

Franet National contribution to the Fundamental Rights Report 2024

România

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1. Impact of the cost-of-living crisis and rising poverty in the EU

1.1. Legal measures impacting on vulnerabilities of persons affected by the rising costs of living and energy.

Food Vouchers

In May 2022, Romania introduced social tickets for food (known as food vouchers), for certain categories of vulnerable persons, in response to high inflation¹. In December 2022, the Government extended the program until the end of 2023, and clarified the definitions of eligible group². During 2023, the following vulnerable categories will receive social tickets for food of RON250 (€50) every two months:

- pensioners of the public pension system, pensioners registered in the sectoral pension funds and beneficiaries of rights provided by special laws, paid by the territorial pension funds / sectoral pension funds, whose own monthly net income is less than or equal to RON1,500 (€300);
- persons with a severe, accentuated or moderate degree of disability, whose own monthly net income is less than or equal to RON1,500 (€300);

¹ Romania, Government Emergency Ordinance no. 63/2022 on temporary measure to support vulnerable persons in risk of poverty ([Ordonanță de urgență nr. 63/2022 privind unele măsuri temporare pentru acordarea de sprijin material categoriilor de persoane aflate în situații de risc de deprivare materială și/sau risc de sărăcie extremă, suportate parțial din fonduri externe nerambursabile, precum și unele măsuri de distribuire a acestuia](#)), 10 May 2022.

² Romania, Government Emergency Ordinance no. 165/2022 on amending and completion of the GEO no. 63/2022 ([Ordonanță de urgență nr. 165/2022 din 8 decembrie 2022 pentru modificarea și completarea Ordonanței de urgență a Guvernului nr. 63/2022 privind unele măsuri temporare pentru acordarea de sprijin material categoriilor de persoane aflate în situații de risc de deprivare materială și/sau risc de sărăcie extremă, suportate parțial din fonduri externe nerambursabile, precum și unele măsuri de distribuire a acestuia](#)), 8 December 2022.

- families with at least two dependent children whose net monthly income per family member is less than or equal to RON600 (€120)
- single-parent families whose net monthly income per family member is less than or equal to RON600 (€120);
- families who have established the right to social assistance under the conditions of the law regarding the guaranteed minimum income;
- homeless persons as they are defined according to the legal provisions in force;
- persons up to 18 years of age in the care of those families whose average income per family member is below the value of the minimum guaranteed income in payment provided by the law on social assistance.

If a person qualifies for more than one category, they will receive only one voucher.

According to the government's initial estimations, included in the supporting documents of the legislation, three million people will benefit from these vouchers every two months. The largest groups are 2.3mln pensioners (category 1) and 0.4mln persons with disabilities (category 2). The government hasn't published any report or assessment on the actual impact of the measure, during 2023.

The budget of the measure is RON 6.28bln (€1.26bln), for the entire period. The source of funding is two EU funded programs: Helping Disadvantaged Persons 2014-2020 (POAD - *Programul Operațional Ajutorarea Persoanelor Dezavantajate 2014-2020*) and Inclusion and Social Dignity 2021-2027 (PoIDS - *Programul Incluziune și Demnitate Socială 2021-2027*).

Energy Vouchers

In 2023, in response to the rising energy prices, Romania introduced a scheme of support for vulnerable consumers, known as 'energy cards' or 'energy vouchers'³. The scheme is offering direct financial aid of RON1.400 (€280) per person in a vulnerable household and it is paid in two allotments: RON700 (€140) starting with February 2023, and RON700 (€140) paid starting with September 2023. The aid is transferred on cards distributed by the postal services. The cards can be used until the end of December 2023, either for paying energy bills or for buying fuel (coal, wood etc.) from authorized sellers.

³ Romania, Government Emergency Ordinance no. 166/2022 regarding some measures to support vulnerable persons to compensate the energy prices ([*Ordonanță de urgență nr. 166/2022 privind unele măsuri pentru acordarea unui sprijin categoriilor de persoane vulnerabile pentru compensarea prețului la energie, suportat parțial din fonduri externe nerambursabile*](#)), 8 December 2022.

The following categories of vulnerable persons are included:

- pensioners of the public pension system, aged 60 or older and whose monthly income is less than or equal to RON2,000 (€400);
- pensioners with a disability pension, regardless of age, and whose monthly income is less than or equal to RON2,000 (€400);
- persons - children and adults - classified as severely, severely or moderately disabled, whose monthly income is less than or equal to RON2,000 (€400)
- families receiving family support allowance;
- families and single persons who are beneficiaries of the guaranteed minimum income.

The source of funding is unspent European funds from the budgetary period 2014-2020, on several budget lines, and the RePowerEU program.

According to a press release of the Ministry of European Programs and Investments (MIPE – *Ministerul Investițiilor și Programelor Europene*), over 4 million persons will receive the energy cards, and the total estimated budget is RON2.8bln (€416mln)⁴. The same source announced that, between 20 February 2023 and 25 May 2023, 3 million payments were made through the energy card. The total value of the amounts paid reaching RON 678mln (€135mln). Of the total amount of payments, 145,000 of them, worth over RON30mln (€6mln), were made through the online platform, and for firewood, energy cards were used by over 92,000 beneficiaries. The amount paid, in cash, to compensate the cost of firewood is RON62.4mln (€12.5mln).

On 5 September 2023, MIPE announced that the second tranche will be paid to beneficiaries⁵. During 2023, the Government has not published any impact assessment of the measure.

At the end of December 2023, the Parliament extended the energy vouchers to 2024, under similar conditions. The Parliament stipulated that the vouchers can also be used

⁴ The Ministry of European Programs and Investments (MIPE – *Ministerul Investițiilor și Programelor Europene*), 'Energy card: Vulnerable families paid 3 million bills, totaling 678 million lei. The number and value of payments for firewood increased 5 times in the last month' ([Cardul de energie: Familiile vulnerabile au plătit 3 milioane de facturi, în valoare totală de 678 milioane lei. Numărul și valoarea plăților pentru lemne de foc au crescut de 5 ori în ultima lună](#)), 30 May 2023.

⁵ The Ministry of European Programs and Investments (MIPE – *Ministerul Investițiilor și Programelor Europene*), 'MIPE transfers the second installment for the payment of heating bills in the middle of this month' ([MIPE virează a doua tranșă pentru plata facturilor de încălzire la mijlocul acestei luni](#)), 5 September 2023.

for purchase and installation of thermal energy cost distribution systems, in homes located in condominium buildings connected to the centralized thermal energy supply system or equipped with a local source of thermal energy production⁶.

1.2. Policy measures impacting on vulnerabilities of persons affected by the rising costs of living and energy.

Capping energy prices

In April 2022, Romania adopted measures to cap the energy prices (gas and electricity), for all home consumers and some categories of business consumers, in response to the effects generated on the energy market by the Russian war on Ukraine⁷. The measure was adjusted several times in 2022, by either the Government or the Parliament. The most recent amendments, adopted by the Parliament in December 2022, extended the period of implementation until March 2025, and set the general rules that remained valid for 2023⁸.

⁶ Romania, Law no. 428/2023 regarding the establishment of measures to provide temporary support related to the year 2024 to categories of vulnerable people, to compensate the cost related to the purchase and installation of technical systems for determining individual thermal energy consumption, in condominium-type buildings connected to the centralized thermal energy supply system, as well as for the modification and completion of some normative acts ([*Lege nr. 428/2023 privind stabilirea unor măsuri pentru acordarea unui sprijin temporar aferent anului 2024 categoriilor de persoane vulnerabile, pentru compensarea costului aferent achiziției și montării unor sisteme tehnice de stabilire a consumurilor individuale de energie termică, în imobile de tip condominiu racordate la sistemul de alimentare centralizată cu energie termică, precum și pentru modificarea și completarea unor acte normative*](#)), 29 december 2023.

⁷ Romania, Government Emergency Ordinance no. 27/2022 regarding some measure on the electricity and gas markets for the period 1 April 2022 – 31 March 2023 ([*Ordonanță de urgență nr. 27/2022 privind măsurile aplicabile clienților finali din piața de energie electrică și gaze naturale în perioada 1 aprilie 2022-31 martie 2023, precum și pentru modificarea și completarea unor acte normative din domeniul energiei*](#)), 18 March 2022.

⁸ Romania, Law no. 357/2022 on approving the GOE no. 119/2022 ([*Legea nr. 357/2022 privind aprobarea Ordonanței de urgență a Guvernului nr. 119/2022 pentru modificarea și completarea Ordonanței de urgență a Guvernului nr. 27/2022 privind măsurile aplicabile*](#)

For home consumers, the price caps are:

- Electricity: 0.68 RON/kWh (€0.13) for an average monthly consumption of less than or equal to 100 kWh (recorded in the previous year), and 0.8 RON/kWh (€0.16) for an average monthly consumption between 100 and 300kWh. The following categories of home consumers benefit of the lower price regardless of the quantity consumed:
 - o Household customers at whose place of consumption live persons who use devices, appliances or medical equipment powered by electricity, necessary for carrying out medical treatments.
 - o Household customers who have at least 3 children under the age of 18. The age limit is extended up to 26 years if the adult child follows a form of education.
 - o Household customers single-parent families, who have at least one dependent child up to 18 years of age. The age limit is extended up to 26 years if the adult child follows a form of education.
- Natural gas: 0.31 RON/kWh (€0.07), regardless of the quantity consumed.

The ceilings include VAT and apply to distributors supplying final consumers.

Some categories of business consumers, including public institutions, registered non-governmental organizations, and churches of recognized religious denominations, benefit for similar prices.

According to the data published by the energy market arbiter (ANRE – *Autoritatea Națională pentru Reglementare în Energie*), the total cost of the price capping program, in the period April 2022 – July 2023, was RON 20.5bln (€4.13bln), out of which RON 4.6bln (€0.93bln) in January-July 2023⁹.

The source of funding is the state budget. According to political sources quoted by mass media, the Government obtained the agreement of the European Commission to

[clienților finali din piața de energie electrică și gaze naturale în perioada 1 aprilie 2022-31 martie 2023, precum și pentru modificarea și completarea unor acte normative din domeniul energiei](#)) 13 December 2022.

⁹ The National Regulatory Authority in the field of Energy (ANRE – *Autoritatea Națională pentru Reglementare în Energie*), 'The total amount verified by ANRE and sent for settlement exceeded RON 20.5 billion' ([Suma totală verificată de ANRE și transmisă spre decontare a depășit 20,5 miliarde RON](#)), 14 September 2023.

cover up to €0.5bln from the Energy Transition Fund¹⁰, but no official announcement was made.

The Government has not published any impact assessment of the measure.

According to a study published by the Foundation Friedrich Ebert (FES – Friedrich Ebert Stiftung Romania) at the end of February 2024, the regulation of energy and some food prices by the Government led to a reduction, on average, by 11% of the costs of goods and services necessary for a decent life, for a family with two children, respectively by 1.118 RON/month (225 EUR/month). The study shows that savings in the family budget were greater in the energy chapter than in food. In the absence of measures to cap energy prices, the total value of the minimum basket for a decent living would have increased by 10.4%, with housing expenses increasing and the need for the savings fund. The estimated impact of the measures to cap commercial additions in the case of food was 0.6% of the value of the basket, according to the FES study¹¹.

Capping food prices

Starting with August 2023, for a limited period of 90 days, Romania adopted legislation designed to limit food prices by ceiling the trade markup on the food chain¹². The following categories of products are included:

1. Plain white bread weighing between 300-500 grams, without specialties
2. Cow's milk for consumption 1 l, fat 1.5%, except UHT
3. Bulk cow cheese 'Telemea'
4. Plain yogurt from cow's milk, 3.5% fat, with a maximum weight of 200 grams
5. White wheat flour "000" 1 kg

¹⁰ Agerpres, 'Agreement in principle for the reimbursement from European funds of the expenses already incurred by the Ministry of Energy to suppliers (sources)' ([Acord de principiu pentru rambursarea din fonduri europene a cheltuielilor deja efectuate de ministerul energiei catre furnizori \(surse\)](#)), 16 May 2023.

¹¹ Friedrich Ebert Stiftung Romania (2024), 'Price ceiling in Romania. The impact of recent measures to regulate the prices of consumer goods and services on the consumption basket for a minimum decent living' ([Plafonarea prețurilor în România. Impactul măsurilor recente de reglementare a prețurilor la bunurile și serviciile de consum asupra cosului de consum pentru un trai minim decent](#)), 26 February 2024.

¹² Romania, Government Emergency Ordinance no. 67/2023 regarding some temporary measures to limit excessive prices on some food products ([Ordonanță de urgență nr. 67/2023 privind instituirea unei măsuri cu caracter temporar de combatere a creșterii excesive a prețurilor la unele produse agricole și alimentare](#)), 30 June 2023.

6. Corn flour 1 kg
7. Chicken eggs calibre M 10 pcs.
8. Sunflower oil 1 l
9. Fresh meat chicken
10. Fresh pork
11. Fresh vegetables in bulk
12. Fresh fruit in bulk
13. Fresh white potatoes in bulk
14. Cast white sugar 1 kg

For each of these products, the legislation is limiting markup to: 20% for processing; 5% for distribution (the whole chain); and 20% for retail.

The Competition Council (*Consiliul Concurenței*) stated that the prices for all categories of products have generally decreased in August, compared to June, with a margin between 1% for some varieties of meat, to 49%, for plumes. The only exceptions were some variety of pork meat and red apples, for which the prices have increased by 1 or 2%¹³.

At the end of October 2023, the Government extended the capping until 31 January 2024, and updated the list of products to the following items¹⁴:

- Plain white bread weighing between 300 and 500 grams, without specialities
- Drinking cow's milk 1 l, fat 1.5%, except UHT
- Bulk cow telemea cheese
- Plain yogurt from cow's milk, 3.5% fat, with a maximum weight of 200 grams
- White wheat flour "000" up to 1 kg
- Sieve up to 1 kg
- M calibre chicken eggs
- Sunflower oil up to 2 l

¹³ The Competition Council (*Consiliul Concurenței*), 'Average prices of staple foods fell in August compared to June' ([Prețurile medii ale alimentelor de bază au scăzut în luna august față de iunie](#)), 8 September 2023.

¹⁴ Romania, Government Emergency Ordinance No. 89/2023 for the amendment and completion of the Government Emergency Ordinance no. 67/2023 on the establishment of a temporary measure to combat the excessive increase in prices of some agricultural and food products ([Ordonanță de urgență nr. 89 /2023 pentru modificarea și completarea Ordonanței de urgență a Guvernului nr. 67/2023 privind instituirea unei măsuri cu caracter temporar de combatere a creșterii excesive a prețurilor la unele produse agricole și alimentare](#)), 27 October 2023.

- Fresh meat chicken
- Fresh pork
- (selection of) Fresh vegetables in bulk
- (selection of) Fresh fruit in bulk
- Fresh white potatoes in bulk
- Cast white sugar up to 1 kg
- Rice - round grain - weighing between 0.5 and 1.5 kg
- Sweet bread
- Tomato paste
- Cream - 12% fat
- Margarine
- Yeast
- Minced meat

The Government has not published any impact assessment of the price capping measure, before the end of 2023.

Table 1 – Promising practice

Promising practice	
Title (original language)	Programul social "Alimente"
Title (EN)	Social program "Food"
Organisation (original language)	Primăria Cluj-Napoca
Organisation (EN)	Cluj-Napoca City Hall
Government / Civil society	Local Government
Funding body	Cluj-Napoca City Hall
Reference (incl. URL, where available)	https://primariaclujnapoca.ro/social/tichete-sociale-pentru-alimente/
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	3 March – 29 November 2023
Type of initiative	Food vouchers

Promising practice	
Main target group	<p>The following categories of persons living in the city of Cluj-Napoca:</p> <ul style="list-style-type: none"> a) persons with serious or pronounced disabilities, non-institutionalized; b) pensioners, invalids, veterans, war widows, deportees, prisoners, politically persecuted, martyred heroes of the revolution, orphans, whose monthly net income for a single person is up to RON2053 and up to 1386 RON/member of family; c) registered unemployed (with and without unemployment allowance) whose monthly net income for a single person is up to RON2053 and up to 1386 RON/family member; d) beneficiaries of social aid or allowance for family support; e) victims of human trafficking; f) victims of domestic violence.
Indicate level of implementation: Local/Regional/National	Local
Brief description (max. 1000 chars)	The program offers food vouchers in value of RON400 (€80) to certain categories of inhabitants of the city of Cluj-Napoca, as described above. The vouchers are complementary to other forms of supports.
Highlight any element of the actions that is transferable (max. 500 chars)	The entire program can easily be replicated elsewhere, providing that the local authority has a social department able to identify potential beneficiaries.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The decision to award direct monetary benefits was made in consultation with the beneficiaries, and taking into account the resources available. The program can be replicated each year, eventually adjusting the target group.
Give reasons why you consider the practice as having concrete measurable impact	The program answers an immediate need of the beneficiaries.

Promising practice	
Give reasons why you consider the practice as transferable to other settings and/or Member States?	It is an easy, classic setup, which does not require sophisticated mechanisms and resources. It is adequate for municipalities that have little experience with more complex projects.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice	The program is based on the consultation of the stakeholders, and it answers their first priority.
Explain, if applicable, how the practice provides for review and assessment	The satisfaction of the beneficiaries can be easily measured at the end of the program.

2. Threats to democratic values - Protecting civic space, strengthening meaningful participation and the rights to freedom of association, peaceful assembly and expression

2.1. Major threats to democracy as reflected in national legal and political developments and the discourse at national level.

Table 2 – Challenges

Based on a scan of legislative and policy and other developments and the public discourse please identify **three major challenges** to democracy emerged in the course of 2023.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
Attacks and threats to the safety of civil society organisations, human rights defenders and journalists	
Legal and administrative constraints, harassment,	On 22 December 2023, the Bucharest 5 th District Court (<i>Judecătoria Sector 5 București</i>) ruled on the dissolution of the Association Save Bucharest (<i>Asociația Salvați Bucureștiul</i>), at

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
<p>intimidation, and reprisals against civil society organisations, human rights defenders (including SLAPPs - strategic lawsuits against public participation)</p>	<p>the request of a real estate developer¹⁵. The decision is not final and the Association appealed.</p> <p>The Association Save Bucharest, established in 2008, is defending the built heritage in the city of Bucharest, through advocacy, campaigns and litigation. One of the founders and former president of the Association is the current Mayor of Bucharest. The Association initiated dozens of litigations against building permits issued by local authorities in Bucharest, in the last fifteen years.</p> <p>In 2022, the Association and its two partners lost one of these cases (initiated in 2016). The Court ruled that three NGOs – Association Save Bucharest, Association S.O.S. The City (<i>Asociația S.O.S. Orașul</i>), and Association Spiritual Militia (<i>Asociația Miliția Spirituală</i>) – should pay legal expenses of RON 300,000 (€ 60,000) to the affected developers, the local real estate developer One Eliade Properties and the international Auchan Group. In the same year, the two companies asked for the court to order the insolvency and dissolution of the three NGOs. The Association Spiritual Militia was dissolved in 2022, and a decision in the case of Association S.O.S. The City is expected in January 2024. The possible dissolution of the Association Save Bucharest, the biggest and best known of the three, may lead to the suspension of many other ongoing cases where the Association has challenged building permits.</p> <p>The associations Save Bucharest and S.O.S. The City announced that they have already paid most of the debt, RON 240,000 (€ 48,000) before the Court ruling but the two companies refused to wait for the NGOs to raise the additional money. After the Court ruling, the Association Save Bucharest announced that it raised an additional RON 130,000 (€ 26,000) in one week, from over 550 individual donations¹⁶.</p>

¹⁵ Bucharest 5th District Court (*Judecătoria Sector 5 București*), [Case no. 18635/302/2022](#)

¹⁶ G4Media.ro (2023), 'Asociația Salvați Bucharest, 130,000 lei collected from donations to pay court costs to the real estate developer One Mircea Eliade Properties' ([Asociația Salvați Bucureștiul, 130.000 de lei adunați din donații pentru achitarea cheltuielilor de judecată către dezvoltatorul imobiliar One Mircea Eliade Properties](#)), 29 December 2023.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	<p>The 2023 Rule of Law report is flagging the concerns of the civil society regarding a recently adopted law limiting the possibility of CSOs to challenge building permits, including on environmental grounds, and it mentions corruption risks related to environmental protection and protection of cultural heritage¹⁷.</p>
Lack of media freedom a/o media pluralism; disinformation (incl. online)	<p>Dispute over press freedom and the Influence of advertising stakeholders</p> <p>In October 2023, a conflict broke between the management and the journalists in the redactions of two national newspapers, <i>Libertatea</i> and <i>Gazeta Sporturilor</i>. The first is a generalist newspaper, and the second a sports daily, and both are known for their independent investigative journalism.</p> <p>The editor-in-chief of <i>Gazeta Sporturilor</i>, Mr. Cătălin Țepelin, was fired by the owner, the Swiss-Bulgarian group Ringier. The two redactions, over 90 journalists, accused that the decision came after pressures from advertising clients in the gambling industry. Previously, said the protesters in a public letter, the Ringier management asked the redactions to present any material involving gambling industry stakeholders, before publishing. The journalists rejected the request, which escalated and led to the Mr. Țepelin's firing¹⁸.</p>

¹⁷ European Commission (2023), [2023 Rule of Law Report Country Chapter on the rule of law situation in Romania](#), p. 30.

¹⁸ Libertatea.ro, 'GSP and Libertatea inform the public: after refusing requests by some Ringier executives to pre-screen articles about gambling firms that are advertising clients, Ringier requested the departure of GSP's editor-in-chief on Monday, October 2nd, Catalin Zepelin. We oppose' ([GSP și Libertatea informează publicul: după ce am refuzat cererile unor manageri din conducerea Ringier de a arăta în avans articolele despre firmele de jocuri de noroc care sunt clienți de publicitate, Ringier a cerut luni, 2 octombrie, plecarea redactorului-șef al GSP, Cătălin Țepelin. Ne opunem](#)), 3 October 2023.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	<p>Media organizations from Romania¹⁹, several other redactions and human rights organizations²⁰, and a national business association²¹ expressed solidarity with the protesters. In an answer quoted by Libertatea, the European Commission expressed concerns and said it is monitoring the developments²².</p> <p>The largest national trade union of journalists, MediaSind²³, and the International Federation of Journalists condemned the alleged editorial interference²⁴.</p> <p>The audio-visual arbiter (CNA – <i>Consiliul Național al Audiovizualului</i>) expressed concerns and reminded that the</p>

¹⁹ The Center for Independent Journalism, 'Ringier management violates the editorial independence of GSP and Libertatea' ([Managementul Ringier încalcă independența editorială a GSP și Libertatea](#)), 3 October 2023.

²⁰ G4Media.ro, 'Solidarity with the journalists from Gazeta Sporturilor and Libertatea. The Ringier company must respect freedom of expression and the code of ethics' ([Solidaritate cu jurnaliștii de la Gazeta Sporturilor și Libertatea. Compania Ringier trebuie să respecte libertatea de exprimare și codul deontologic](#)), 4 October 2023.

²¹ The Chamber of Commerce and Industry of Romania (CCIR), '[CCIR supports the editorial freedom of the mass media, an essential condition for the development of the free market economy](#)', 4 October 2023.

²² Libertatea.ro, 'The European Commission says it is "monitoring" the situation in Romania after the protest of 95 GSP and Libertatea journalists and warns that the new law voted yesterday "will require member states to respect effective editorial freedom"' ([Comisia Europeană spune că „urmărește” situația din România după protestul celor 95 de jurnaliști GSP și Libertatea și avertizează că noua lege votată ieri „va impune statelor membre să respecte libertatea editorială efectivă”](#)), 4 October 2023.

²³ MediaSind, 'MediaSind condemns the scandalous double standards applied to Romanian journalists by the RINGIER Press Group!' ([MediaSind condamnă standardele duble scandaloase aplicate jurnaliștilor români de Grupul de Presă RINGIER!](#)), 4 October 2023.

²⁴ International Federation of Journalists, '[Romania: IFJ condemns editorial interference by Ringier Media Group](#)', 5 October 2023.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	<p>separation between the commercial interest and the editorial content is already under threat in Romania²⁵.</p> <p>The Ringier Group released a press statement, commenting that the change of management at <i>Gazeta Sporturilor</i> is part of a larger strategy, and rejecting accusation of interfering in the editorial decisions²⁶.</p> <p>In the same period, the prime-minister Marcel Ciolacu accused the gambling industry of attempts to influence political decision, and compared the pressures with a blackmail, asking the state institutions to investigate the issue²⁷. After the announcement of Mr. Țepelin's exit, Mr. Ciolacu reiterated his concern with the influence of the gambling industry, and announced that the government will propose new regulations in this area²⁸.</p> <p>In December 2023, the Ringier Group fired the coordinating editor and the deputy-editor-in-chief of <i>Libertatea</i>, Mr. Catalin Tolontan and Mrs. Iulia Roșu, respectively. 20% of the journalists will be released in the following months²⁹. Over 80</p>

²⁵ National Audio-Visual Council (CNA – *Consiliul Național al Audiovizualului*), [Press release](#), 4 October 2023.

²⁶ Ringier, '[Statement: Ringier Sports Media Group \(RSMG\) addresses Gazeta Sporturilor editor-in-chief departure in ongoing discussions in the Romanian media](#)', 4 October 2023.

²⁷ Hotnews.ro, 'Ciolacu says he is being blackmailed by the bosses of the gambling companies because of the project that moves the gambling dens to the outskirts of the cities' ([Ciolacu spune că este șantajat de șefii companiilor de jocuri de noroc din cauza proiectului care mută păcănelele la periferia orașelor](#)), 30 Septembrie 2023.

²⁸ Paginamedia.ro, 'Prime Minister Marcel Ciolacu, about the Țepelin case: "It is not normal for the betting industry to have so much power (...) Now, they are threatening politicians and firing journalists"' ([Premierul Marcel Ciolacu, despre cazul Țepelin: „Nu e normal ca industria pariurilor să aibă atâta putere \(...\) Acum, amenință politicienii și concediază jurnaliștii”](#)), 5 October 2023.

²⁹ *Libertatea* (2023), 'Libertatea: No independent, unpunished newspaper. We were notified today that massive restructuring is taking place. "20% of journalists will be fired," said Ringier Romania CEO Dan Puica' ([Redacția Libertatea: Niciun ziar independent, nepedepsit](#)).

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	civic NGOs, journalists, and intellectuals signed a letter of support with the journalists ³⁰ .
Foreign interference	
Lack of (processes for) transparent, accountable, democratic and pluralistic participation in law and policymaking; incl. access to information	<p>Controversial exceptions to the transparency in decision-making regulations</p> <p>In March 2022, the Government of Romania (<i>Guvernul României</i>) amended, through emergency ordinance, the legislation on transparency in decision-making³¹. The new provisions are expanding the exception to the general procedures on transparency when adopting new legislation, for „emergency situations”. Civil society organizations warned that the new definition is giving arbitrary power to any public institution to classify new legislation as „urgent”, thus avoiding the public consultation process³². The Ombuds office (<i>Avocatul Poporului</i>), at the request of the civil society organizations, has challenged the Ordinance before the Constitutional Court (<i>Curtea Constituțională</i>)³³.</p>

[Am fost anunțați azi că se fac restructurări masive. „20% dintre jurnaliști vor fi concediați”, a spus CEO Rinqier România, Dan Puica](#), 9 December 2023.

³⁰ The Group NGOs for Citizen (2023), ‘80 signatories of the letter of solidarity with journalists from the newspaper Libertatea’ ([80 de semnatori ai scrisorii de solidarizare cu jurnalistele și jurnaliștii de la ziarul Libertatea](#)), 14 December 2023.

³¹ Romania, Government’s Emergency Ordinance no. 16/2022 amending art. 7 para. (13) of the Law 52/2003 on transparency in decision making ([Ordonanță de urgență nr. 16 din 2 martie 2022 pentru modificarea art. 7 alin. \(13\) din Legea nr. 52/2003 privind transparența decizională în administrația publică](#)), 2 March 2022.

³² The Group NGOs for Citizen (2022), ‘The law of decisional transparency modified completely non-transparent. Under the pretext of urgency, any decision may be taken without informing and consulting the public’ ([Legea transparenței decizionale modificată complet netransparent. Sub pretextul urgenței, orice decizie va putea fi luată fără informarea și consultarea publicului](#)), 4 March 2022.

³³ People’s Advocate (*Avocatul Poporului*) (2022), The exception of unconstitutionality regarding the provisions of the Government’s Emergency Ordinance no. 16/2022 for the

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	<p>By the end of December 2023, the Court hasn't progressed in anyway with the case. Such delay is extremely unusual.</p> <p>In September 2023, three civil society organizations have sent an <i>Amicus Curie</i> position to the Constitutional Court, urging it to debate and rule on the exception raised by the Ombuds office. The document also includes a review of situations where public institutions used the exception. Among others, the three organizations showed that the Minister of European Investments and Projects (<i>Ministerul Investițiilor și Proiectelor Europene</i>) adopted without consultation 16 emergency ordinances, all of them related to the Recovery and Resilience Facility. The three organizations conclude that the entire legislation related to how the RRF money are spent was adopted without proper consultation³⁴.</p> <p>The 2023 Rule of Law report is noting the situation and concluded that 'no progress has yet been made to address the recommendation made in the 2022 Rule of Law Report to ensure effective public consultation before the adoption of draft legislation'³⁵. The situation remains unchanged by December 2023.</p>
Lack of election integrity (incl. electoral process, political	<p>Opaque political party financing may affect media neutrality</p> <p>Romania hasn't made any progress on improving the transparency of public funding for political parties, despite</p>

amendment of art. 7 para. (13) from Law no. 52/2003 regarding decision-making transparency in public administration, published in the Official Gazette of Romania, Part I, no. 204 of March 2, 2022 ([Excepția de neconstituționalitate cu privire la prevederile Ordonanței de Urgență a Guvernului nr. 16/2022 pentru modificarea art. 7 alin. \(13\) din Legea nr. 52/2003 privind transparența decizională în administrația publică, publicată în Monitorul Oficial al României, Partea I, nr. 204 din data de 2 martie 2022](#)), 5 April 2022.

³⁴ Coalition NGOs for Citizen (2023), 'Amicus Curiae for the amendments to the Transparency Act' ([Amicus Curiae pentru modificările aduse Legii transparenței](#)), 6 October 2023.

³⁵ European Commission (2023), [2023 Rule of Law Report Country Chapter on the rule of law situation in Romania](#), p. 25.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
campaigning and party financing)	<p>concerns and recommendations of international institutions and civil society organizations.</p> <p>The political parties represented in the Parliament receive consistent subventions from the public budget, around €50mln yearly. A large part of this money is used for influencing mass-media, without any public oversight of the spending. The high value of subsidies allowed political parties to use these funds for massive campaigns to buy access to the press outside election periods, without transparency mechanisms, shows a report published in August 2023 by the think-tank Expert Forum³⁶.</p> <p>The lack of transparency of party financing was repeatedly flagged as an unsolved issue by the Rule of Law reports. The 2023 Rule of Law report notes that the framework for political party financing did not change compared to previous years, and the financing of media, in particular audio-visual media, by political parties, lacks transparency³⁷.</p> <p>The Media Pluralism Monitor 2023 is assessing that political independence remains a high-risk area for Romanian mass-media, noting, among others, that “a number of websites and television channels have been receiving money from parties [...] in exchange for the production or publication of certain kinds of material”³⁸.</p> <p>An investigation published by the Libertatea newspaper in December 2023 shows that the website of one news television, Digi24, has received in 2023 payments in total value of € 1mln from one governing political party, the National</p>

³⁶ Expert Forum (2023), ‘Subsidies for political parties: The European experience and the situation in Romania’, ([Subvențiile pentru partidele politice: Experiența europeană și situația din România](#)), 9 August 2023.

³⁷ European Commission (2023), [2023 Rule of Law Report Country Chapter on the rule of law situation in Romania](#), p. 27, August 2023.

³⁸ European University Institute (EUI) (2023), [Monitoring media pluralism in the digital era. Country Report Romania](#), p. 22, June 2023.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	<p>Liberal Party (<i>Partidul National Liberal</i>) but it did not mark any published materials as publicity³⁹.</p> <p>According to the civil society organizations, improving the situation requires both legislative changes and increased transparency of the Permanent Electoral Authority⁴⁰. Several legislative proposals on this topic have been submitted to the Parliament in 2022-2023, but none of them is close to being adopted⁴¹.</p>
Disproportionate use of law enforcement measures (surveillance, police violence, unlawful arrest etc.)	
Corruption, including misuse of EU funds	
Lack of (effective judicial protection by) independent and impartial courts	
Threats to (the independence of) the fundamental	No NHRI accredited under the UN Paris principles

³⁹ Libertatea (2023), 'INVESTIGATION One million euros of public money from PNL for the Digi24 website. The articles were not marked with the P-advertising sign, but were sent for payment to the party' ([INVESTIGATIE Un milion de euro din bani publici de la PNL pentru site-ul Digi24. Articolele nu au fost marcate cu semnul P-publicitate, dar au fost trimise pentru plată la partid](#)), 12 December 2023.

⁴⁰ Coalition Electoral Code NOW! (*Coaliția Cod Electoral ACUM!*), [Position Paper](#), 1 February 2021.

⁴¹ The Chamber of Deputies (*Camera Deputaților*), [Query of the legislative database](#).

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
rights institutional landscape (NHRIs, equality bodies, data protection authorities and similar bodies), incl. closure of fundamental rights bodies, legal changes, budget cuts and harassment	Both the 2022 and 2023 Rule of Law reports recommended to Romania to continue efforts to establish a National Human Rights Institution taking into account the UN Paris Principles ⁴² . In 2020, both the Romanian Institute for Human Rights (RIHR) and the Romanian Ombuds applied for accreditation before the Global Alliance of National Human Rights Institutions (GANHRI) Sub-Committee on Accreditation. Neither of them fulfil the criteria, and in both cases legislative changes are needed to advance with the process of accreditation. No progress was made on this issue by December 2023.
Institutional issues linked to checks and balances (lack of parliamentary oversight, lack of implementation of final court decisions by executive, etc.)	<p>Excessive use of Government Emergency Ordinances remains an issue</p> <p>The Constitution of Romania allows the Government to adopt delegated legislation in a fast procedure, using Government Emergency Ordinances (GOE). According to Article 115, the Government “can only adopt emergency ordinances in exceptional cases, the regulation of which cannot be postponed, and (the Government) has the obligation to give the reasons for their urgency status within their contents.” In the past years, various governments had the tendency to abuse the procedure, adopting numerous GOEs. The practice was criticized repeatedly by independent evaluators. For example, the Venice Commission has criticized the negative effects of the excessive use of GOEs⁴³:</p> <ul style="list-style-type: none"> - the lack of proper deliberations negatively affects the quality of the legislation; this manner of amending laws affects legal certainty; - external checks on the Government’s power to legislate through emergency ordinances (regulated by Article 115 (4) of the Constitution) are quite weak, and the law-making by emergency ordinances does not permit the Constitutional Court to exercise a

⁴² European Commission (2023), [2023 Rule of Law Report Country Chapter on the rule of law situation in Romania](#), p. 28, August 2023.

⁴³ European Commission for Democracy Through Law (Venice Commission), [Opinion on Emergency Ordinances GEO No. 7 and GEO No. 12 amending the Laws of Justice, adopted by the Venice Commission at its 119th Plenary Session \(Venice, 21-22 June 2019\)](#)

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	<p>preliminary control of constitutionality of such legislation</p> <ul style="list-style-type: none"> - the excessive use of the law-making powers by the Government under the pretext of an “emergency” is arguably at odds with the principles of democracy and separation of powers - the emergency ordinances issued by the Romanian Government contain provisions establishing rules of indefinite duration, and not only temporary or transitional solutions. <p>The Rule of Law Report 2023 noted that the number of GEOs increased in 2022 to 192 (compared to 145 in 2021)⁴⁴. A new methodology for the use of GEOs was adopted in September 2022, as required also by Romania’s Recovery and Resilience Plan⁴⁵. The methodology is aiming at improving the substantiation of the GEOs, providing better guidelines for the initiating ministries.</p> <p>The new methodology was expected to foster good practices in their elaboration, substantiation and consistent use of GEOs. However, in 2023, the Government adopted no less than 129 GOEs, impacting almost all sectors of the society. The number is lower than the ones in the same period of 2022 (192) and 2021 (145) but it remains high. In the absence of any evaluation of its impact, it remains unclear if the new methodology has improved the process as a whole or at least in individual cases. The number by itself is raising concerns.</p> <p>Lack of implementation of the European Court of Human Rights judgments</p>

⁴⁴ European Commission (2023), [2023 Rule of Law Report Country Chapter on the rule of law situation in Romania](#), p. 25, August 2023.

⁴⁵ Romania, Government Decision no. 1173/2022 for the completion of the Regulation on procedures, at Government level, for the elaboration, approval and presentation of draft public policy documents, draft normative acts ([Hotărâre nr. 1.173/2022 pentru completarea Regulamentului privind procedurile, la nivelul Guvernului, pentru elaborarea, avizarea și prezentarea proiectelor de documente de politici publice, a proiectelor de acte normative, precum și a altor documente, în vederea adoptării/aprobării, aprobat prin Hotărârea Guvernului nr. 561/2009](#)), 22 September 2022.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	<p>At the beginning of 2023, according to the data provided by the European Implementation Network, Romania had 113 leading judgments of the European Court of Human Rights (ECtHR) pending implementation. The oldest of these cases was 17 years old. In the last 10 years, Romania had a rate of 60% leading cases that remained pending⁴⁶.</p> <p>At the end of 2022, the Government decided to establish a new bureau within the General Secretariat of the Government (<i>Secretariatul General al Guvernului</i>), responsible with the implementation of leading ECtHR judgments⁴⁷. It was only in August 2023 that the Government opened the procedure for hiring the personnel for the new structure⁴⁸. The procedure should have ended by mid-September but no public announcement was made. However, a draft proposal of reorganization of the General Secretariat of the Government, published at the end of 2023, is including the dissolution of the new bureau⁴⁹.</p> <p>In the meantime, the number of leading ECtHR judgments pending implementation has increased to 119, according to the Council of Europe data⁵⁰.</p>

⁴⁶ European Implementation Network, [data on Romania](#), cutoff date 1 January 2023.

⁴⁷ Romania, Government Decision no. 1.465/2022 on amending the Government Decision no. 137/2020 regarding the structure and responsibilities of the General Secretariat of the Government ([Hotărâre nr. 1.465/2022 pentru modificarea și completarea Hotărârii Guvernului nr. 137/2020 privind organizarea, funcționarea și atribuțiile Secretariatului General al Guvernului și pentru completarea art. 11 din Hotărârea Guvernului nr. 443/2022 pentru aprobarea conținutului instrumentului de prezentare și motivare, a structurii raportului privind implementarea actelor normative, a instrucțiunilor metodologice pentru realizarea evaluării impactului, precum și pentru înființarea Consiliului consultativ pentru evaluarea impactului actelor normative](#)), 8 December 2022.

⁴⁸ Government of Romania, [Announcement of recruitment](#), 2 August 2023.

⁴⁹ The General Secretariat of the Government (*Secretariatul General al Guvernului*), [Draft normative acts](#).

⁵⁰ Council of Europe, [online database HUDOC-EXEC](#), enquired on 6 October 2023.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
Other major developments threatening democratic values	

2.2. Legislative and policy measures having an impact on the freedom of assembly/association/expression of civil society actors.

Freedom of Association

In June 2023, the Ministry of Justice (MJ - *Ministerul Justiției*) announced the intention to amend the legislation regarding associations and foundations⁵¹. A public debate was organized in the same month. According to the minute of the debate, the civil society organizations present had a positive reaction, and welcomed the general approach of the ministry⁵². The updated version of the bill was published in August 2023⁵³.

According to verbal statement of three representatives of civil society organizations present at the debate, the updated version is improved and it takes into consideration most of the recommendations made by NGOs⁵⁴. The key proposal of the project is the digitalization of the national registry of associations and foundations, which will improve transparency and will greatly decrease the administrative burden and time consumed with all procedures related to the registration and functioning of NGOs. The Government sent the bill to the Parliament in November, and it was adopted by the

⁵¹ Ministry of Justice (MJ - *Ministerul Justiției*), [Public announcement](#), June 2023, updated August 2023.

⁵² Ministry of Justice (MJ - *Ministerul Justiției*), [Minute of the debate](#), 16 June 2023.

⁵³ Ministry of Justice (MJ - *Ministerul Justiției*), [Public announcement](#), June 2023, updated August 2023.

⁵⁴ Conversations of the author of the report with representatives of Civil Society Development Foundation, Centre for Legal Nonprofit Resources, and Expert Forum, September 2023.

Senate in December 2023⁵⁵. The final decision of the Chamber of Deputies is expected before the end of June 2024. .

Steps towards the first national open government strategy

Romania’s National Recovery and Resilience Plan includes a milestone to adopt the country’s first national open government strategy⁵⁶. This target is correlated with Romania’s ambition to join the Organization for Economic Development and Cooperation (OECD), which requires improving the civic space wellbeing to meet OECD’s standards. In 2023, Romania made the first steps towards reaching this objectives. The Government commissioned two studies, undertaken by OECD, the Civic Space Review of Romania⁵⁷ and the Open Government Review of Romania⁵⁸. The Government launched a tender to select a consultant to draft the National Open Government Strategy. The Consultant was selected in December⁵⁹. The Strategy itself is expected to be adopted by the Government before the end of 2024.

Table 3 – Case law

Case law	
Deciding body (in original language)	Curtea de Apel București
Deciding body (in English)	Court of Appeal Bucharest
Case number (also European Case Law Identifier ECLI , where	5997/3/2021 (27/2023)

⁵⁵ The Chamber of Deputies (*Camera Deputaților*), [Legislative proposal no. 763/2023](#).

⁵⁶ Romania, [National Recovery and Resilience Plan](#), Section 14 – “Good governance”, target 407.

⁵⁷ OECD (2023), [Civic Space Review of Romania](#), 7 July 2023.

⁵⁸ OECD (2023), [Open Government Review of Romania](#), 7 July 2023.

⁵⁹ Government of Romania, [Tender announcement](#), 21 February 2023.

Case law	
applicable)	
Parties	<p>Applicant: O.C. (former episcopate of the Orthodox Church)</p> <p>Defendants: journalists from the „Să fie lumină” („Let it be light”) redaction.</p>
Decision date	30.05.2023
Web link to the decision (if available)	<p>Case: https://portal.just.ro/2/SitePages/Dosar.aspx?id_dosar=300000000960025&id_inst=2</p> <p>Anonymised decision: https://www.rejust.ro/juris/86824e22d (nb. it requires a (free) account on the Rejust platform)</p>
Which fundamental freedoms of (peaceful assembly, association and/or expression) were referred to in the case?	Freedom of expression
Key facts of the case (max. 250 words)	<p>„Să fie lumină” is an investigative journalism project aiming at investigating abuses within the Orthodox Church. One of their investigations was on sexual abuses and harassment taking place in one of the branches of the Orthodox Church, led by the episcopate O.C. In their story, the journalists used information which was not public from a criminal case opened against O.C., and allegedly used a distinct incriminating tone.</p> <p>The applicant O.C. asked the Court to force the journalists to take down all articles about him; to publish some other articles with apologies; and to pay 250.000 € moral compensation.</p>

Case law	
	O.C. case was based on the protection of his public image, the use of information from an ongoing criminal case, and the alleged slanderous tone of the articles.
The key legal question raised by the Court	The defendants asked the Court to balance the public interest of their reporting with the right to private life and the right to a fair trial of the applicant.
Result of the case in terms of factual outcome, and in terms of assessment of the legal question raised	<p>The Court rejected all claims of the applicant. In its ruling, the Court referred the ECtHR jurisprudence. It showed that the journalists documented a case of public interest. The information they used, even if not public, was correct and they made the necessary diligences to verify it. The alleged slanderous tone was a matter of style, and it was connected with the reporting on potential sexual abuses against children.</p> <p>The Court wrote: „ The concern in the articles criticized by the applicant is in the sense of creating institutional antibodies, both canonically and secularly, so that a person who claims to be a victim of abuse is not placed in a vulnerable situation, but the referral is actually listened to and thoroughly vetted.”</p> <p>Thus, the Court put the legitimate public interest before the potential discomfort that the subject would feel from an uncomfortable report.</p>
