







Weekly Briefing

Romania Political briefing:
Romania's situation regarding the rule of law debated in the
European Parliament
Oana Cristina Popovici

China-CEE Institute

Kiadó: Kína-KKE Intézet Nonprofit Kft.
Szerkesztésért felelős személy: Chen Xin
Kiadásért felelős személy: Huang Ping

 1052 Budapest Petőfi Sándor utca 11.
 +36 1 5858 690
 office@china-cee.eu
 china-cee.eu

Romania's situation regarding the rule of law debated in the European Parliament

The European Parliament debated Romania's situation related to the justice laws and the situation of judiciary in an extraordinary meeting of the Committee on Civil Liberties, Justice and Home Affairs (LIBE) at the beginning of October. The Romanian Prime Minister Viorica Dancila delivered a speech related to the rule of law and the protests which ended in violence almost two months ago. The debates lead to explicit warnings in case of slippages and to enforced recommendations in following the Venice Commission opinions related to the reforms in justice. While the ruling political leaders in Bucharest insist on a massive misinformation of the European Commission on this topic, they manifested their interest to collaborate for exchanging information in the view of the Resolution related to the rule of law in Romania that was postponed until mid-November.

On the 1st of October, the members of the Civil Liberties, Justice and Home Affairs Committee in the European Parliament debated Romania's reforms in the area of judiciary and their impact on the separation of powers in the state. The Vice President of the European Commission, Frans Timmermans, attended the meeting for discussing the Cooperation and Verification Mechanism (CVM) report in 2017 and the first opinions of the Venice Commission related to the changes to the judiciary laws. On the 3rd of October, another debate was carried out at Strasbourg, related to the protests on the 10th of August which ended in violence and the rule of law in Romania. This time, the Romanian Prime Minister Viorica Dancila delivered a speech on the situation.

The subject of justice reform drew the attention of the EU, of other international institutions and Romania's partners once with the launch of suspicion that the separation of powers will be affected. Moreover, EU officials, such as the European Commissioner for the Budget, Günther Oettinger, warned that Romania, alongside Hungary and Poland, could threaten the European project.

The debate on the 1st of October ended with the warning of the Vice-President Timmermans to the authorities in Bucharest regarding the laws of justice, the referendum on family redefinition and the intervention of the gendarmerie against peaceful protesters on 10 August. The European Commission's representative asked the Romanian Government to take into account the recommendations made by the international institutions until now. Moreover, the European Commission Vice-President said that Brussels will not hesitate to act if the authorities in Bucharest will not correct the laws of justice in line with the recommendations of the Venice Commission. He said that European officials are guardians of the EU treaties and will use all the means at their disposal, be it the CVM or other instruments: "We will not hesitate to take the Romanian government to court if they don't comply with the recommendations we made in the CVM report and the GRECO report and with the Venice Commission's opinion"¹. The meeting which took place two days later was centred around the fact that the views expressed by the Venice Commission on the justice reforms were not taken into account by the Romanian Parliament and the worries that the changes to the justice laws could affect the anti-corruption fight. Therefore, EU is concerned about the evolutions in the last period given that, if adopted without corrections, the laws will jeopardize the autonomy of justice in combating corruption.

In this context, the speech of the Romanian Prime-Minister was directed towards pointing the efforts for ensuring that the justice represents the guarantee

¹ <http://business-review.eu/international/timmermans-threat-we-will-not-hesitate-to-take-the-romanian-government-to-court-186035>

of respecting the laws and citizenship rights. She accused that the CVM reports until present were not related to the violation of citizens' rights due to the secret protocols between the Romanian Intelligence Service and the justice institutions and the abusive actions of the National Anticorruption Directorate (NAD). The existence of these protocols caused violations of human rights, as the citizens were monitored by the intelligence services in the name of the anti-corruption fight, the court cases were vitiated by the pressure against magistrates, criminal files were based on falsified evidence. Related to the protests on the 10th of August, the Prime Minister stated that similar actions were normal in other EU Member States, therefore the accusations against the Romanian Gendarmerie are not acceptable. Mainly, the message was focused on treating Romania and its citizens in the same manner other EU states are treated. In addition, in answering to the critics made during the debate, the Prime Minister ensured that Romania will take into account the recommendations of the Venice Commission because it is a pro-European country and will certainly not deviate from its pro-European way.

While the Prime Minister gained the support of two Members of the European Parliament (MEP) known as euro sceptics, who also backed Hungary in the debates related to the rule of law, the representatives of the European Commission and many other MEPs have harshly criticized the changes to the laws of justice and criminal codes, as well as the brutal intervention of the Gendarmerie on the 10th August protest. The leader of the Liberal Group of the European Parliament, Guy Verhofstadt, drew the attention that the Bucharest Government follows the practices of the governments of Hungary and Poland that contradict the values of the EU and advised towards following the Venice Commission recommendations and the systematically analysis of the legislative proposals for the fight against corruption to be strengthened, not weakened.

The most shared opinion by the ruling political leaders in Bucharest is that the European Commission and Parliament are misinformed about the situation in

Romania mainly due to the internal political struggles. The Social Democrat Party leader viewed the debate as “a conviction before studying the evidence” and invoked the fact that there has been no concrete indication of those amendments or those articles of the laws of justice that affect the independence of the judiciary. The leader of the Party of the Alliance of Liberals and Democrats (ALDE) argued that the European Commission has difficulties in analysing objectively and comprehensively the amendments made to the laws of Justice. In this context, the ALDE leader stated that the Venice Commission's recommendations could be “integrated” into legislation for providing the necessary assurances the European Commission needs for guaranteeing the correctness of the judiciary laws. The leader also mentioned that there are many interests that influenced the debate in Strasbourg, such as different parties' interests or concerns of other groups that are being made in the run-up to the elections for the European Parliament. In the same spirit, one of the Romanian MEPs suggested that the allocation of the European funds is at stake. Therefore, if the criteria of the rule of law is introduced, all the countries suspected of a behaviour contrary to Article 7 will lose the European money that will be allocated to future budgetary planning. The Commission should introduce a mechanism for assessing the rule of law for all the EU states and not just selectively for two or three states, while the CVM has no support in the EU Treaties and should be eliminated. In addition, the Minister of Justice asked to have a punctual discussion with the European Commission Vice-President for identifying exactly what are the troubles with the justice laws. A social-democrat senator even asked for the resignation of Frans Timmermans, given his statements related to Romania.

On the other hand, the representatives of the opposition consider that the messages of Frans Timmermans were very clear, pointing to the fact that the situation in Romania is very well-known by the European Commission, especially that there are various delegations who meet different officials in

Bucharest for investigating certain topics, and that there are attempts of the ruling leaders for misleading the European Commission. Even worse, such actions could lead to the isolation of Romania in the EU.

The Minister of Justice pointed that the meeting with Frans Timmermans that occurred during those days was very constructive, based on dialogue and without reproaches from one side or another, restating the need for a constant dialogue between the Romanian Government and the Commission for consolidating the European construction and strengthening the rule of law. In addition, according to the Justice Minister, the First Vice-President of the EC stated that Romania is not in danger of activating the Article 7 of the EU Treaty, namely the procedure that could lead to the suspension of the voting right of a member state, due to the different situation in Romania as compared to Poland or Hungary, while the warning related to “taking the Romanian government to court” referred to the infringement procedure for failing to transpose the money laundering directive.

The adoption of the Resolution on the rule of law in Romania is postponed for mid-November, one of the reasons being the fact that Romanian President, Klaus Iohannis, will hold a speech on the future of the EU in the plenary of the European Parliament in Strasbourg. While the MEPs and the European Commission positioned themselves against the actions of the government and not against the Romanian citizens, the resolution on the rule of law will be launched after close cooperation with the Government and the Presidency.