

# Romania: Rule-of-Law Events



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European Law Forum: Prevention • Investigation • Prosecution

**Thomas Wahl**

## News

Next to Poland and Hungary, Romania has become the subject of increased rule-of-law scrutiny by EU institutions. The main recent developments are:

- 23 September 2020: Romania is likely to be defeated in the judicial reform dispute. [Advocate General Bobek concludes](#) that the interim appointment of the Chief Judicial Inspector and the national provisions establishing a special public prosecutor's section with exclusive competence for offences committed by judges and prosecutors are contrary to Union law. Several Romanian courts have asked the CJEU to examine whether individual judicial reforms in their country are compatible with Union law ([Joined Cases C-83/19, C-127/19 and C-195/19](#), [Case C-291/19](#) and [Case C-355/19](#)). The 2016-2018 reforms amended the justice laws that were adopted upon Romania's EU accession in 2007. The Commission already criticized the reforms in their regular monitoring reports within the Mechanism for Cooperation and Verification. The AG observes that the interim appointment of the management position of the judicial inspection is outside the normal legal procedure and has the practical effect of reinstatement. Such system could not dispel reasonable doubt as to the neutrality and the imperviousness of judicial bodies to external factors, which is not in line with EU law. Regarding the creation of the special section of the public prosecutor's office, the AG clarifies that a body dealing with mistakes made by prosecutors and judges must be sufficiently transparent and well-founded, and its composition and working methods must guarantee that external pressure on the judiciary is avoided. Bobek argues that a clear, unambiguous and accessible justification for this institution in Romania is lacking and that political influence cannot be ruled out.
- 30 September 2020: In the [country chapter on Romania of the Rule of Law Report](#), the Commission concludes that, in Romania, 42 controversial reforms enacted in 2017-2019 "with a negative impact on judicial independence continue to apply." However, the Commission also acknowledges: "In 2020, the Government continued to affirm its commitment to restore the path of judicial reform after the reverses of 2017-2019. This led to a significant decrease in tensions with the judiciary." In a [reaction to the report](#) a few days later, the current Romanian centre-right government reiterates its plan to reverse the controversial reforms enacted by the previous Social Democrat Party (PSD). In particular, the current government aims to undo the Special Section for Investigating Crimes in the Justice System.

### AUTHOR

**Thomas Wahl**

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

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