

Romania to be Placed Under Rule-of-Law Monitoring



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European Law Forum: Prevention • Investigation • Prosecution

Thomas Wahl

News

After Poland and Hungary, Romania is likely to become the third EU country that may face the consequences of the EU's Article 7 procedure (for this procedure, see euclid 2/2018, p. 80 and the article by Cassese, euclid 1/2018, p. 72). After the Romanian Parliament passed a highly contentious justice reform on 24 April 2019, the Commission sent a warning letter to Romania on 10 May 2019.

The ruling Social Democrat party pushed the bill through in parliament, as a result of which the statute of limitations for some criminal offences is shorter, lower sentences for some offences have been introduced, and negligence in the workplace decriminalised. Critics believe that the reform *de facto* leads to impunity for high-ranking officials who are allegedly involved in corruption and fraud cases.

The Commission sees threats not only to judicial independence, but also to the effective fight against corruption, including the protection of the financial interests of the EU as a consequence of the new Romanian legislation. It warned the Romanian government that it will trigger the rule-of-law mechanism without delay and that it will suspend the Cooperation and Verification mechanism (CVM). The CVM is a specific framework for the Commission to regularly monitor progress made after Romania's accession to the EU in 2007. It was intended to help overcome several shortcomings that had been identified in relation to implementation of the EU *acquis*.

The Commission warned Romania that the country's envisaged accession to the Schengen area would be impeded if the controversial criminal law reforms are promulgated.

AUTHOR

Thomas Wahl

Senior Researcher
Max Planck Institute for the
Study of Crime, Security and
Law

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