



# Weekly Briefing

## **Romania political briefing:**

### **Political summary of 2018**

## **Instability due to justice laws – the feature of the Romanian political arena in 2018**

**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

## **Political summary of 2018**

### **Instability due to justice laws – the feature of the Romanian political arena in 2018**

**The path of the Romanian political trajectory was a sinuous one in 2018, encountering several challenges that not only perturbed the domestic environment, but also draw the attention of the international institutions. The suspicions related to the disruption of the rule of law formed the core around which the major political events were centered this year. Several consequences emerged and definitely marked the year of 2018: the change of the Prime-Minister, major protests that ended in violence, the dismissal of the chief of the National Anticorruption Directorate (NAD) and initiation of the procedure for the dismissal of General Prosecutor, last-minute avoidance of an European Parliament's Resolution related to the rule of law in Romania, previsions on the failure to enter the Schengen area at the same time with Bulgaria.**

The beginning of the year 2018 brought the third change of the Prime Minister within the same political majority, after the previous ones lost the support inside the governing coalition. It seems that the dismissal of the two Prime Ministers was related to the lack of willing for promoting an emergency ordinance related to the justice laws. This way, they had to follow the more cumbersome procedure of being approved by the Parliament. At the end of January, the President appointed in this position, for the first time in Romania's history, a female, Viorica Dăncilă, former member of the European Parliament since 2009.

Even since taking office, the Government was contested and harshly criticized. The main suspicion was that, as the first two Prime Ministers were accused of insubordination with the party's decisions and lack of responsibility for assuming the laws of justice, the new formed Government would be totally submitted to the leaders of the coalition parties, the Social Democrat Party (SDP) and the Party of the Alliance of Liberals and Democrats (ALDE), who follow their own interests related to the justice laws. In fact, Liviu Dragnea, the SDP leader, was convicted earlier in July for instigation to abuse of office. As the decision was not final, it was appealed to the panel of 5 judges. Initially, the term for the judgement was established for September, but due to different situations, the examination of the call was postponed until the beginning of

2019. In the meantime, there is still the suspicion that the judicial laws pushed to be adopted could provide a more favourable situation in this case.

In fact, the doubts related to the Government continued through the whole year and were reflected, from the part of the population, in a long series of protests having different dimensions; from the part of the opposition parties, in successive censure motions against various members of the Government and, from inside the coalition parties, in several resignations of some important members.

The topic of the protests was generally centred on the justice laws whose adoption will limit the fight against corruption and will have the undesirable consequences of moving Romania away from the democratic standards supported by the EU. While in the month of May one of the most significant protests against the Government (regarding the number of people involved) took place, the largest one this year was carried out in August, with a considerable participation of the Romanians living outside the country, which gathered at Bucharest with this special occasion. The themes of the protest were similar to the previous ones, invoking the controversial decisions related to the justice and asking for the resignation of the Government. This time, the event ended with a brutal police crackdown, which led to the injury of several people. Four months after the incident, there is not yet established who is the official deciding the brutal intervention of the force orders, neither the responsibility of each institution involved in the management of the situation. There was no resignation of the officials – therefore no one assuming the guilt – and the investigation is in progress.

The pressure for clarifying the situation rather came from the European Parliament, which invited the Romanian Prime Minister to deliver a speech in which to reflect Romania's position related to the protests on the 10<sup>th</sup> of August. In her message, Viorica Dăncilă emphasized that similar measure to the ones taken by the Romanian Gendarmerie are considered normal in other EU Member States, therefore Romania should not be seen as an exception. No other important protest took place since then, potentially due to the fact that such manifestations seemed to be unsuccessful, potentially due to the law prohibiting spontaneous protests, adopted by the High Court of Cassation and Justice at the beginning of November.

Several attempts of censure motions against the Prime Minister and other members of the Government were initiated by the opposition parties, but were rejected each time due to the fact that SDP and ALDE had the majority in the Parliament.

During the year, several members of SDP resigned. Among them is the former Prime Minister, Victor Ponta, who made its own parliamentary group which took a critical path towards the SDP leadership. Recently, the governing coalition lost the majority in the Chamber of Deputies, but is still keeping a strong position in the Senate.

In this vein, the dismissal procedure of the chief prosecutor of the National Anticorruption Directorate (NAD) initiated by the Minister of Justice was seen as an attempt to weaken the fight against corruption, especially that the opinion of both the Superior Council of Magistracy (SCM) and the Prosecutor's Office attached to the High Court of Cassation and Justice indicate that there is no legal basis for such a procedure. Under the coordination of Laura Codruța Kovesi, the institution made more arrests and convictions than any other similar agency in the EU. The activity of the chief prosecutor was valued by the United States ambassador, Hans Klems, and she received the Legion of Honour in the rank of Knight from the Ambassador of France to Romania, was decorated with the title of Commander of the Pole Star Order by Sweden and enjoyed an unprecedented support from several foreign ambassadors from United States, Germany, Finland and Croatia. After the removal of Laura Codruța Kovesi, since July, the NAD has remained without a chief prosecutor. The nomination of the Minister of Justice for this position was rejected by the President, after the prosecutor's office of the SCM provided a negative notice, due to issues of honesty and impartiality. A similar procedure of dismissal was launched by the Minister of Justice against the General Prosecutor, Augustin Lazar, again under contested circumstances, as in the previous case. The procedure was not ended as the General Prosecutor submitted to the judicial court an application in which he requested the suspension of the procedure for his dismissal.

The Venice Commission's reports regarding the amendments to the laws of justice and the Criminal Code and Criminal Procedure Code, expected the whole year, were revealed in October and recommend a revision of these laws, as in their actual format they could threaten the efficiency of the criminal justice system in combating corruption and organized crime. The European Commission iterated its concern on the subject several times, while the European Parliament hosted an extraordinary meeting of the Committee on Civil Liberties, Justice and Home Affairs in which the Romania's situation related to the justice laws was debated. A Resolution in this direction, similar with the ones received by Poland and Hungary, managed to be avoided on the edge of taking over the European Council's Presidency in January.

Therefore, the Cooperation and Verification Mechanism (CVM) report, launched in November, is not in favour of Romania. While Bulgaria could expect the MCV to be raised in 2019, the Commission do not provide any

similar deadline for Romania. This is the first time that one of the two countries under the CVM has a clear perspective for lifting the mechanism set up at the time of joining the EU. Romania had a clear advantage over Bulgaria until 2016, but lost its competitiveness in this area in the last period. In a recent meeting with the Romanian Prime Minister, Jean Claude Juncker, the European Commission President, stated that there are still differences between the Romanian Government and the Commission regarding the rule of law, but this is unrelated to the presidency of the EU Council starting in early 2019. Juncker was optimistic that the Romania will become part of the Schengen area by the end of the mandate of the current Commission.

The instability, which characterised the political arena during the whole year, remains a permanent feature of the political situation at the end of the year. Just a month and a half before Romania took over the presidency of the EU Council, the Minister for European Affairs, Victor Negrescu, suddenly resigned after a meeting of the Executive. In November, a shuffle of the Government ended with eight changes of ministers in the Government headed by Viorica Dăncilă, almost one third of the executive. Two of them have not received yet the nomination from the President. It is the case of the Development and of Transportation Ministries, where SDP intended to place key persons. The President motivated that he had not finalized the analysis on the reshuffle. In the meantime, he severely criticized the Government, accusing of superficiality and lack of performance its members. Taking advantage of weakening power of the coalition, the National Liberal Party (NLP) requested the revocation of Liviu Dragnea and Florin Iordache, the president and the vice-president of the Chamber of Deputies. Iordache, the leader of the deputies meeting, refused to vote for the NLP proposals. Since these events took place recently, it is possible to assist to further changes in the political situation in the first part of the next year.