



Weekly Briefing

Romania External Relations briefing:
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The situation in Romania related to the adoption of several changes to the judiciary system that is enrolling already for more than a year started to affect the external relations with the EU, by throwing Romania in an unfavourable light as a country prone to corruption and to the restriction of the justice independence. In addition, the political crisis at the end of January that resulted in the change of the Government overlapped to the historical visit of a Japanese delegation in Eastern Europe, led by the prime-minister.

Romania and the rule of law were the subject of a debate organized in the first week of February in the plenary of the European Parliament, due to the changes to the justice laws that generated huge street protests since February last year. Interesting is the fact that the debate, named “Threats to the rule of law caused by the judiciary reform in Romania”, was launched by the group of the Greens/European Free Alliance, where there are no Romanian members of the European Parliament (MEP). The European Parliament debated the judiciary situation in Romania in the second plenary session of this year, thus indicating that the EU is seriously concerned by the evolution of the justice system in Romania.

There were several other preceding events that emphasized an increasing focus on Romania. In the last week of January 2018, the president of the European Commission (EC), Jean Claude Juncker, and its vice-president, Frans Timmermans, published a joint statement expressing their concern about the recent developments in Romania, warned against potential deteriorations as regards the rule of law and underlined that the EC will analyse in detail the final amendments to the laws of justice. The two pillars of interest for the EU are the independence of the judiciary and its capacity of efficiently fighting corruption. Another essential condition is ensuring the irreversibility of the progresses Romania made so far.

Romania and Bulgaria are still under the monitoring of the Cooperation and Verification Mechanism (CVM), due to the failure to complete the judicial reform and to solve the corruption problems. According to the last CVM report in November 2017, the EC emphasized the need for ensuring total transparency of the legislative process related to the justice laws and indicated that both the Romanian Government and Parliament should take into account the results of the consultations with the concerned stakeholders. This will ensure the sustainability of the reform on the long term. The rest of the member states agreed the position presented by the EC.

A visit of the Romanian president, Klaus Iohannis, was carried out a week later (at the end of January) at Brussels, following the invitation addressed to him by the president of the EC in December 2017. Among the most important topics, the meeting with the EC president focused, again, on the judiciary system. A firm message was transmitted this time, namely that, if the laws of justice will remain in the same form as already voted in the Parliament, Romania risks the continuation of the CVM and will fail again the entry into the Schengen area. Juncker reiterated again the support of the EC if continuing to promote the rule of law, stating that for the EC is unacceptable that Romania steps back on this issue.

The debate in the European Parliament was divided into two groups, the first one representing the adepts of the changes to the justice laws in Romania, the other considering them an opportunity for further enhancing corruption. The first group consisted mainly of Romanian MEPs from the Social Democrat Party, the one that promotes the new approach to the judiciary in Romania. Their main arguments invoked the misinformation related to the forecasted changes and the necessity of changing the justice laws due to the permission of the actual system of using tools for attacking political rivals. The second group included not only Romanian MEPs from the opposition, but also foreign MEPs that allied to their opinions. Their arguments were based on the demand of the population, who continuously protested during the last year and requested justice, rule of law and

the adoption of the European values in the society. Again, as in several other times, there was launched the suggestion for the Government of Romania to seek the Venice Commission's opinion on the laws of justice and to take into account the concerns raised by the EC. The European Justice Commissioner Vera Jourova reiterated the EC's call for the Romanian Parliament to open the debate on the amendments to the laws of justice in line with the Brussels recommendations and to reach a consensus. The problem is the more stringent as Romania – who will have the presidency of the European Council – cannot solve its corruption issues.

Although present in Strasbourg, the Romanian Minister of Justice could not be present in the debate, because he was not invited. Procedurally, only the prime minister can take the floor in the debate, but the actual prime minister could not be present. Still, the idea of the misinformation about the laws of justice was promoted by the Minister of Justice, after its meetings with the vice-president of the EC, Frans Timmermans, and with the members of the Group of European Socialists, on this subject.

In fact, the legislative changes in Romania are the subject of a GRECO survey, who announced that it has decided to launch an emergency assessment for the three draft laws on the judiciary, whose results will be presented in March. It is for the first time when GRECO decides on its own to launch such an investigation. Recently, the GRECO representatives had a special meeting with the special parliamentary commission in Romania on the justice laws in order to learn directly from them how the changes were made. The vice-president of the EC, Frans Timmermans, is also expected in Romanian at the beginning of March, for a similar meeting with the same commission. In January, GRECO published a critical report related to the prevention of corruption among members of Romanian Parliament, judges and prosecutors. The conclusion of the report pointed to a very limited progress in implementing the institution's recommendations on preventing and combating corruption, due to the fact that Romania implemented only two of the 13 recommendations provided in the

evaluation published in 2016. Seven recommendations have not been implemented at all, and four have been partially implemented. The insurance of transparency, besides the presence of the media at the debates, should be enhanced by the preparation of a comprehensive documentation, communication on the subject before the adoption of such legislative amendments and impact analyses.

While the EU took serious initiative for verifying the situation in Romania, other MEPs also insisted for more drastic measures. A High German official, the Chairman of the European Affairs Committee in Bundestag, Gunther Krichbaum, required president Juncker not to suspend the application of the CVM in Romania due to political reasons such as the take over of the presidency of the EU Council. Moreover, in the event of new attacks on independence of the judiciary, the EC is advised to act in order to initiate the procedure for activating Article 7 of the EU Treaty.

The general position of the EC, expressed by both the president Juncker and the Justice Commissioner Jourova, is that Romania made several important progresses in the judiciary area and the rule of law is functioning at this moment. Still, the situation could change if the proposed measures are adopted. Romania is constrained with the further application of the CVM monitoring and restrictions from the Schengen area.

The greatest risk for Romania's external relations is that it will not be regarded as a reliable partner anymore, which could cause major vulnerabilities from the perspective of promoting and defending its foreign interests.

The political crisis in Romania that culminated with the change of the Government also had some unexpected implications for the external relations with other non-EU countries. The Japan's Prime Minister, Shinzo Abe, has made a historic visit in Romania at the middle of January, as a part of his tour in Eastern Europe. No Chief of the Japanese Executive paid an official visit to Romania in the last 100 years. Unfortunately, his visit overlapped exactly with the moment when Romania had no prime-minister, following the resignation of

the previous one. Therefore, the Japanese official had to cancel the meeting at the Government and Romania lost important opportunity for improving its strategic partnership with Japan on both the political and the business areas. A similar situation happened at the middle of February, when the Minister of Justice, in a working visit in Japan, had to interrupt its programmed schedule and to return home at the call of the actual prime-minister due to several other problems related to the justice system. These problems risk the emergence of a new political crisis in Romania. Still, the potential future relations with Japan could be undermined due to these critical situations. Romania should better balance the domestic issues with its external policy.