

Commission Criticises Romania for Regression in Judicial Reforms and Fight Against Corruption



News

Thomas Wahl

As part of the Cooperation and Verification Mechanism (CVM), the Commission voiced concerns over current developments in Romania regarding judicial reforms, judicial independence, and the fight against high-level corruption. In its progress report tabled on 13 November 2018, the Commission stated that Romania does not fulfil the CVM benchmarks. Recent developments in Romania even led to the reopening of/ backtracking on issues that were deemed solved in the last 10 years.

The progress made in Romania since the last report of November 2017 is duly noted. The report particularly assesses the implementation of 12 recommendations as set out in the progress report of January 2017.

The Commission notes that the entry into force of the amended justice laws, the pressure on judicial independence in general and on the National Anti-Corruption Directorate (DNA) in particular, and other steps undermining the fight against corruption have called into question the progress already made. Furthermore, Romania is currently lacking the means to guarantee a media environment in which corruption cases can be brought to light.

Instead of closing issues, the Commission set out new recommendations in the following areas:

- Justice laws;
- Appointments/dismissals within the judiciary;
- Criminal Codes.

As regards the latter, the Commission recommends freezing the entry into force of changes to the Criminal Code and the Criminal Procedure Code. It also recommends re-opening the revision of the Codes, fully taking into account the need for compatibility with EU law and international anti-corruption instruments.

The CVM applies to Romania and Bulgaria. It was established upon the accession of the two countries to the EU in 2007 in order to remedy certain shortcomings that existed in both Member States in the areas of judicial reform and the fight against corruption. These weaknesses could prevent an effective application of EU laws, policies, and programmes and could prevent Bulgarians and Romanians from enjoying their full rights as EU citizens. The Commission regularly verifies progress against specific benchmarks.

Each Commission report, as well as its methodology and conclusions, is subject to subsequent discussion in the Council of Ministers and has been consistently endorsed in Council Conclusions. The reports and methodology are also presented to the European Parliament.

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In January 2017, the Commission set out the remaining steps needed to achieve the CVM's objectives. It provided concrete recommendations to both Member States, which would allow them to fulfil the benchmarks and close the CVM process under the current Commission's mandate.

In its report of November 2018, the Commission observed a regression of Romania in fulfilling the recommendations. Therefore, the country is far from having the supervision mechanism lifted. The Commission stressed that it will closely follow the situation in Romania until the end of its mandate in 2019. Hence – against Romania's expectations – supervision will continue during the Romanian EU Presidency starting on 1 January 2019.

In a first reaction, [Romania's governing coalition rebuffed the CVM report](#) and is considering challenging it before the CJEU. Romanian ministers and MPs argue that the recommendations have no judicial power to halt national legislation.

In a [resolution of 13 November 2018](#), however, the European Parliament also voiced "deep concerns" over the reform of the Romanian judicial and criminal laws, which risks undermining the separation of powers and the fight against corruption. MEPs also stressed the need to reinforce parliamentary control over the intelligence services, which allegedly interfered with the Romanian judiciary. Furthermore, the resolution condemned the violent and disproportionate police response to public protests.

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