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Contribution for the Rule of Law Report on Romania, 2025

Section III. Media pluralism and media freedom

Romania's transposition of the EU Anti-SLAPP Directive (EU 2024/1069) advanced notably in 2025 but remained incomplete by year-end, being sent by the Ministry of Justice to the Parliament. The process involved drafting and finalizing a bill to protect against abusive lawsuits targeting public participation, especially for journalists and activists.

Civil society participated to several meeting with the Ministry of Justice and pushed for broad protections covering domestic cases, not just cross-border ones, leading to a draft bill in spring 2025 after discussions with the Ministry of Justice. By April 2025, a draft was published, though concerns lingered over mechanisms like rapid dismissal¹.

On June 13, an open letter signed by a total of 37 organisations from civil society and independence media², was sent to the Ministry of Justice, insisting, again, on the most critical issues needed to adopt a law that will be efficient. The letter particularly mentions appreciation on the inclusion of domestic cases within the scope of the draft law, given the repeatedly expressed need by civil society, as well as the introduction of important procedural mechanisms. At the same time, it expressed belief that certain aspects require further strengthening in order to ensure regulatory coherence, the effectiveness of protection mechanisms, and the practical implementation of the safeguards provided by the Directive.

The main central observations of the memorandum are:

1. Ex officio application of certain safeguards (rapid dismissal, security deposit, compensation), to support vulnerable defendants and relieve the burden on courts;

¹ <https://www.just.ro/ministerul-justitiei-a-finalizat-proiectul-legii-de-transpunere-a-directivei-anti-slapp/>

² https://www.google.com/url?sa=t&source=web&rct=j&opi=89978449&url=https://litera9.com/wp-content/uploads/2025/06/Adresa-propunerii-proiect-anti-SLAPP-37-de-organizatii-neguvermentale.pdf&ved=2ahUKEwjsicjUwqKSAXV4_QIHHSN6ONUQFnoECBkQAQ&usg=AOvVaw3WIWsLLL6rwbOvbTb98Thq

2. Mandatory application of a judicial fine to the claimant, as a deterrent, in an amount determined by the court based on the gravity of the situation, in cases where the court finds the existence of a SLAPP-type case;
3. Clarification of protection for third-party entities, including exemption from the payment of legal costs;
4. Regulation of situations where the litigation acquires SLAPP characteristics during the proceedings;
5. Application of the law to pending cases, for effects not yet produced, in accordance with the jurisprudence of the Constitutional Court, to prevent the continuation of ongoing abuses;
6. Institutionalization of a public mechanism for information and real support, by designating the Ombudsman as the national reference point;
7. Additional substantiation of the public policy choice to limit the current draft law to civil cases only, and analysis of situations in the criminal or administrative litigation areas that have effects similar to civil SLAPP actions, in line with realities reported in Romania and European recommendations.

Section IV. Other institutional issues related to checks and balances

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

Extensive use of emergency ordinances

In 2025, 248 laws were adopted by the Parliament and promulgated by the President of Romania. Of the total of 224 laws³:

- 92 are laws for the approval of emergency ordinances, which is 37%
- 23 are laws for the approval of simple ordinances, which is 9%
- 6 are laws for amending and supplementing the government's emergency ordinances
- 2 are laws for empowering the government to issue ordinances
- 1 is law for rejecting an emergency ordinance

Therefore, out of the total of 248 laws, 124 are laws related to government ordinances (simple or emergency), which is 50%, representing half of the legislative acts adopted and promulgated in 2025.

Following Recommendations from the 2025 Rule of Law Report to step up efforts to ensure effective public consultations before the adoption of legislation, the use of government emergency ordinances has slightly decreased, but still remains a red flag in the rule of law.

Official sources reveal that, in 2025, the Romanian Government has issued a total number of 93 emergency ordinances⁴, less than the 156 adopted in 2024⁵, but still too many. This means that, every 4 days Romanians were in “extraordinary situations whose regulation cannot be postponed.” – if we were to consider art. 115 para. 4 of the Constitution. Article 115 of the Romanian Constitution⁶ governs the mechanism of legislative

³ https://www.cdep.ro/pls/dic/legis_acte_parlam?cam=0&tip=1&an=2025

⁴ https://www.cdep.ro/pls/legis/legis_pck.lista_anuala?an=2025&emi=3&tip=18&rep=0

⁵ https://www.cdep.ro/pls/legis/legis_pck.lista_anuala?an=2024&emi=3&tip=18&rep=0

⁶ Art. 115. - (1) Parliament may adopt a special law empowering the Government to issue ordinances in areas not covered by organic laws. (2) The enabling law shall mandatorily establish the field and date until which ordinances may be issued. (3) If the enabling law so requires, ordinances shall be submitted to Parliament for approval, according to the legislative procedure, until the expiry of the enabling term. Failure to comply with the deadline entails the termination of the effects of the ordinance. (4) The Government may adopt emergency ordinances only in extraordinary situations whose regulation cannot be postponed, having

delegation, wherein Parliament transfers specific legislative powers to the Government for a defined period and only under specific conditions. The incorporation of such a provision is rooted in the necessity to address critical and emergency situations that may arise during wartime, given that this concept, primarily developed post-Second World War, finding inspiration from French constitutional systems. Although, initially, legislative delegation was considered exceptional, as it altered the principle of separation of powers, later this practice has quickly trivialized. The scope of emergency ordinances is only constrained by the limitations expressly provided by art. 115 para. (6) of the Constitution, leaving the Government with broader legislative authority, provided that an extraordinary situation requires a regulation that cannot be postponed.

Legislative delegation is overused and arguing the extraordinary situation for emergency ordinances has become almost a formality.

As in recent years, in 2025 also, emergency ordinances were severely used to enact legislation in important domains. Some of the most controversial emergency ordinances issued in 2025 are:

a) Government Emergency Ordinance no. 1/16.01.2025 on certain measures for the organization and conduct of the 2025 Romanian presidential election and the 2025 local by-elections⁷.

This ordinance, adopted in the wake of the Constitutional Court's unprecedented annulment of the 2024 presidential elections, set organisational rules for the May 2025 presidential re-run and partial local elections (electoral bureaus' staffing, logistics, voting hours, IT support). It cited the DSA and the new EU Political Advertising Regulation but primarily regulated electoral administration. This Ordinance contains systemic rule of law concerns: late, emergency changes to electoral rules, limited consultation, and rights-affecting adjustments that collectively erode legal certainty and trust in the electoral process. The ordinance was rushed through on January 16, 2025, with minimal transparency or stakeholder input. This bypasses the traditional parliamentary debate, undermining the "checks and balances" pillar.

The ordinance was adopted four months before election day and without public consultation, continuing Romania's pattern of relying on emergency ordinances for sensitive electoral matters. This contravenes international good practice on the stability of electoral law and diminishes parliamentary scrutiny.⁸

The Venice Commission (while assessing GEO 21/2024) reiterated that late, non-consensual changes by emergency ordinance undermine legal certainty—principles equally relevant to GEO 1/2025.⁹

GEO 1/2025 adjusted political-advertising marking rules, reconfigured some electoral bureaus, altered Sunday voting hours abroad, and introduced specific deadlines/avenues for online-campaign disputes—all very close to election day, with consequences for participants' rights and administration capacity.¹⁰

Civil society flagged discriminatory effects of closing Sunday voting abroad when polls close in Romania (e.g., drastically shorter hours on the U.S. West Coast), urging the Government and Parliament to repeal the clause.¹¹

the obligation to motivate the urgency therein. (5) The emergency ordinance shall enter into force only after its submission for debate in an urgent procedure to the Chamber competent to be notified and after its publication in the Official Gazette of Romania. The Chambers, if they are not in session, must be convened within 5 days of submission or, as the case may be, of dispatch. If, within 30 days of its submission, the notified Chamber does not pronounce on the ordinance, it shall be deemed adopted and shall be sent to the other Chamber, which shall also decide in an urgent procedure. An emergency ordinance containing rules of the nature of an organic law shall be approved by the majority laid down in Article 76(1). (6) Emergency ordinances may not be adopted in the field of constitutional laws, may not affect the regime of fundamental state institutions, rights, freedoms and duties stipulated by the Constitution, electoral rights and may not refer to measures of forced transfer of goods into public property.

⁷ [OUG-1-2025_prezi_loc_part_ENG.pdf](#)

⁸ [Romania | Preliminary Report on the Observation of the 2025 presidential elections \(1st Round\) - European Platform for Democratic Elections](#)

⁹ <https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD%282025%29014-e>

¹⁰ <https://www.oscepa.org/en/documents/election-observation/election-observation-statements/romania/statements-18/5214-2025-presidential-1/file>

¹¹ [Solicităm Guvernului și Parlamentului să abroge prevederile care scurtează programul de votare în străinătate în duminica alegerilor și pe cele care schimbă componența birourilor electorale | Expert Forum](#)

b) Government Emergency Ordinance No. 9/06.03.2025¹²

This amended Law no. 153/2017 by inserting Article 38(10), providing that the employment of contractual staff paid from public funds terminates by operation of law once a pension decision is issued, even where pension payment is suspended. The solution largely mirrors Article 56(1)(c) of the Labour Code and followed an ICCJ ruling of November 2024¹³ clarifying termination upon reaching pension age. Importantly, the ordinance did not prohibit subsequent re-employment or pension–salary cumulation, which remained possible through a new contract and lawful recruitment procedures. From a rule-of-law perspective, the critique of “false urgency” is persuasive. Article 115 of the Constitution allows emergency ordinances only in extraordinary situations that cannot be postponed. Given that the ICCJ had already settled the interpretative issue in late 2024, the Government could reasonably have proceeded via the ordinary parliamentary route. Resorting to a GEO in this context points to overuse of the emergency instrument to bypass full debate on a socially sensitive employment measure. The episode also highlights legal uncertainty and legislative volatility. GEO 9/2025 was adopted and then suspended within days by GEO 12/2025¹⁴. This adopt–undo sequence disrupted HR planning, raised immediate questions for contracts affected during the short window, and left employers and employees in a transitional grey zone regarding status and remedies. Health and education unions protested the lack of prior consultation and warned of exacerbated staff shortages. The rapid reversal itself signals the absence of an ex ante impact assessment, an element of quality law-making repeatedly emphasised in EU rule-of-law reporting.

c) Government Emergency Ordinance No. 89/23.12.2025 amending and supplementing Law No. 227/2015 on the Fiscal Code, regulating certain fiscal and budgetary measures, as well as amending and supplementing certain normative acts¹⁵.

This is also called “the train ordinance” because it affected the Fiscal Code, the Fiscal Procedure Code and other laws and ordinances. Among other modifications, the Ordinance makes changes applicable from 2026 to the minimum turnover tax, the additional tax for activities in the oil and natural gas sectors, income tax for microenterprises, as well as to excises. At the same time, the method of granting medical leave has been modified, new obligations in relation to the e-Invoice system have been introduced, and the tax on special constructions has been eliminated from 2027. Associated ordinances postponed or modified local tax rates and other fiscal instruments. These fiscal GEOs were perceived by some stakeholders as substantive policy changes implemented without full parliamentary debate. The use of GEOs for core tax policy can undermine predictability and stakeholder consultation. Rapid tax changes affect businesses, investment certainty, and cross-border economic actors.

With much consideration,

Yours sincerely,

Alina Monceanu, LLM

Program coordinator

¹² <https://legislatie.just.ro/Public/DetaliiDocumentAfis/295223>

¹³ [Decizia nr. 91 din 25 noiembrie 2024 – Înalta Curte de Casație și Justiție a României](#)

¹⁴ <https://legislatie.just.ro/Public/DetaliiDocumentAfis/295401>

¹⁵ <https://legislatie.just.ro/Public/DetaliiDocumentAfis/305817>