.activewatch.ro, www.cji.ro).

The head of the National Library was accused by a well-known Romanian journalist of publicly exposing the fact that she was in the library which he runs and accessed information on a specific public figure, exposing in this way the content of her ongoing investigation (as explained on FB post by journalist Emilia Sercan on 1 March 2024: <https://www.facebook.com/emilia.sercan/posts/pfbid0tLAViUjFpTYbx5uEKbyxfg4KKeSKvdNizjNtR6rbkGn5ojifqmX2RzZa4arB5Xrl>). Several organizations and media outlets asked for his dismissal (press release at: <https://www.stareademocratiei.ro/2024/09/17/solicitam-ancheta-independenta-in-cazul-emilia-sercan/>). He was charged with disclosing secret data and data which was not meant to be made public (<https://hotnews.ro/adrian-cioroianu-inculpat-in-dosarul-deschis-dupa-ce-a-dezvaluit-public-ca-emilia-sercan-analizeaza-doctoratul-lui-mircea-geoana-1819342>), the judicial process is ongoing.

A group of organizations promoting press freedom and good governance and representative media outlets protested against the decision of the Directorate for Investigating Organised Crime and Terrorism (DIICOT) prosecutors to ask investigative journalists to reveal their sources, a request which was eventually renounced by the prosecutors as what seems to be the result of public pressure (<https://www.stareademocratiei.ro/2024/07/19/redactia-rise-denunta-presiunile-venite-din-partea-procurorilor-diicot/>).

Several journalists were insulted and threatened during a town hall meeting from Ploiești, in front of the then mayor of Ploiești who did not react or condemn the aggression carried out by an individual perceived to be close to him (<https://activewatch.ro/articole/jurnalisti-injurati-si-amenintati-la-primaria-ploiesti-sub-ochii-ingaduatori-ai-primarului-volosevici-scrisoare-deschisa-catre-conducerile-psd-si-pnl/>).

Supporters of a presidential candidate have launched threats against investigative journalists, who published an investigation about the Russian influence in the Romanian elections. They claimed to have a database of journalists' personal information, that their activities are being monitored and journalists should stop "while they still have the chance" (<https://www.stareademocratiei.ro/2024/12/05/sustinatori-ai-candidatului-calin-georgescu-amenintari-mafiote-la-adresa-jurnalistilor-snoop/>). The threats are investigated by the police.

The situation degraded even more and brought to the Parliament venue after the MPs elections. Several reporters were threatened by some far-right politicians and a social media influencer newly hired in the staff of one of them: <https://www.antena3.ro/politica/sefa-partidului-lui-calin-georgescu-reactie-violenta-in-fata-jurnalistilor-in-prima-zi-in-parlament-731232.html>, <https://hotnews.ro/video-scandal-cu-diana-sosoaca-si-makaveli-pe-holurile-parlamentului-au-strigat-dupa-o-jurnalista-de-la-antena-3-voi-mai-scapati-au-spus-ei-jurnalistilor-de-la-euronews-1866257>, <https://www.facebook.com/watch/?v=438760935959584&ref=sharing>, <https://hotnews.ro/diana-sosoaca-iesire-oribila-la-adresa-lui-mihai-gadea-si-a-familiei-sale-blestemat-sa-fii-20-de-generatii-1866400>. NGOs and media outlets reacted publicly and the general prosecutor office initiated a criminal investigation.

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

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

Despite rather isolated well-conducted consultation processes that ensured an effective public consultation (i.e. the consultation process on amending the GO 26/2000 on associations and foundations), the situation seems deteriorated in 2024 with an abundance of Government Emergency Ordinances (156 in 2024 vs 131 in 2023), lack of predictability and draft texts that are leaked in media instead of being substantially discussed with citizens and relevant stakeholders.

Just 2 examples (see also the example on increasing the political parties' subsidies mentioned above):

- GEO 112/2024 amending several laws with consistent budgetary impact that was passed with a total different text that was announced initially <https://www.stareademocratiei.ro/2024/09/30/oug112-liber-la-iresponsabilitate-fiscala/>
- Despite the provision in art. 4 of the Fiscal Code that any changes would enter to force after 6 months of their publication in the Official Gazette, changes are repeatedly made hastily, and in some cases with significant impact on the economic actors. So was the case of GEO 156/2024 published for consultation by the Ministry of Finance on Sunday, December 29, adopted by the Government on Monday, December 30 and published in the Official Gazette on December 31, 2024. Some references here: <https://romania.europalibera.org/a/mediul-de-afaceri-luat-prin-surprindere-de-noile-taxa-la-o-zi-dupa-discutiile-de-la-guvern-deficitul-bugetar-de-9-nu-ni-se-datoreaza/33257058.html>.

A. The process for preparing and enacting laws

Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'[11]/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

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

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

The organization nominated by the state to be the focal point on SLAPP was recently subject to an journalism investigation that reveals that its members of its governance (General Council) include politicians who are not aware of the tasks related to SLAPPs and/ or have a reputation and legal track record connected to criminal deeds (<https://context.ro/lupii-paznici-la-oi-cine-sunt-cei-care-trebuie-sa-apere-jurnalistii-de-procese-abuzive-prietenii-baronilor-baluta-si-badalau-si-un-deputat-care-si-a-inscenat-rapea/>).

The mandate of the Ombudsperson expired on 26 June 2024 but the Parliament failed to appoint a new one and civil society representatives have asked the Parliament to carry out a transparent appointment procedure to identify a new ombudsperson who is not politically affiliated independent, qualified and has high moral and professional standing (press-release issued by a coalition of NGOs on 11 December 2024, available in Romanian at <https://www.stareademocratiei.ro/2024/12/11/viitorul-avocat-al-poporului-trebuie-sa-fie-un-garant-real-al-protejarii-drepturilor-fundamentale/>).

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

No structured information/ data on SLAPPs is available on its website whilst several civic NGOs do considerable efforts to have access to official data that would establish the current state of affairs on SLAPP incidents/ litigation in Romania (e.g. <https://www.stareademocratiei.ro/2024/11/19/slapp-in-romania/>). Following the adoption of the EU Anti SLAPP Directive, there is a serious concern that the collection of data will focus only on the narrow definition of SLAPP i.e. cross-border incidents and that would be a discouragement for CSOs and journalists to pursue their public interest mission.

In March 2024 the Romanian Government published a 'Guide on the assessment of the impact of regulations on human rights' drafted by members of the Technical Secretariat of the Advisory Council for the Assessment of the Impact of Regulatory Acts (<https://sgg.gov.ro/1/wp-content/uploads/2024/03/Ghid-privind-evaluarea-impactului-reglementarilor-asupra-drepturilor-omului-8.pdf>), representatives of the NGOs and experts from the Romanian Institute for Human Rights (IRDO). The guide (presents types of human rights impact assessments, the main legal instruments for conducting human rights impact assessments, human rights indicators and proposes a questionnaire to determine the impact on fundamental rights. While drafting the guide, the experts involved also found that albeit it is mandatory to have an impact assessment for human rights, in some cases, this section was not filled in or the initiator considered that "the normative act does not refer to this subject", although some of the normative acts in question had a clear component relating to fundamental rights and freedoms.

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

The draft law (https://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?cam=2&idp=21379) initiated by the Government via the Ministry of Justice mentioned in the consultation last year is stalled in the Judicial Commission of the Chamber of Deputies. The draft has been developed in consultation with NGOs and which would bring several modifications to existing legislation including cutting down on bureaucracy, simplifying judicial procedures relating to the organization of NGOs and digitalizing existing procedures, including the National Register of Non-Profit Legal Entities, kept by the Ministry of Justice and the unification of NGO registers.

Despite additional efforts to explain the necessity to adopt the draft law made by several NGOs, the draft was put and rescheduled several times in the agenda of the Legal Commission and hasn't been debated yet. There is an increasing concern that the current wave of extremism in the Parliament would leave dormant the draft or bring new changes at this phase that would impact negatively the changes.

The adoption of the law would be also needed as some of its provisions are connected to the digital reform of the courts registries in NPPR.

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

Several NGOs asked the Ministry of Justice on Romania's official stand on extending the guarantees of the directive to also cover also national cases and criminal proceedings (petition signed by 30 NGOs on 5 November 2024 available in Romanian at <https://apador.org/scrisoare-deschisa-impotriva-actiunilor-de-intimidare-privind-libertatea-de-exprimare/>). During the discussions that followed the request, the Ministry of Justice announced that its position will be communicated after the new Government will become fully operational, probably in 2025 (<https://www.facebook.com/APADOR.CH/posts/pfbid02NTvmLXTU9WwiiQtq2oyqe6XUzM9g59YRaocKNdMx3NrVh8riGeKBVzRqmd7jYPGNI>).

Apart from hoping for an extended protection of journalists and civic defenders during the transposition of the EC Anti SLAPP Directive, several NGOs have asked for changes in the existing legislation i.e. in cases concerning the environment, urban planning or free access to information of public interest, each party would bear its own legal expenses so that a party cannot be obliged to cover high legal costs when if it loses the case (<https://www.stareademocratiei.ro/2024/02/23/mai-multe-ong-uri-solicita-o-intalnire-cu-premierul-pe-tema-ruletei-rusesti-din-justitie/>). No legislative procedure was initiated by the Government following this request and the meeting with the Government representatives.

However, 2 parliamentary initiatives related to the topic, and with direct effects on the capacity of NGOs to pursue public interest litigation are currently in Parliament.

1. PLX 528/ 2024: https://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?cam=2&idp=21993 Rejected by the Senate as first chamber, it currently before the Chamber of Deputies and is meant to that in in proceedings in which NGOs or natural persons have legal standing, the judge shall determine whether the action is brought to promote causes of public interest, in which case the parties shall bear their own costs. In

all cases, the courts shall ensure that non-governmental organizations or individuals do not bear disproportionate costs likely to affect their activities. Civil society supported the approach and also asked for it to include provisions for individuals who initiate legal action for the public interest (press-release issued by APADOR-CH on 16 May 2024: <https://apador.org/o-solutie-pentru-protejarea-cetatenilor-care-dau-statul-in-judecata/>)

2. PLX 788/ 2023: https://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?nr=788&an=2023 – adopted by both chambers of the Parliament, but challenged to the Constitutional Court in April 2024 by the High Court of Cassation and Justice (the judgement term was set to February 2025). If adopted the initiative would eliminate the ex officio competence of the judge(s) to appreciate the amount of litigation expenses required by each litigant (based on the previous experience, in SLAPP cases the mounting expenses are used as a rationale to ask for the dissolution of the NGO).

Other threats:

Roma rights activists received online death threats on their personal accounts from various sympathizers of fascist ideology, these include: "Heil Hitler. Jews and Gypsies must be eliminated. And all impure races", "Bullets in your jaw!" (according to a Facebook post made by Roma for Democracy Romania on 5 December 2024, available at https://www.facebook.com/story.php?story_fbid=1022959396510838&id=100063903606828&rdid=f4rIOimRXhu4OqNi).

A legislative initiative tabled in the Romanian Parliament wants to ban any discussion about the LGBTQI+ community in public spaces and schools, in the media and any public gathering of the LGBTQI+ community, including LGBTQI+ protests and Pride Marches (press-release by Mozaik association on 19 September 2024, available at <https://www.mozaiklgbt.ro/2024/09/inca-o-initiativa-legislativa-anti-lgbt-in-romania/>). The same member of parliament submitted another similar law proposal on 25 November 2024, this time aiming to amend multiple laws that, among other things, seek to limit the visibility of the LGBTQI+ community in public spaces, by prohibiting content related to the community "in environments accessible to minors" (press-release Center for Legal Resources on 28 November 2024, available at <https://www.crj.ro/un-nou-atac-asupra-drepturilor-fundamentale/>).

An LBTQI+ association has lodged a criminal complaint after messages calling for the destruction of the association's headquarters appeared online and its address was made public (press article from 26 November 2024 available at <https://www.g4media.ro/o-asociatie-care-reprezinta-minoritatile-sexuale-a-depus-plangere-penala-dupa-ce-in-mediul-online-au-aparut-mesaje-care-indeamna-la-distrugerea-sediului-asociatiei-iar-adresa-acesteia-a-fost-facuta-p.html>).

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

Defending the current mechanisms and fiscal facilities related to sponsorship has been a constant focus in particular in the second part of 2024, as part of a larger coalition of NGOs that works together for several years now. After summer 2024, from different sources has been circulated the information related to the government intent to eliminate or diminish part of the fiscal facilities, despite the previous engagement. In October 2024 an official request was sent to the Government to inform on the actual plans and clarify the provisions included in the Medium-term Structural Budgetary Plan 2025-2031 related to the revision and elimination of fiscal facilities.

A public petition (https://campaniamea.declic.ro/petitions/nu-furati-craciunul-a-milioane-de-romani-1?source=rawlink&utm_source=rawlink&share=4dc22252-e9d5-4d3e-8d72-f8c1bf8b3cb3) was launched also in December 2024, requesting support against the rumoured intentions to diminish the fiscal facilities. The petition has been signed by almost 48,000 people.

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

The Nongovernmental Sector - Profile, Trends, Challenges report released in 2024 is available here:
https://www.fdsc.ro/wp-content/uploads/2024/06/Romania-2024_EN.pdf

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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