

# Romania

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*Capital:* Bucharest

*Population:* 20 million

*GNI/capita, PPP:* US\$18,390

Source: The data above are drawn from the World Bank's *World Development Indicators 2015*.

## Nations in Transit Ratings and Averaged Scores

	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Electoral Process	2.75	2.75	2.75	2.50	2.75	2.75	3.00	3.00	3.00	3.25
Civil Society	2.25	2.25	2.25	2.50	2.50	2.50	2.50	2.50	2.50	2.50
Independent Media	4.00	3.75	3.75	3.75	4.00	4.00	4.00	4.25	4.25	4.25
National Democratic Governance	3.50	3.50	3.75	3.75	4.00	3.75	3.75	4.00	3.75	3.75
Local Democratic Governance	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00
Judicial Framework and Independence	4.00	3.75	4.00	4.00	4.00	4.00	3.75	3.75	3.75	3.75
Corruption	4.25	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00	3.75
Democracy Score	<b>3.39</b>	<b>3.29</b>	<b>3.36</b>	<b>3.36</b>	<b>3.46</b>	<b>3.43</b>	<b>3.43</b>	<b>3.50</b>	<b>3.46</b>	<b>3.46</b>

NOTE: The ratings reflect the consensus of Freedom House, its academic advisers, and the author(s) of this report. The opinions expressed in this report are those of the author(s). The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year.

# EXECUTIVE SUMMARY

Since 1989, Romania has made impressive strides in establishing political and economic institutions that are accountable and a free civil society. However, certain pillars of democratic governance, most notably the independence of the judiciary and the media, remain weak. Governance at the national level has been partisan and often unstable, and political corruption is prevalent.

The political surprise of 2014 was the election of Klaus Iohannis, the former mayor of Sibiu and an ethnic German, as the next president of Romania in November. Iohannis ran against Prime Minister Victor Ponta, a favorite of the race who led with 10 percentage points after the first round. Widespread anger over the mismanagement of diaspora votes mobilized the electorate against Ponta's ruling Social Democratic Party (PSD), which has been in power since 2012.

Despite moderate improvements in the economic situation, there is dissatisfaction with the government and its penchant for ruling via emergency ordinances, with which it bypasses consultation processes. Critics saw the government's support of controversial laws as attempts to aid corrupt politicians. One proposal that drew criticism would have provided parliamentarians with immunity from corruption prosecutions. Another proposal could potentially criminalize investigative reporting.

Nonetheless, institutions tackling corruption had a remarkably successful year. The National Anticorruption Directorate (DNA) charged several former ministers in a corruption and influence-peddling scandal spanning four successive governments. The judiciary secured convictions in numerous cases that had been dragging on for years, including the case of media mogul Dan Voiculescu and a money-laundering scheme involving eight former soccer players and club owners.

**National Democratic Governance.** The February breakup of the left-right coalition generated political instability and resulted in a loss of legitimacy for Victor Ponta's government, which nevertheless managed to retain its parliamentary majority. Several new parties and alliances formed during the summer, and both the Social Democratic Party (PSD) and the National Liberal Party (PNL) worked on securing a victory in the presidential elections. The new coalition continued to rule mostly via emergency ordinances with little consultation. *Romania's rating for national democratic governance remains unchanged at 3.75.*

**Electoral Process.** Two elections took place in 2014. Romanians voted for representatives to the European Parliament in May and elected a new president in November. Bureaucratic restrictions on voting by the Romanian diaspora during the presidential election raised doubts about the Ponta government's impartiality and its determination to organize free and fair elections. Due to an abuse of administrative resources during the campaign and the mismanagement of the diaspora vote, *Romania's electoral process rating declines from 3.00 to 3.25.*

**Civil Society.** The lack of funding and institutional capacity continue to pose a problem for the nonprofit sector. A new law on volunteering, adopted in May, will not change the situation significantly. Nongovernmental organizations (NGOs) influenced the public agenda on a few issues primarily through protests and informal means rather than institutional channels, as official consultation mechanisms remain ineffective. *Romania's civil society rating remains unchanged at 2.50.*

**Independent Media.** Poor economic conditions continued to loom over the independence of the press. The National Audiovisual Council (CNA) could not fulfill its duties because it lost its quorum in the middle of the presidential campaign. Politicians attempted to restrict press freedom by seeking to criminalize libel and the disclosure of information connected to criminal investigations. Media outlets are still funded through nontransparent sources, including offshore companies and state advertising. *Romania's rating for independent media remains unchanged at 4.25.*

**Local Democratic Governance.** An August emergency ordinance suspended the law on the status of locally elected officials and permitted an official to change political affiliation within 45 days without losing his or her mandate. The government said it wanted to resolve an impasse that had developed at the local level following the February 2014 breakup of the Social Liberal Union (USL) coalition. Critics said the government's real aim was to control local officials ahead of the November presidential election. *Romania's rating for local democratic governance remains unchanged at 3.00.*

**Judicial Framework and Independence.** Despite an impressive number of corruption convictions in 2013 and 2014, the judiciary itself is not entirely free from graft. Judges convicted of corruption continued to receive high pensions, but a law adopted in July may put an end to this practice. Power struggles in the Superior Council of Magistrates (CSM) revealed politicians' significant influence on the judiciary. *Romania's rating for judicial framework and independence remains unchanged at 3.75.*

**Corruption.** 2014 was the most successful year so far for the National Anticorruption Directorate (DNA). DNA prosecutors secured a conviction for a media oligarch notorious for his opposition to anticorruption efforts. They also exposed a massive corruption scandal by uncovering an influence-peddling network that had operated under four successive government administrations. The social impact of the prosecutions is still limited, however, due to the active involvement of politicians who obstruct justice. *Romania's rating for corruption improves from 4.00 to 3.75.*

**Outlook for 2015.** Following the election of Klaus Iohannis, a relatively new figure in national politics, Romania is bound to enter a time of intense political transformation. The main political parties, starting with the governing PSD, are threatened with destruction by an anticorruption prosecution that some compare to the purges of Mani Pulite in Italy. New leaders like Iohannis will likely appear in the future simply because the old elite has been compromised. This will not necessarily lead to political conflicts between the parties, as the new president is known for his negotiating skills and moderation, but rather will give rise to a time of reconstruction and a reformulation of alliances, which are needed ahead of the 2016 legislative elections.

# MAIN REPORT

## National Democratic Governance

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
3.50	3.50	3.75	3.75	4.00	3.75	3.75	4.00	3.75	3.75

Until March 2014, the ruling Social Liberal Union (USL)—a coalition of the Social Democratic Party (PSD) and the National Liberal Party (PNL) elected by a landslide in 2012—managed to govern unchallenged. In February, however, the PNL accused the PSD of stepping back from the coalition deal, which gave the presidential office to the PNL and the prime minister’s seat to the PSD. PNL leader Crin Antonescu claimed that Prime Minister Victor Ponta campaigned at times as if he were running for president in November 2014. Ponta argued that Traian Băsescu, the president at the time, was swaying Antonescu to the right, and that he had always planned to respect his end of the deal. Formally, the coalition broke up in February, after the PNL tried to replace Deputy Prime Minister Daniel Chițoiu, who had been accused of corruption, with Klaus Iohannis, the highly successful mayor of Sibiu. Iohannis, who had won four local elections between 2000 and 2012, was perceived as a threat by Ponta, and the PSD blocked his nomination.<sup>1</sup>

Immediately after the breakup, Antonescu started negotiations with center-right parties to support his bid for the presidency. But opinion polls and the final results of the EP elections showed that the centrist public was blaming the PNL for the breakup, and Antonescu lost leadership of the party to Iohannis in June. Iohannis immediately finalized talks with President Băsescu’s estranged Democrat-Liberal Party (PDL) to create a single center-right formation, the Christian Liberal Alliance (ACL). The fusion was approved by both sides, and in August, they agreed with unprecedented speed that Iohannis would be their joint presidential candidate.

This course of action caused considerable upheaval in Romanian politics. Antonescu was forced to resign as president of the Senate in March, and Ponta appointed Călin Popescu-Tăriceanu, a former prime minister, to the position. Popescu-Tăriceanu also formed a new party, the Liberal Reformist Party (PLR), with the liberal defectors. Băsescu did not consider it in his interest that the center-right had unified independently of him. He publicly endorsed Elena Udrea and her Popular Movement Party (PMP), a splinter from PDL. Both Ponta and Băsescu started to pluck deputies from the two center-right parties in order to consolidate PLR and PMP. . In the end, however, they were not successful, and Iohannis won a surprise victory in the presidential elections.

The government, which was managing a makeshift majority with the Democratic Union of Hungarians in Romania (UDMR) and two smaller parties, the Conservative Party (PC) and the National Union for the Progress of Romania (UNPR), did not bring any major legislation to the parliament. Instead, it continued the controversial practice of issuing Government Emergency Ordinances (GEOs). Such rulings create institutional havoc, as they have immediate administrative effects, but are only later debated in the parliament. For instance, an emergency ordinance issued by the government of Emil Boc in 2010, which created a national research fund out of three different legal entities, was ultimately rejected in 2014. The Ponta government pledged to give up the practice of issuing emergency ordinances by August, but at that point it had already issued 80 separate ordinances, more than its predecessor.<sup>2</sup> The only institution with the constitutional right to petition the Romanian Constitutional Court (CCR) on the issue of

ordinances is the ombudsman. However, Victor Ciorbea, the ombudsman appointed by Ponta in April, has often failed to do so.

Meanwhile, the parliament continued to neglect its chief role as legislator. Migration within the parliament remains common, and is indicative of how parties attempt to reshape majorities outside of electoral processes, essentially undermining the popular vote.<sup>3</sup> The practice is legal, unlike migration at the local level, which was declared unconstitutional in December.

The performance of Romanian governments, past and present, has been poor. The Romanian economy has not succeeded in competing effectively in the European market, and intracommunity trade has contributed to a deepening of the trade deficit.<sup>4</sup> Romania's competitiveness problem is rooted in the absence of structural reforms and is directly related to the quality of public policies in this sector (volatile exchange rate, high inflation, excessive taxation, lack of infrastructure). In addition, the absorption of European Union (EU) funds has been poor.

The Ponta government performed better than its predecessors, which was achieved through fiscal restraint and an improved management of EU funds.<sup>5</sup> Romania still lags, however, behind all EU member states in this respect. The planning for the 2014–2020 EU budgetary cycle was fraught with poor inter-institutional cooperation and management, which was a test of collective action that the Romanian authorities failed to pass. Foreign investment remains low and remittances from Romanians working in Western Europe continue to be a major source of consumption money.<sup>6</sup> Economic growth slowed to 2.5 percent in 2014 from 5.1 percent in 2013 (the fastest in the EU at the time).<sup>7</sup>

Russia's aggression in Crimea and the developments in Ukraine created considerable anxiety in Romania. In the past, Romania condemned the Ukrainian authorities for allegedly mistreating the country's Romanian-speaking minority. Politicians also feared increasing Russian influence in the Republic of Moldova, and both Băsescu and Ponta declared their concern for the wellbeing of the country in 2014. In the presidential campaign, Ponta went as far as to promise a union with Moldova, adding that it should be done within the European Union. Iohannis additionally stated that if Moldovans want a union, nothing could stop them from achieving it.<sup>8</sup> There was little difference of opinion among the political parties in foreign affairs, as they were all keen on preserving a special partnership with the United States. Romania's political elite supports Moldova's and Ukraine's aspirations to join the EU.

## Electoral Process

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
2.75	2.75	2.75	2.50	2.75	2.75	3.00	3.00	3.00	3.25

Romania held European Parliament (EP) and presidential elections in 2014. Trust in national institutions, such as political parties, government, and the parliament, are low in Romania, while trust in the EU and its institutions is the highest in Europe.<sup>9</sup>

The EP elections, which took place in May 2014, were the third European elections since Romania's accession in 2007 and were largely seen as a dress rehearsal for the presidential competition in November. Following the dissolution of the governing coalition in February, the PNL ran independently, as did the former party of Băsescu, the PDL, and its splinter, Udrea's PMP. Turnout was 32 percent, which was lower than the EU average, but still higher than in the previous EU elections.<sup>10</sup> With 16 seats out of Romania's 32, the PSD finished first, led by Corina

Crețu, who later became Regional Development Commissioner in the European Commission. The PNL came second and took 6 seats, followed by the PDL (5 seats), the UDMR and the PMP (2 seats each), and the independent Mircea Diaconu.<sup>11</sup>

Despite its good showing, the PSD assumed that it would not be able to win easily on its own and negotiated with the PLR to replace their lost coalition member so that a new and nearly intact USL coalition could be presented to voters in November. The PNL and PDL were badly shaken and decided to support a single presidential candidate. Udrea and Băsescu also searched for center-right allies but were unsuccessful.

In November, over 18 million Romanian voters were expected to cast their ballot. Since the number of people residing in Romania is not clearly known, and the number of those who live and work abroad is grossly underestimated, the elections remained open to accusations of fraud.<sup>12</sup> In addition, the opposition, along with several nongovernmental organizations (NGOs), attacked GEO 45/2014, passed by Ponta's government in June. The ordinance modified the law on the election of the president, and critics argued in front of the CCR that it increases the risk of "electoral tourism" by allowing people to vote in any district.<sup>13</sup> The CCR rejected their claim in September.

Fourteen candidates competed in the first round of presidential elections on 2 November. The main contenders were Victor Ponta (of the electoral alliance formed by PSD, PC, and UNPR), Klaus Iohannis (ACL, formed by PNL and PDL), Elena Udrea (PMP), Dan Diaconescu (of the populist People's Party–Dan Diaconescu, PP–DD), Hunor Kelemen (UDMR), Corneliu Vadim Tudor (of the Greater Romania Party, PRM), and the independent Monica Macovei, and Călin Popescu-Tăriceanu (the unofficial candidate of PLR). For the first time, two female candidates polled in the top five.

As expected, Ponta and Iohannis went to the second round, with 40.4 percent and 30.4 percent of the votes, respectively. The first round mobilized only 9.7 million citizens, or 53 percent of the electorate, but over 1 million people voted on supplementary electoral lists as nonresidents.<sup>14</sup> Ahead of the runoff, social media was flooded with messages calling on the government to facilitate the diaspora's right to vote. City dwellers especially turned out to vote for Iohannis, who gathered 54.4 percent of a total of 11 million ballots cast in the second round, reversing his odds and giving him victory by 9 percentage points over Ponta, who claimed only 45.5 percent of the vote.<sup>15</sup>

The race was marked by negative campaigning. Ponta used the Romanian state-owned postal service to distribute millions of flyers accusing Iohannis of planning to reduce pensions, even though the president has no authority over social policy. He also used his position as prime minister to grant additional financing from the state reserve budget to the Orthodox Church during the campaign.<sup>16</sup> Iohannis's opponents highlighted during the campaign that he was one of the locally elected officials accused of conflict of interest by the Anticorruption Agency (ANI). Romanian law stipulates that incumbent mayors cannot serve as representatives to the general assemblies of commercial companies of local importance. The ANI filed the complaint in 2013, and the case was brought before the High Court of Cassation and Justice (ICCJ) in 2014.<sup>17</sup> Two days after the elections, on 18 November, the ICCJ decided to postpone a hearing in the case, and a decision was pending at year's end.

Major problems occurred on voting day in both the first and the second round. The government refused to open additional polling stations for Romanian expats, despite their high numbers. The Romanian diaspora has repeatedly shown its support for right-wing candidates, most notably in 2009, when diaspora votes were decisive in Băsescu's victory.<sup>18</sup> During both rounds in November, thousands formed long queues in front of Romanian embassies and consulates, and many were unable to cast their ballots.<sup>19</sup> The result was widespread anger

directed toward the government and particularly at the Ministry of Foreign Affairs. After the first round, acting foreign minister Titus Corlăţean resigned but the ministry failed to open additional polling stations. Some of the voters occupied the embassies' premises, while others clashed with the local police in Paris, London, Rome, and Turin.<sup>20</sup> Although there were numerous accusations in the press of large-scale fraud during the second round, the official number of complaints amounted only to 504, half the amount of complaints in 2009.<sup>21</sup>

After an 8-day tenure, the newly appointed foreign minister, Teodor Meleşcanu also resigned, and Ponta declared that voting laws needed updating. In December, a coalition of NGOs launched a campaign calling for a revised political system and drafted a document proposing concrete legislative amendments, such as removing the financial guarantees currently requested from candidates running in elections.<sup>22</sup>

## Civil Society

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
2.25	2.25	2.25	2.50	2.50	2.50	2.50	2.50	2.50	2.50

Public protests against the opencast gold mine project in Roşia Montană continued in 2014. Among the thousands of people who participated, some were fined for breaking Law no. 60/1991 on organization and conduct in public gatherings. The law, which has been criticized for its ambiguous language by civil society organizations, requires prior notice for demonstrations and prohibits “hindering the regular use of public roads and public transportation.”<sup>23</sup> It also mentions the responsibility of “organizers” but does not define the term. These shortcomings have opened the way for government action against citizens who have participated in the demonstrations. The courts have subsequently upheld the sanctions against the activists. Therefore, in October, NGOs established a solidarity fund for freedom of assembly to cover the fines handed out to protesters.<sup>24</sup>

According to recent research based on self-evaluation, the Romanian nonprofit sector is underfunded and lacks sustainability: 79 percent of Romanian NGOs mentioned lack of funding as their main problem.<sup>25</sup> The situation, however, is improving. At the end of 2012, the total assets of active associations and foundations were estimated at around 15 billion RON (\$3.8 billion), and their total income had increased fourfold between 2005 and 2012.<sup>26</sup> The average number of paid staff members also had a fourfold increase, but it was still just above two employees per organization in 2012. Sixty-eight percent of NGOs had no employees, only volunteers.<sup>27</sup>

Volunteer work therefore remains an important resource for the sector. In May, the parliament adopted Law No. 78/2014 regulating volunteering after a long and sustained advocacy campaign carried out by civil society.<sup>28</sup> NGOs criticized, however, that the law brought only a few minor changes and that volunteering will not count toward either social security or the pension system.<sup>29</sup>

The capacity of NGOs to influence the public agenda remains limited. Recent findings conclude that organizations are reluctant to engage in advocacy individually as they fear repercussions from powerful politicians, but policymakers ignore recommendations that originate from coalitions of NGOs.<sup>30</sup> The Institute for Public Policy Bucharest, one of the most prominent Romanian NGOs, unsuccessfully attempted to bring together the 14 presidential candidates to engage in a public debate during the electoral campaign. In September, the

Minister for Social Dialogue invited a number of NGOs to form a permanent advisory group that would work with the prime minister and relevant ministries on topics including participative democracy, respect for human rights, the use of EU funds, and sustainable development.<sup>31</sup> Most civil society representatives consulted showed interest but expressed doubts about the timing of the meetings, as they took place a few weeks before the presidential elections.<sup>32</sup>

A 2014 report showed that half of the government agencies had either failed to publish “transparency reports” on their websites as required by the law, or had posted incomplete ones. In addition, there was little litigation against ministries for failing to comply with Law no. 52/2003 regarding institutional transparency and Law no. 544/2001 regarding access to public information.

As the institutional consultation process is often ineffective, many activists continued to engage in protests. Two ordinances drew particular attention during the year: GEO no. 55/2014, which temporarily suspended penalties for county councilors and mayors who change political parties, and an amendment to GEO no. 111/2011 that required the providers of free wireless networks and the sellers of prepaid telephone cards to request identification data from their customers.<sup>33</sup> NGOs called upon Ombudsman Victor Ciorbea to report both draft laws to the CCR. They also called his attention to two other ordinances: GEO No. 49/2014, which brought jarring changes to the Education Law, and GEO No. 45/2014, which amended the electoral process only five months before the presidential election. Ciorbea sent the law requiring identification data for constitutional review but said he was not qualified to judge the merits of bringing the issue of political migration to the attention of the court and refused to take action on the other issues.<sup>34</sup>

The presidential election, particularly the disenfranchisement of diaspora voters, reinvigorated civil society. The bureaucratic mismanagement of the voting, which appeared willful, inspired a small spontaneous protest the night after the first round in front of the Ministry of Foreign Affairs, and gatherings continued over the course of the following days.<sup>35</sup> The situation did not improve significantly in the second round and the demonstrations grew nationwide and abroad, contributing to Ponta’s ultimate defeat by mobilizing higher voter turnout.

While citizens have taken to the streets with increasing frequency to claim their rights, 2014 was the first year since 1989 in which nationwide protests gathered more people in the countryside than in Bucharest.<sup>36</sup> Although participants were mostly politically unaffiliated, there were a few movements throughout the year in which extremist or anarchist factions joined, either in solidarity or as a means of promoting their own agendas. The Orthodox Church also refused to sit impartially on the sidelines during the electoral campaign. Although initially opposed to the candidacy of the Protestant candidate Iohannis, Patriarch Daniel switched to a more ambivalent stance as support for him grew.<sup>37</sup> The fact that the patriarch was present at the inauguration of the president and issued a blessing in the parliament reveals that the church still holds considerable political influence, in spite of Romania’s officially secular status.

## Independent Media

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
4.00	3.75	3.75	3.75	4.00	4.00	4.00	4.25	4.25	4.25



Three major topics dominated the media agenda in 2014: the EP elections and the presidential campaign, high-level anticorruption campaigns run by the National Anticorruption Directorate (DNA), and environmental issues, specifically relating to Roșia Montană and the exploitation of alternative energy sources such as shale gas. Although major political events were taking place in the neighborhood, the Romanian press paid them little attention. At the same time, most domestic developments were presented through a partisan lens.

Public confidence in the media registered a sharp drop in 2014, a process that began in the fall of 2013, when the overtly partisan coverage of environmental protests inspired public discussion about the presence of political pressures.<sup>38</sup> While the Romanian Constitution states that the law may oblige mass communication outlets to disclose their financial sources (Art. 30, para. 5), the parliament has never enacted legislation to this effect.<sup>39</sup> Most major communication channels are under the control of wealthy local businessmen, who were working on strengthening their presence in the television and online markets in 2014. With 80 percent of Romanian respondents receiving their news from television, it remains the dominant medium through which political messages are conveyed to the public.<sup>40</sup> With 53 percent of Romanians saying that they trust television as a source of information, it is the second most trusted source after radio (54 percent), followed by the internet (39 percent) and the print press (37 percent). Despite its important role in the Roșia Montană protests, social media is the least trusted source (26 percent).<sup>41</sup>

Investigative journalism as a genre has all but disappeared from the mainstream media and quality has declined. This is partly due to poor economic conditions that led to an increase in tabloidization of media content, which seems to be the only financially viable genre. The state of local and regional media outlets is even worse than the state of the national media. Local media are plagued by financial difficulties and shady ownership.<sup>42</sup> The news coverage is often politically biased, and local journalists face poor working conditions.<sup>43</sup>

Civil society bodies, such as the Romanian Academic Society together with Active Watch and the Center for Independent Journalism, put together the “Coalition for a Clean Press” (CPC), an initiative to boost the transparency of media organizations’ financing. In 2014, the CPC asked all media institutions to publish their sources of funding online.<sup>44</sup> The initiative revealed that less than 5 percent of the publications were willing to do this.<sup>45</sup>

The legal entanglements of several journalists and media owners fueled distrust in the media. In August 2014, media mogul Dan Voiculescu was sentenced to 10 years in prison for money laundering and fraud.<sup>46</sup> Television journalist Robert Turcescu admitted in September that he had moonlighted as a secret agent while working as a freelance reporter, and that he had been paid by the intelligence services to exert influence on the media.<sup>47</sup> The veracity of his statements could not be confirmed, however, and the story quickly faded.<sup>48</sup>

The media, as well as the presidential candidates, made no calls for political debates during the presidential campaign. The debates that were eventually organized in early November allowed candidates to attack each other rather than discuss the merits of particular policies. The Realitatea TV network revealed its bias on 12 November, when it kept Ponta on set for a separate show right after the first presidential debate had concluded, giving him extra exposure.

The broadcasting regulatory body, the National Audiovisual Council (CNA), could not fulfill its watchdog duties after losing its legally mandated quorum in the middle of the presidential campaign.<sup>49</sup> CNA members are political appointees (three members are appointed by the Senate, the Chamber of Deputies, and the government, respectively, and two by the president), and some were under criminal investigation during the year.<sup>50</sup>

A hostile attempt to limit media’s free access to information occurred in October, when PSD senator Șerban Nicolae tried to pass a bill that would have made the disclosure of

information from criminal cases, such as corruption investigations, punishable with prison time. The measure aimed to curb investigative journalism. Despite protests from civil society, the draft was still on the parliament’s agenda at year’s end.<sup>51</sup> Earlier, in a separate attempt, the parliament proposed to recriminalize libel at the end of 2013. Criminal libel had been abolished in 2006, but in April 2013, the CCR unanimously decided to return to the previous state of affairs.<sup>52</sup> However, as a result of public pressure, the new Penal Code, adopted in February 2014, did not include criminal sanctions for libel and slander.

In a controversial ruling in November, the ICCJ upheld the decision of the Târgu-Mureş Court of Appeal that one’s Facebook wall constitutes public space. The case centered on discriminatory remarks posted online in 2012 by a former public official.<sup>53</sup> The decision spurred debates on freedom of speech online, but no legislation dealing with the issue was passed. Newspapers and online media, the only sources of investigative and independent journalism in Romania, continue to be unregulated as they do not fall under the authority of the CNA.

### Local Democratic Governance

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00

The Romanian local administrative landscape is divided into deliberative (county, local, communal, and city councils) and executive authorities (mayors). The prefect is the central government’s local representative and manages the executive’s local branches.<sup>54</sup> Romania is also split into eight “development regions,” but they are not legal entities and do not have any administrative functions.<sup>55</sup>

A 2013 study of local budgets showed that almost 90 municipalities, cities, and communes were unable to cover their administrative expenses but continued to spend more money than they were able to collect via local taxes.<sup>56</sup> Romanian municipalities have a habit of soliciting transfers from the central budget, a practice which increases public debt financed from the State Reserve Fund. The fund functions in direct contradiction to Law 273/2006 on local public finances, which states that local public debt is to be covered through the local authority’s own income.<sup>57</sup> In September 2014, 11 local public entities filed insolvency claims, and the central government allocated over €5 million from the State Reserve Fund to resolve the situation.<sup>58</sup> Although in 2012, Ponta promised to reduce the size of this financial instrument and use it in a politically unbiased manner, the Fund was increased from €37 million to €430 million and was directed toward local authorities before the 2014 presidential elections.<sup>59</sup>

In August, Vice Prime-Minister Liviu Dragnea (PSD) said that he had received numerous complaints from local elected officials that the collapse of the USL coalition and the creation of new political parties and coalitions had created instability. This created a shift in the political majorities in local and county councils compared to the results of the 2012 local elections. According to Dragnea, a number of local officials had *de facto* started working for other political parties and many councils failed to meet their quorums, which hampered decision-making. One evaluation showed that following the USL’s dismantling in February, over 83 percent of local councils either failed to meet the necessary quorum or rejected projects initiated or backed by the PSD. Councilors unwilling to support the PSD were allegedly threatened with exclusion.<sup>60</sup>

As a solution, the Ponta government adopted GEO 55/2014 in September. This piece of legislation gave county and local council members, as well as local mayors, 45 days to change

their political affiliation without losing their mandates or become an independent.<sup>61</sup> The ordinance exempted local officials from the provisions of a previous law, which states that they will lose their mandate if they migrate to another party.

The ordinance was met with immediate outcry from both the opposition and civil society. The common letter issued by several NGOs suggested that a more sensible solution to tackling the crisis was the organization of early elections in the problematic counties. Critics said the PSD-dominated central government was using this ordinance to retake control of local budgets and strengthen the party's preelection representation in the territory. According to them, it was an egregious attack on the rule of law, as it basically suspended the application of a law the government found inconvenient for a predetermined period of time.<sup>62</sup>

Although the Chamber of Deputies rejected the ordinance in mid-September, the GEO produced its intended effects because the Senate postponed the vote on the matter until after the first round of the presidential elections. The ombudsman received petitions from opposition parties and civil society, but Ciorbea, a Ponta appointee, did not act until 18 October, a day after the imposed migration deadline. To justify his dithering, he argued the ombudsman did not have the authority to act in this specific case.<sup>63</sup> On 17 December, the CCR ruled the GEO unconstitutional following an appeal by 130 MPs from the PNL and PDL. In its ruling, the court said that the parliament should decide on measures to be taken concerning the GEO's effects while it was in force.<sup>64</sup> By the end of October, 17 percent of mayors, 13 percent of local councilors, and 11 percent of county councilors had switched parties or become independents. The main beneficiary of the GEO was the PSD, since a significant percentage of local public officials switched to Ponta's party (in the case of mayors, 436 of the 552 who migrated chose the PSD). In addition, Popescu-Tăriceau's newly created PLR managed to gather 34 mayoral seats, and Deputy Prime Minister Gabriel Oprea's UNPR increased the number of its mayors from 28 to 45.<sup>65</sup> These two parties were splinters of the PSD and the PNL, and did not stand for elections separately.

In 2013, a major conflict arose between local mayors and county council presidents and the ANI. After the launch of several investigations, the Ponta government promised that the incompatibility charges brought against local officials would be dropped once the parliament had amended Article 87(f) of Law 161/2003 on ensuring transparency in the exercise of public offices. In October 2014, the Senate approved a draft law which makes it possible for local officials to simultaneously hold senior positions in commercial entities that are subordinated to them in their official capacity. At year's end, it was pending discussion in the Chamber of Deputies.<sup>66</sup>

ANI criticized the parliament's intent on exempting local officials from the incompatibility restrictions and the fact that it was not consulted on its content. Media suggested that the major stake is control over local public utility companies that administer budgets and EU funds of millions of euros.<sup>67</sup> Finally, on 16 December, the CCR decided that Article 87(f) of Law 161/2003 is constitutional. Consequently, ANI's incompatibility claims have received strong legal backing, and elected officials who have been charged will stand to lose their mandates.

One of the main topics of public debate in 2013, the government's proposed "regionalization-decentralization" law, was declared unconstitutional by the CCR in February 2014. The law intended to shift responsibilities away from the national government (decentralization), and create new regions between the national and county level (regionalization) to improve the absorption rate of EU funds. In its opinion, the court said that the draft law lacked the necessary administrative and legislative elements that would make it suitable for implementation. Consequently, an entirely new initiative must be put forth.<sup>68</sup>

In 2013, the Szekler National Council (SZNT), representing a large subgroup of ethnic Hungarians concentrated in Transylvania, and the UDMR raised the issue of territorial autonomy. On 18 September 2014, presidential candidate and UDMR president Kelemen Hunor presented the “Special Statute of the Szekely Land in Romania,”<sup>69</sup> a more complex variant of the project initiated by SZNT.<sup>70</sup> The stated goal of the initiative, which will be forwarded to the parliament together with proposals for a constitutional revision, is not a declaration of independence or separation of the region, but ensuring regional autonomy for the counties with a large number of ethnic Hungarians. Some commentators have argued that it is unclear whether this proposal helps or hinders the acceptance of an autonomous relationship between the Romanian state and the Hungarian ethnic minority because of UDMR’s poor communication with other political parties and its tendency to use the subject for gathering local political support.<sup>71</sup> While both the government and opposition parties firmly rejected the project, Ponta declared that as a staunch supporter of decentralization, he is open to discussing the matter with UDMR.<sup>72</sup>

### Judicial Framework and Independence

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
4.00	3.75	4.00	4.00	4.00	4.00	3.75	3.75	3.75	3.75

According to Article 142 of the constitution, every three years, three judges join the CCR for nine-year terms, with the Chamber of Deputies, the Senate, and the president appointing each of them. With no qualified majority requirements and no system of checks on their appointment, justices in the CCR have been accused of reflecting partisan lines in their decisions. Additionally, influence peddling is a serious problem, and corruption scandals within the judiciary have systematically eroded the integrity of the branch.

Retired Romanian magistrates convicted of corruption receive very high pensions and thrive in private practice, a situation that critics find intolerable.<sup>73</sup> The Superior Council of Magistrates (CSM) has resorted to administrative tricks to remedy the situation, such as the suspension of pension requests filed by judges and prosecutors who are under investigation, on trial, or have been convicted of corruption. In response to criticism, the Ministry of Justice in May announced ad-hoc legislation against courtroom malpractice.<sup>74</sup> In July, the law on eliminating special pensions for magistrates with definitive sentences for corruption was promulgated after its adoption by the Senate with a majority of 98 votes.

The issue of corrupt magistrates was brought back to the forefront in April with a scandal involving Judge Stan Mustata and his three accomplices.<sup>75</sup> Illustrating the vulnerability of the justice system to corruption, the four had set up an organized crime ring in which lucrative bribes were exchanged for favorable court rulings. The rapidity with which their misdeeds were brought to the attention of the public, however, constituted a positive development.

President Băsescu created an uproar in October when he accused Ponta of having been an agent of the Romanian Foreign Intelligence Services (SIE) while he was acting prosecutor between 1997 and 2001. The accusation was not confirmed, but suspicions reemerged when Judge Horatiu Dumbrava, a member of the CSM, repeatedly called on the president to purge the judiciary of secret service agents.<sup>76</sup>

This long-time allegation hangs over the internal fight for power in the CSM, with judges suspecting prosecutors to be closer to power (and perhaps moonlighting as secret service agents)

and refusing them the chairmanship of the council. In 2013, the DNA and ANI opened highly publicized investigations in the case of two CSM members who had opposed the election of prosecutor Oana Schmidt-Hăineală, an alleged a Băsescu ally, as head of CSM. The charges were thin and were subsequently revoked, but the case showed politicians' heavy involvement in these power struggles. Electing a new president and vice president for the CSM in January 2014 was a less contentious process, and Judge Adrian Bordea was elected with a large majority.

In July, the CCR struck down Law no. 82/2012 on the retention of data generated or processed by providers of public electronic communications networks. The law had implemented the EU's Data Retention Directive, which required member states to store citizens' telecommunications data for a period between 6 and 24 months. The Romanian law was declared unconstitutional three months after the European Court of Justice had invalidated the directive.<sup>77</sup> In December, the Senate adopted a bill obliging "owners of cybernetic infrastructure" to share upon request all data they possess, even in the absence of a warrant.<sup>78</sup> Reacting to the draft, 13 organizations called for a constitutional review. The law was pending in the Chamber of Deputies at year's end.

In September, the CCR ruled the provisions of the Code of Civil Procedure that require the presence of an attorney to draft a request for appeal, or pursue it in court unconstitutional. The CCR stated that the criticized legislation violated equal access to justice (Art. 21 of the Constitution) and the right to defense (Art. 24 of the Constitution) for all citizens.

In late October, in line with the aim of facilitating citizens' access to justice, the CSM published a guide for attorneys and regular citizens interested in submitting petitions before the courts. The guide can be accessed online and includes a selection of the necessary forms needed to initiate litigation. Standardizing information and making it widely available to the general public is part of the government's project of bringing justice closer to the people.

Although the United Nations Committee on Economic, Social and Cultural Rights reaffirmed in a report released in December that Roma continue to face systemic discrimination and social exclusion, political parties continue to take little notice of the issue. Social exclusion affects almost every aspect of daily life, including housing, education, health, and employment, and the general public is hostile toward the Romany minority.<sup>79</sup> In 2014, European Union funds almost paid for what would have amounted to segregation, namely a kindergarten for Romany children in Pata Rat (Cluj).<sup>80</sup> In September, 100 Roma inhabitants were evicted from their homes in Bucharest.<sup>81</sup> In November, Catalin Cherecheș, the mayor of Baia Mare, engaged students from the University of Art and Design (UAD) in Cluj to paint the wall that separated the Roma community in Horea Street from the rest of the city, thus turning it into a "work of art" that cannot be demolished without the approval of the Ministry of Culture.<sup>82</sup>

Earlier, in February, the National Council for Combating Discrimination (CNCD) fined Băsescu for stating during a 2010 news conference that Romany people do not want to work and prefer to live off stealing. This decision established a precedent in terms of the council's mandate to decide upon discrimination cases that took place outside of the borders of Romania, as the CNCD had initially declined to rule on them.<sup>83</sup>

In September, the European Court of Human Rights (ECHR) found the Romanian government guilty of delaying a proper investigation in the prominent case of *Mocanu and others v. Romania*. The court ruled that Romania has to pay €55,000 to the victims of a government crackdown on miners during the June 1990 demonstrations.<sup>84</sup>

## **Corruption**

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
4.25	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00	3.75

In 2014, the Romanian judiciary handed down historic verdicts in numerous important corruption cases, raising its credibility significantly.

In August, the Bucharest Court of Appeals sentenced media mogul Dan Voiculescu, one of Romania's richest individuals, to serve 10 years in prison in a corruption case related to the privatization of the Food Research Institute (ICA).<sup>85</sup> The verdict came after years of judicial delays, political maneuvering, and media attacks on the judiciary. The case started in 2008, and a first-instance court sentenced Voiculescu to five years in prison in 2013. Twelve other people involved received sentences of up to 8 years in prison. In a separate case, Grivco, a company owned by Voiculescu, was accused of buying electrical energy from the state-controlled Rovinari complex and selling the energy back to Electrica, another state-controlled company, at a large profit.<sup>86</sup>

In March, eight Romanian club owners and former soccer players were sentenced to jail for tax evasion and money laundering. The court found that the total damage was around €1.7 million to the Romanian state, and around €10 million to the soccer clubs involved.<sup>87</sup> The trial started in 2008, and the defendants were initially acquitted. Such cases indicate that the Romanian courts have changed their attitudes toward high-level corruption.

Throughout 2014, the Romanian parliament persistently devised legislative loopholes that facilitated corruption. Amendments to Law 215/2001 in March allowed mayors and county council presidents to delegate official responsibilities, such as the signing of contracts, to their subordinates. The legislation hampers investigations by the ANI and DNA into cases of conflict of interest or abuse of office. County council presidents and mayors of large cities who have remained in office for many years, have direct access to public resources, and have been implicated in corruption cases are often referred to as "local barons." In April, Constanta mayor Radu Mazăre (PSD) was charged with receiving a bribe of €175,000 from businessman Morgenstern Avraham as a payoff for winning a contract in a construction project.<sup>88</sup>

In 2014, the DNA came to grips with a corruption scandal that revealed deep-seated clientelistic networks stretching over four successive governments. According to the charges, successive governments bought Microsoft software licenses at 30 to 40 percent above market prices. In July, the DNA started investigating nine former ministers. Allegedly, the complex bribery and money laundering mechanism allowed the former ministers to skip statutory public procurement procedures for IT services and purchase Microsoft licenses, other software, and computers from private distributors at inflated prices. In addition, the discounts offered by Microsoft became proceeds for middlemen, and the companies would pay kickbacks to the politicians through offshore accounts. A separate contract that should have equipped schools with computers and software was awarded to Siveco, a Romanian company, at 50 percent above market price.

When the DNA asked to lift the immunity of the former ministers, the Judicial Committee within the Senate postponed the decision until after the second round of the presidential elections.<sup>89</sup> Following the elections, the parliament made a surprising move by quickly lifting the immunity of more MPs than it had during the last two years of its activity. Out of 572 senators and deputies, 76 face criminal charges, have been declared incompatible or are in a conflict of interest. Four of them are facing multiple charges. The ANI established that 32 MPs are incompatible, 29 of which still hold office. Regarding those who are considered to be in a conflict of interest, 8 remain in the parliament and 40 face criminal charges.<sup>90</sup>

In July, the CCR ruled that all elected officials who have a conflict of interest or have been found incompatible are barred from holding office for a three-year period.<sup>91</sup> The issue dates back to November 2012, when Parliament voted to allow former minister for culture, Mircea Diaconu, to keep his seat in the Romanian Senate despite a Supreme Court ruling against him.<sup>92</sup> In April, however, the Bucharest Court of Appeal ruled that Diaconu could run in EP elections in spite of the ICCJ decision on his incompatibility.<sup>93</sup> Consequently, the ANI requested the cancellation of the Bucharest Court of Appeal decision and notified the EP about Diaconu's state of incompatibility. However, it is not likely that Diaconu will lose his office.

Conflict of interest continues to be a recurrent and growing problem in the allocation of public and EU funds. In July, the ANI accused Vasile Astărăstoae, dean of the Iași University of Medicine and Pharmacy, of a conflict of interest during his tenure as director of the Iași Institute of Forensic Medicine, where he signed employment contracts both as an employer and employee, and paid himself for 36 months of work through an EU-funded project. Despite a final conviction from the ICCJ and ANI's requests for his removal, Astărăstoae still claims "no reason" to resign.<sup>94</sup> In a positive development, in July, Băsescu rejected Law 51/2006, which did not consider incompatible those mayors and county council presidents who were concurrently members of public utility companies' shareholders assemblies.

While Băsescu has put the fight against corruption at the core of his presidency, his brother faced serious corruption charges in 2014. Mircea Băsescu was allegedly paid €250,000 through a mediator in exchange for intervening in a criminal case in favor of a man accused of homicide.<sup>95</sup> The president denied any involvement or knowledge of the case and expressed his commitment to "strengthen the judiciary" despite the "urge" to defend his brother.<sup>96</sup> Still, in June, Ponta and the parliament urged the president to step down.

Corruption was a major issue in the presidential elections. Ponta's father-in-law, Ilie Sârbu (PSD), and Dan Șova (PSD), his main business and cabinet colleague, were both under investigation by the DNA during the campaign. The two center-right parties pushed repeatedly for the rejection of a pet project of the PSD, a draft law granting amnesty and pardon even to recent corruption offenders. In one of the two debates before the runoff of the elections, Iohannis invited Ponta to assemble the parliament and reject the bill the next day. Ponta's refusal might have cost him the presidency. On 18 November, the Chamber of Deputies rejected the law, which many considered a personal victory for Iohannis.

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<sup>1</sup> Andra Timu and Irina Savu, "Romania Coalition Breaks Up as Premier Urged to Resign," Bloomberg, 26 February 2014, <http://www.bloomberg.com/news/2014-02-25/romania-coalition-breaks-up-as-premier-urged-to-resign.html>.

<sup>2</sup> Sorina Ionașc, "Guvernarea 'de Urgenta': Ponta la deposit la ordonante de urgenta pana si pe Emil Boc: Vezi frecventa OUG-urilor din 2009 pana azi" ['Emergency' Governance: Ponta surpassed even Emil Boc in GEO: See the number of GEOs from 2009 until today], Gandul, 4 August 2013, <http://www.gandul.info/politica/guvernarea-de-urgenta-ponta-l-a-depasit-la-ordonate-de-urgenta-pana-si-pe-emil-boc-vezi-frecventa-oug-urilor-din-2009-pana-azi-11193622>; "De zece ani, România trece printr-o situație de urgență la fiecare trei zile"[For ten years, Romania has been going through an emergency situation every three days], APADOR-CH blog, 2 July 2014, <http://www.apador.org/blog/avocatul-poporului-ordonante-urgenta>.

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<sup>3</sup> Marina Popescu & al., “Parlamentarii migreaza. Cauze, consecinte si explicatii” [MPs migrate. Causes, consequences and comparative explanations], OpenPolitics, <http://www.openpolitics.ro/noutati/homepage/parlamentarii-migreaza-cauze-consecinte-si-explicatii-comparative.html>; Marina Popescu, Mihail Chiru, “Migratie pana la capatul golirii de sens a partidelor politice” [Migration empties political parties of their essential purpose], OpenPolitics, <http://www.openpolitics.ro/noutati/homepage/migratie-pana-la-capatul-golirii-de-sens-partidelor-politice.html>.

<sup>4</sup> In recent years, the coverage of intra-EU imports by exports has been around 80 percent (82 percent in 2013). Meanwhile, other former communist countries from the region registered economic surpluses on the European single market. Poland, Czech Republic, Slovenia, and Hungary all have benefited from intra-EU trade. In their case, continuous improvement of national export competitiveness on the single market has led to a trade surplus with the EU. Romania, however, is at the bottom of the list in this regard and registered least progress since its EU accession. See Madalina Doroftei, “Raportul Anual de Analiza si Prognost SAR. In Viteza a doua: Comerțul Intracomunitar al Romaniei” [SAR’s Annual Policy Analysis and Forecast Report. In second gear: The Intra-Community Commerce of Romania] (Bucharest: Romanian Academic Society, 4 April 2014) <http://sar.org.ro/wp-content/uploads/2014/04/Comertul-intracomunitar-al-Romaniei.pdf>.

<sup>5</sup> Ministry of European Funds, “Rata de absorbție curentă a fondurilor europene a ajuns la 33.47%, de patru ori mai mare decât în mai 2012” [Absorption rate of European funds reached 33.47 percent, four times greater than in May 2012], news release, 31 December 2013, <http://www.fonduri-ue.ro/comunicare/stiri/2319-rata-de-absorbtie-curenta-a-fondurilor-europene-de-patru-ori-mai-mare-decat-in-mai-2012>; Ministry of European Funds. “Informare privind stadiul la 31 decembrie 2014 al implementării Programelor Operaționale finanțate din Instrumente Structurale” [Notice regarding the state on 31 December 2014 of implementing Operational Programmes financed through Structural Tools], [http://www.fonduri-ue.ro/res/filepicker\\_users/cd25a597fd-62/rezultate/std\\_abs/Informare.PO.31.decembrie.2014.pdf](http://www.fonduri-ue.ro/res/filepicker_users/cd25a597fd-62/rezultate/std_abs/Informare.PO.31.decembrie.2014.pdf).

<sup>6</sup> Victoria Stoiciu, “Raportul Anual de Analiza si Prognost SAR – Libera circulatie a fortei de munca in Uniunea Europeana: Ce pierdem si ce castigam” [SAR’s Annual Policy Analysis and Forecast Report. Labor migration in the EU: What we lose and what we gain] (Bucharest: Romanian Academic Society, 4 April 2014) <http://sar.org.ro/wp-content/uploads/2014/04/Libera-circulatie-a-fortei-de-munca.pdf>.

<sup>7</sup> Eurostat, “Flash estimate for the fourth quarter of 2013,” news release, 14 February 2014, [http://europa.eu/rapid/press-release\\_STAT-14-23\\_en.htm](http://europa.eu/rapid/press-release_STAT-14-23_en.htm); Eurostat, “Flash estimate for the fourth quarter of 2014,” news release, 13 February 2014, <http://ec.europa.eu/eurostat/documents/2995521/6625198/2-13022015-AP-EN.pdf/6f7a18eb-0b2a-466b-b444-4d240889a723>.

<sup>8</sup> Daniela Malache, “Iohannis: Dacă frații de peste Prut vor să se unească cu țara, nimeni nu îi poate opri” [Iohannis: If our brothers across the Prut River want a union with Romania, nobody can stop them], *Agerpres*, 18 October 2014, <http://www.agerpres.ro/politica/2014/10/18/iohannis-daca-fratii-de-peste-prut-vor-sa-se-uneasca-cu-tara-nimeni-nu-ii-poate-opri-13-54-59>.

<sup>9</sup> European Commission, “Special Eurobarometer 415: Tables of Results, European in 2014” (Brussels: European Commission, March 2014), [http://ec.europa.eu/public\\_opinion/archives/ebs/ebs\\_415\\_data\\_en.pdf](http://ec.europa.eu/public_opinion/archives/ebs/ebs_415_data_en.pdf).

<sup>10</sup> European Parliament, Results of the 2014 elections, <http://www.europarl.europa.eu/elections2014-results/en/turnout.html>.

<sup>11</sup> Ibid.

<sup>12</sup> Vasile Ghetau, “Datele cu care vor lucra guvernele in urmatoorii 10 ani. Octombrie 2011: Un recensamant ratat? Consecintele” [The data which governments will use in the next 10 years. October 2011: a failed census? Consequences], *CursDeGuvernare.ro*, 10 September 2012, <http://cursdeguvernare.ro/datele-cu-care-vor-lucra-guvernele-in-urmatorii-10-ani-octombrie-2011-un-recensamant-ratat-consecintele.html>; and Vasile Ghetau, “Recensamantul si aventura INS prin datele finale” [The census and the INS’s adventure with the final data], *CursDeGuvernare.ro*, 8 July 2013, <http://cursdeguvernare.ro/recensamantul-si-aventura-ins-prin-datele-finale.html>.

<sup>13</sup> Alina Neagu, “PNL a dat in judecata Guvernul pentru ordonanta care modifica legea alegerii presedintelui, pe motiv ca favorizeaza votul multiplu” [PNL sued the Government for the ordinance which modifies the law on electing the President, arguing that it favors multiple voting], *Hotnews*, 5 August 2014, <http://www.hotnews.ro/stiri-politic-17823908-klaus-iohannis-pnl-dat-judecata-guvernul-pentru-ordonanta-care-modifica-legea-alegerii-presedintelui.htm>.

<sup>14</sup> A study performed by the Median Research Center, a Romanian think-tank, found no convincing evidence in electoral statistics that ballot-stuffing was widespread or that it asymmetrically favored one political party or candidate over another. See Gabor Toka and Raluca Toma, “Conclusions. Ballot stuffing – from suspicion to prevention,” *OpenPolitics*, <http://www.openpolitics.ro/en/conclusions-ballot-stuffing-suspicion-prevention.html> and Sorina Ionasc, “Rezultate alegeri prezidentiale 2014. Vot masiv pe listele suplimentare. Sapte din cele zece judete campioane la vot pe liste speciale castigate de PSD” [Results Presidential Elections 2014. Massive vote on



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<sup>15</sup> Victor Cozmei, “Harta interactiva. Rezultatele finale ale alegerilor prezidentiale in fiecare localitate din Romania” [Interactive map. Final results of the presidential elections in every locality in Romania], Hotnews, 20 November 2014, <http://www.hotnews.ro/stiri-politic-18619227-harta-interactiva-rezultatele-finale-ale-alegerilor-prezidentiale-fiecare-localitate-din-romania.htm>.

<sup>16</sup> Adrian Vasilache, “Guvernul Ponta a alocat din fonduri bugetare inca 6.000.000 lei pentru biserici din Madrid, Barcelona, Gorj si Cluj” [The Ponta Government has allocated a further 6,000,000 lei in budget funds for churches in Madrid, Barcelona, Gorj and Cluj] HotNews, 21 October 2014, <http://www.hotnews.ro/stiri-diaspora-18348519-guvernul-ponta-alocat-din-fonduri-bugetare-inca-6-000-000-lei-pentru-biserici-din-madrid-barcelona-gorj-cluj.htm>.

<sup>17</sup> In April 2013, ANI stated that Iohannis is legally ineligible for office because, during his time as mayor, he also represented the municipality of Sibiu in the Stakeholders’ General Assembly of the marketplace, and water and sewage public utilities companies. Iohannis stated that the water and sewage company is a regional company, not a local company, thus falling outside the incompatibility law. See “Iohannis: I barely joined PNL that ANI has remembered me and found a case of incompatibility,” Nine o’clock, 16 May 2013, <http://www.nineoclock.ro/johannis-i-barely-joined-pnl-that-ani-has-remembered-me-has-found-a-case-of-incompatibility/>.

<sup>18</sup> The news of the day contained many reports of people claiming to have waited as much as eleven hours before being able to vote. See Alina Neagu, “Londra: Un roman a votat dupa ce a stat 11 ore la coada. / Mesaj de la alt roman care astepta sa voteze, in jurul orei 20:00: Mai avem cel putin doua ore de stat la coada, nu sunt convins ca vom ajunge. Sunt mai mult de 2.000 de oameni la coada” [London: A Romanian voted after being in line for eleven hours / Message from another Romanian waiting to vote around 20:00: We still have at least two hours of waiting, I’m not sure we’ll make it. There are over 2,000 people in line], Hotnews, 16 November 2014, <http://www.hotnews.ro/stiri-politic-18578719-londra-roman-votat-dupa-stat-11-ore-coada-mesaj-alt-roman-care-astepta-voteze-jurul-orei-20-00-mai-avem-cel-putin-doua-ore-stat-coada-nu-sunt-convins-vom-ajunge-sunt-mai-mult-2-000-oameni-coada.htm>.

<sup>19</sup> Filip Stan, “Alegeri Prezidentiale 2014. Cozi Uriase și revoltă la secțiile de votare din străinătate” [2014 Presidential Elections: Huge lines and revolts at voting stations outside of Romania], Romania TV, 2 November 2014, [http://www.romaniatv.net/alegeri-prezidentiale-2014-cozi-uriase-la-sectiile-de-votare-din-chisinau\\_180883.html](http://www.romaniatv.net/alegeri-prezidentiale-2014-cozi-uriase-la-sectiile-de-votare-din-chisinau_180883.html).

<sup>20</sup> “Incidente la sectiile de votare din strainatate: Gaze lacrimogene la Torino si Paris. Peste 360.000 romani din diaspora au votat pana la ora 23:00” [Incidents at voting stations abroad: Tear gas in Turin and Paris. Over 360,000 Romanian from the diaspora had voted by 23:00], Mediafax, 17 November 2014, <http://www.mediafax.ro/social/incidente-la-sectiile-de-votare-din-strainatate-gaze-lacrimogene-la-torino-si-paris-peste-360-000-romani-din-diaspora-au-votat-pana-la-ora-23-00-foto-video-13565758>.

<sup>21</sup> The total number of fraud claims halved in comparison with 2009 when during the second round there were 986 claims. See Romanian Ministry of the Interior, “Declarații de presă susținute de purtătorul de cuvânt al MAI, Monica Dajbog – ora 10.00” [Press statements by the spokesperson of the MAI, Monica Dajbog - 10 o’clock], news release, 17 November 2014, <http://www.comunicare.mai.gov.ro/stiri.php?subaction=showfull&id=1416213566&archive>.

<sup>22</sup> The campaign was supported by almost 50 nongovernmental organizations as part of the “Politics without Barriers” campaign. See: <https://politicafarabariere.wordpress.com/category/document-tehnic/>.

<sup>23</sup> “Legea nr. 60/1991 - organizarea si desfasurarea adunarilor publice, republicata la 14 martie 2014” [Law no. 60/1991-on the organization and development of public meetings, republished 14th of March 2014], published 14 March 2014, [http://www.avocatnet.ro/content/articles/id\\_36572/Legea-nr-60-1991-organizarea-si-desfasurarea-adunarilor-publice-republicata-la-14-martie-2014.html](http://www.avocatnet.ro/content/articles/id_36572/Legea-nr-60-1991-organizarea-si-desfasurarea-adunarilor-publice-republicata-la-14-martie-2014.html).

<sup>24</sup> Among them was a university student who participated in the Rosia Montana protest in Cluj from September to November 2013, and who was fined for marching with a bullhorn in hand on the claim that she had participated in the organization of the unauthorized protest, which allegedly endangered public safety and blocked the public roads. Andreea Petrut, “Acum că mi-am primit pedeapsa finală pentru că mi-am făcut datoria de cetățean, ridic capul sus și mă uit înainte” [Now that I have received my final punishment because I did my duty as a citizen, I raise my head high and look ahead], *Romania Curata*, 16 October 2014,

<http://romaniacurata.ro/acum-ca-mi-am-primit-pedeapsa-finala-pentru-ca-mi-am-facut-datoria-de-cetatean-ridic-capul-sus-si-ma-uit-inainte/>.

<sup>25</sup> Dinu Boboc, “Ce asteptari au ONG-urile de la companiile private” [What expectations do NGOs have from private companies], Manager.ro, 28 May 2014, <http://www.manager.ro/articole/economie/ce-asteptari-au-ong-urile-de-la-companiile-private-71145.html>.

<sup>26</sup> Cristina Barna, Atlasul Economiei Sociale, [Atlas of Social Economy] [http://www.fdsc.ro/library/files/atlas\\_economie\\_sociala.pdf](http://www.fdsc.ro/library/files/atlas_economie_sociala.pdf), p. 35-36.

<sup>27</sup> Ibid, p. 39-40.

<sup>28</sup> The law replaces the previous framework, ushering in the following changes: it officially recognizes the importance of volunteering to society and stipulates that it constitutes work experience; it regulates the relationship between the volunteer and the host organization, which must be defined by a written contract; and it further details the content of the certificate of having performed volunteer work. Romanian Parliament, Law on the Regulation of volunteering, See “Lege privind reglementarea activității de voluntariat în România” [Law on the Regulation of Volunteers in Romania], published in 2014, [http://www.cdep.ro/pls/proiecte/docs/2014/pr076\\_14.pdf](http://www.cdep.ro/pls/proiecte/docs/2014/pr076_14.pdf).

<sup>29</sup> “Președintele unui ONG, despre Legea voluntariatului: Doar 2 modificări superficiale față de vechea lege. Necunoscătorii pot fi ușor induși în eroare” [The President of an NGO on the Law on Volunteering: The new law made only two superficial changes. Those who are not aware of this could be misled], <http://www.crainicul.ro/index.php/presedintele-unui-ong-despre-legea-voluntariatului-doar-2-modificari-superficiale-fata-de-vechea-lege-necunoscatorii-pot-fi-usor-indusi-eroare-3681>.

<sup>30</sup> USAID, “Indexul Sustenabilității Organizațiilor Societății Civile din România” [Civil Society Organization Sustainability Index 2013 – Romania]. Online access or..?

<sup>31</sup> “Cea de-a doua etapă a procesului consultativ cu societatea civilă din România debutează luni” [The second stage of the consultation process with the Romanian civil society begins on Monday], Cluj24, 28 September 2014, <http://cluj24h.ro/?p=3371>.

<sup>32</sup>. Alina Mungiu-Pippidi, “Alina Mungiu-Pippidi și SAR refuză încorporarea societății civile propusă de Ponta” [Alina Mungiu-Pippidi and SAR refuse Ponta’s initiative to incorporate civil society], Romania Curata, 12 October 2014, <http://romaniacurata.ro/alina-mungiu-pippidi-si-sar-refuza-incorporarea-societatii-civile-propusa-de-ponta/>; Oana Preda, “Coaliția” [The coalition] Ce-Re, 21 October, 2014, <http://www.ce-re.ro/blog/coalitia/>.

<sup>33</sup> “ONG-urile cer Avocatului Poporului și Parlamentului să sesizeze CCR pe tema legii cartelelor prepay” [NGOs ask the Ombudsman and the Parliament to notify the RCC on the topic of the pre-pay telephone cards], Realitatea.net, 3 July 2014, [http://www.realitatea.net/ong-urile-cer-avocatului-poporului-si-parlamentului-sa-sesizeze-ccr-pe-tema-legii-cartelelor-prepay\\_1475634.html](http://www.realitatea.net/ong-urile-cer-avocatului-poporului-si-parlamentului-sa-sesizeze-ccr-pe-tema-legii-cartelelor-prepay_1475634.html).

<sup>34</sup> “Ciorbea are un raspuns pe OUG privind migratia primarilor: Nu e de competenta sa” [Ciorbea has an answer regarding the GEO on the mayors’ migration: It does not lie within his competence], Ziare.com, 18 October 2014, <http://www.ziare.com/victor-ciorbea/avocatul-poporului/ciorbea-are-un-raspuns-pe-oug-privind-migratia-primarilor-nu-e-de-competenta-sa-1328336>; “Deutsche Welle: Avocatul Poporului ar trebui sa-si asume un rol mai proeminent” [Deutsche Welle: The Ombudsman should take on a more prominent role], Ziare.com; “Demisia lui Victor Ciorbea din funcția de Avocat al Poporului” [Victor Ciorbea’s resignation from the position of Ombudsman], Partidul Verde, 15 August 2014, <http://www.partidulverde.ro/2014/08/15/demisia-lui-victor-ciorbea-din-functia-de-avocat-al-poporului/>; and Victor Ciorbea, “Ciorbea: ‘Englezii beau ceai și au pisici’. Află ce legătură există între declarație și Legea Educației” [Ciorbea: “The British drink tea and own cats.” See the connection between this statement and the Education Law], *Romania Curata*, 23 July 2014, <http://romaniacurata.ro/ciorbea-englezii-beau-ceai-si-au-pisici-afla-ce-legatura-exista-intre-declaratie-si-legea-educatiei-contacteaza-l-si-tu-pe-avocatul-poporului/>.

<sup>35</sup> “Proteste la Sibiu pentru un vot corect în turul al doilea. Orașele în care românii vor ieși în stradă [Protests in Sibiu for a fair vote in the second round. The cities where Romanians will be on the street], Digi24, 7 November 2014, <http://www.digi24.ro/Stiri/Digi24/Special/COTROCENI+2014/ALEGERI+PREZIDENTIALE+2014+Proteste+vot+turul+doi>.

<sup>36</sup> A reported 10,000 people took to the streets in Cluj demanding the resignation of Minister Corlățean and Ponta, while official reports claimed no more than 800 participants in Bucharest. Though the accuracy of these figures is doubtful, video footage leaves little room for doubt that the Cluj rally was much larger than the official number. See Claudiu Padurean, “Protest record la Cluj. Aproximativ 10.000 de oameni au ieșit în stradă” [Record protest in Cluj. Approximately 10,000 people took to the streets], *Romania Libera*, 8 November 2014, <http://www.romanalibera.ro/politica/politica-alegeri-prezidentiale/protest-record-la-cluj--aproximativ-10-000-de-oameni-au-iesit-in-strada-356676>; Cristina Răduță, “Mitingul anti-Ponta de la București s-a încheiat. Protestatarii, în fața sediului MAE: “Secții de votare peste hotare!” [The anti-Ponta meeting in Bucharest is over. The protesters, in

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front of MAE headquarters: “Voting stations abroad!”], *Adevarul*, 8 November 2014, [http://adevarul.ro/news/bucuresti/bucurestenii-strang-facebook-miting-anuntat-piata-universitatii-victor-ponta-solidaritate-romanii-diaspora-1\\_545dc62e0d133766a8a68252/index.html](http://adevarul.ro/news/bucuresti/bucurestenii-strang-facebook-miting-anuntat-piata-universitatii-victor-ponta-solidaritate-romanii-diaspora-1_545dc62e0d133766a8a68252/index.html).

<sup>37</sup> Larisa Ciută, “BOR explică mesajul MISTEROS rostit de Patriarhul Daniel în ziua votului: De multe ori ne vine în ajutor un străin” [BOR explains the MYSTERIOUS message uttered by Patriarch Daniel on ballot day: Many times, a stranger comes to our aid], *EVZ*, 19 November 2014, <http://www.evz.ro/bor-explica-mesajul-misteros-rostit-de-patriarhul-daniel-in-ziua-votului.html>.

<sup>38</sup> IREX, “European & Eurasia Media Sustainability Index 2014: Romania” (Washington, DC: IREX, 2014), [http://www.irex.org/sites/default/files/u105/EE\\_MSI\\_2014\\_Romania.pdf](http://www.irex.org/sites/default/files/u105/EE_MSI_2014_Romania.pdf).

<sup>39</sup> Rachael Craufurd Smith and Yolande Stolte, “The Transparency of Media Ownership in the European Union and Neighbouring States” (Madrid: Access Info Europe, September 2014), [http://avada.access-info.org/wp-content/uploads/Transparency\\_of\\_Media\\_Ownership\\_in\\_the\\_EU-09-26-2014.pdf](http://avada.access-info.org/wp-content/uploads/Transparency_of_Media_Ownership_in_the_EU-09-26-2014.pdf).

<sup>40</sup> See Standard Eurobarometer 82, Public Opinion in the European Union, Autumn 2014, p. 194, [http://ec.europa.eu/public\\_opinion/archives/eb/eb82/eb82\\_anx\\_en.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb82/eb82_anx_en.pdf).

<sup>41</sup> Standard Eurobarometer 82, Public Opinion in the European Union, Autumn 2014, p. 194, [http://ec.europa.eu/public\\_opinion/archives/eb/eb82/eb82\\_anx\\_en.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb82/eb82_anx_en.pdf).

<sup>42</sup> Several media outlet owners, such as businessman Adrian Mititelu (owner of the local paper *Ediție Specială*) and former senator and mayor of Râmnicu-Vâlcea Emilian Frâncu (founder of TV station Vâlcea 1, currently controlled by his family), are either under investigation or have already been found guilty. See: Eusebi Manolache, “Adrian Mititelu, trimis în judecată pentru evaziune fiscală și spălare de bani” [Adrian Mititelu, prosecuted for tax evasion and money laundering], *Agerpres*, 29 October 2014, <http://www.agerpres.ro/justitie/2014/10/29/adrian-mititelu-trimis-in-judecata-pentru-evaziune-fiscala-si-spalare-de-bani-16-11-38>; R.M., “Primarul din Rm. Valcea, Emilian Francu, condamnat definitiv la patru ani de închisoare cu executare” [The mayor of Rm. Valcea, Emilian Francu, sentenced to four years imprisonment to be served], *Hotnews*, 26 March 2014, <http://anticoruptie.hotnews.ro/stiri-anticoruptie-16906884-primarul-din-valcea-emilian-francu-condamnat-definitiv-patru-ani-inchisoare-executare.htm>.

<sup>43</sup> ActiveWatch, *Harta Politică a Televiziunilor Locale* [The Political Map of Local Televisions], (Bucharest, January 2014), <http://activewatch.ro/Assets/Upload/files/Harta%20Politica%20a%20Televiziunilor%20Locale%20-%20ActiveWatch%20Ian%202014.pdf>.

<sup>44</sup> The product of this initiative is a comprehensive study that analyzed the underlying causes leading to public distrust in the media. It found the causes were nontransparent financing and shareholding, state involvement in subsidizing progovernment media through advertising purchases, inactive regulatory bodies, criminal investigations of journalists and their employers, politicians who are also media owners, and undercover agents in the press. Source: Tudor Oprea, “The Game of Influences. The Vested Interests behind Romanian Media,” Romanian Academic Society, Policy Brief 65, November 2014), <http://sar.org.ro/wp-content/uploads/2014/11/Policy-brief-65-The-Vested-Interests-Behind-Romanian-Media.pdf>.

<sup>45</sup> Romanian Academic Society (SAR), “The Freedom of the Press, a National Fraud (II)” (Bucharest: Romanian Academic Society, 2014), <http://romaniacurata.ro/wp-content/uploads/2014/10/The-Freedom-of-the-Press-a-National-Fraud-II.pdf>.

<sup>46</sup> Catalin Lupasteanu and Otilia Ciocan, “Dan Voiculescu, CONDAMNAT la 10 ani de închisoare CU EXECUTARE în dosarul ICA. Voiculescu și ceilalți condamnați, încarcerați la Penitenciarul Rahova” [Dan Voiculescu, SENTENCED to 10 years imprisonment TO BE SERVED in the ICA file. Voiculescu and the other convicted, incarcerated at Rahova Penitentiary], *Mediafax*, 8 August 2014, <http://www.mediafax.ro/social/dan-voiculescu-condamnat-la-10-ani-de-inchisoare-cu-executare-in-dosarul-ica-voiculescu-si-ceilalti-condamnati-incarcerati-la-penitenciarul-rahova-video-foto-13056872>.

<sup>47</sup> “Journalist Robert Turcescu causes public outcry by confessing he was an undercover army officer,” *Business Review*, 22 September 2014, <http://business-review.eu/featured/journalist-robert-turcescu-causes-public-outcry-by-confessing-he-was-an-undercover-army-officer-70650>.

<sup>48</sup> Responding to a parliamentary question in 2001, the Romanian Intelligence Service (SRI), without singling out the media sector, noted that Article 28 of Law 14/1992 on the organization and functioning of the intelligence service allows for “the use of undercover agents for tasks pertaining to national security.” The response was a reaction to a statement by a high-ranking intelligence officer, who had declared that 50 percent of the editors and journalists working in the local media are undercover agents. SRI stated that those numbers are greatly exaggerated but added that they cannot make such numbers public. See Întrebarea nr. 125A/28-05-2001 Referitor la declarația făcută de un ofițer superior că 50% din redactori, reporteri din presa scrisă sunt agenți SRI sub acoperire. [Parliamentary Question no. 125A/28-05-2001 Referring to a senior officer’s statement according to which 50

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percent of editors and reporters in the press are undercover secret agents]

[http://www.cdep.ro/pls/parlam/interpelari\\_detalii?idi=3232&idl=1](http://www.cdep.ro/pls/parlam/interpelari_detalii?idi=3232&idl=1).

<sup>49</sup> Zoltan Sipos, “Romania: Audiovisual Council paralyzed in middle of election campaign,” Index on Censorship, 8 October 2014, <http://www.indexoncensorship.org/2014/10/romania-audiovisual-council-paralyzed-middle-election-campaign/>.

<sup>50</sup> Andreea Marinas, “Raids at CNA: Prosecutors are checking the manner in which various TV stations were fined,” Romania Journal, 30 October 2014, <http://www.romaniajournal.ro/raids-at-cna-prosecutors-are-checking-the-manner-various-tv-stations-were-fined/>; Catalin Lupasteanu, “Laura Georgescu, urmărită penal de DNA în dosarul intervențiilor pentru licența Giga TV” [Laura Georgescu, DNA prosecuted in the Giga TV license file interventions], Mediafax, 5 September 2014, <http://www.mediafax.ro/cultura-media/laura-georgescu-urmarita-penal-de-dna-in-dosarul-interventiilor-pentru-licenta-giga-tv-13210197>.

<sup>51</sup> Alina Butu, “Government plays hide and seek with giving a green light to allowing the disclosure of criminal records,” *Romania Journal*, 29 October 2014, <http://www.romaniajournal.ro/green-light-to-criminal-records-disclosures-sanction/>.

<sup>52</sup> “CCR a decis: Insulta si calomnia înapoi în Codul Penal” [CCR has decided: Slander and libel back in the Penal Code], Cristian Dalineț’s blog, 30 April 2011, <https://crisidanilet.wordpress.com/2013/04/30/ccr-a-decis-insulta-si-calomnia-inapoi-in-codul-penal/>.

<sup>53</sup> The National Council for Combating Discrimination (CNCD) took Mircea Munteanu Nicolae (a former official of the Mureș Prefecture) to court after he posted “Arbeit Macht Frei – that’s what the protesters should understand” on his Facebook wall. The post was visible to friends only but the court ruled that it still constituted public space and is subject to the same antidiscrimination laws. See Târgu-Mureș court of Appeal, Section II, Civil, Contentious Administrative and Fiscal, Case no. 144/43/2012, Sentence No. 21, 17 January 2013, <http://image.stirileprotv.ro/media/document/61605426.pdf>; Decision No. 4546/27.11.2014, High Court of Cassation and Justice, Contentious Administrative and Fiscal Section, 27 November 2014, <http://www.scj.ro/1094/Detalii-dosar?customQuery%5B0%5D.Key=id&customQuery%5B0%5D.Value=430000000017971>.

<sup>54</sup> The implementation of decisions adopted by the above mentioned local entities can be suspended by the prefect if he/she considers them illegal by bringing them before administrative courts, who decide if the charge is valid or not. See Article 27 of Law 215/2001 on Local public administration (consolidated version), published in the Official Gazette no. 204 on 23 April 2001, <http://lege5.ro/Gratuit/gezdenryhe/legea-administratiei-publice-locale-nr-215-2001?pid=&d=2007-02-20>.

<sup>55</sup> In the wake of Romania’s EU accession, these regions were conceived as a framework for the elaboration, implementation, coordination, and evaluation of the state’s regional development policy. The relevant legislative acts are Law 151/1998 on regional development in Romania, subsequently modified by Law 315/2004, [http://www.fonduri-ue.ro/res/filepicker\\_users/cd25a597fd-62/Legislatie/nationala/1\\_Gestionarea\\_asistentei\\_nerambursabile/17\\_Legea\\_315\\_2004\\_privind\\_Dezvoltarea\\_Regio\\_nala.pdf](http://www.fonduri-ue.ro/res/filepicker_users/cd25a597fd-62/Legislatie/nationala/1_Gestionarea_asistentei_nerambursabile/17_Legea_315_2004_privind_Dezvoltarea_Regio_nala.pdf).

<sup>56</sup> Institute for Public Policy, “IPP ii cere Guvernului sa opreasca transferul de fonduri publice catre acele localitati fara venituri proprii decat pentru un sfert din cheltuielile de functionare” [IPP asks the Government to stop transferring public funds to localities that can only cover 25 percent of their administrative expenses], 5 June 2013, <http://www.ipp.ro/pagini/ipp-cere-guvernului-s259-opreasc259.php>.

<sup>57</sup> Article 48 and Article 62 of Law no. 273/2006, published in the Official Gazette no. 618 on 17 July 2006.

<sup>58</sup> Ministry of Regional Development and Public Administration, “Deblocare financiara pentru 11 localitati cu restante aflate in imposibilitate de plata” [Financial help for 11 localities in debt which are in default], press release, 18 September 2014, <http://www.mdr.ro/comunicare/buletine/newsletter-mdrt?newsID=249&art=1929>.

<sup>59</sup> Anca Simina, “Cum a crescut Fondul lui Ponta de 10 ori in an electoral” [How Ponta’s Fund increased tenfold in an electoral year], *Gandul*, 7 January 2015, <http://www.gandul.info/politica/cum-a-crescut-fondul-lui-ponta-de-10-ori-in-an-electoral-13750857>.

<sup>60</sup> Institute of Public Policy, “IPP ii cere Guvernului sa nu adopte Ordonanta disperarii Guvernului privind suspendarea restrictiilor de migratie politica a alesilor locali. Miza PSD – administrarea exclusiva a 10 miliarde euro anual (bugetele locale)” [IPP asks the Government not to adopt the desperation ordinance regarding the suspension of political migration restrictions of local elected officials. PSD’s stake – the exclusive handing of 10 billion euro annually (local budgets’ value)], news release, 28 August 2014, <http://www.ipp.ro/pagini/ipp-cere-guvernului-s259-nu-adopte-or.php>; Liviu Dadacus, “Ponta, despre OUG a lui Dragnea privind primarii: E necesar sa iesim din minciuna si ipocrizie” [Ponta, on the Dragnea’s GEO regarding mayors: It is necessary to exit all the lying and hypocrisy], Mediafax, 25 August 2014, <http://www.mediafax.ro/politic/ponta-despre-oug-a-lui-dragnea-privind-primarii-e-necesar-sa-iesim-din-minciuna-si-ipocrizie-13141718>.

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- <sup>61</sup> “Ordonanța de urgență nr. 55/2014 pentru reglementarea unor măsuri privind administrația publică locală” [Emergency Ordinance no. 55/2014 regulating measures on local government], 2 September 2014, <http://lege5.ro/Gratuit/gqydimrsgq/ordonanta-de-urgenta-nr-55-2014-pentru-reglementarea-unor-masuri-privind-administratia-publica-locala>.
- <sup>62</sup> Alina Mungiu Pippidi, “Proiect PSD: suspendarea statului de drept” [PSD’s project: the suspension of the rule of law], *Romania Curata*, 27 August 2014, <http://romaniacurata.ro/proiect-psd-suspendarea-statului-de-drept/>.
- <sup>63</sup> “Avocatul Poporului motiveaza de ce nu a atacat la Curtea Constitutionala ordonanta privind migratia primarilor: Excedeaza competent institutiei, apreciem ca rezolvarea problemei revine sesizate revine Parlamentului” [The Ombudsman explains why he did not attack the mayors’ migration ordinance before the Constitutional Court: It goes beyond the institution’s competencies, the problem should be solved by the Parliament], Hotnews, 18 October 2014, <http://www.hotnews.ro/stiri-esential-18330729-avocatul-poporului-motiveaza-nu-atacat-curtea-constitutionala-ordonanta-privind-migratia-primarilor-apreciem-rezolvarea-problemei-sesizate-revine-parlamentului.htm>; Sorina Ionasc, “Predoiu, despre ordonanta traseistilor: Dragnea comite o fapta penala” [Predoiu, about the camp-switching ordonance: Dragnea is committing a crime], Gandul, 27 August 2014, <http://www.gandul.info/politica/predoiu-despre-ordonanta-traseistilor-dragnea-comite-o-fapta-penala-13154622>.
- <sup>64</sup> Decizia CCR Nr.761 din 17 decembrie 2014 referitoare la obiectia de neconstituționalitate a dispozițiilor Legii privind aprobarea Ordonanței de urgență a Guvernului nr.55/2014 pentru reglementarea unor măsuri privind administrația publică locală [Constitutional Court Decision Nr.761 of 17 December 2014 concerning the unconstitutionality of the Law on the approval of the Government Emergency Ordinance no.55 /2014 on measures concerning the local administration], <http://www.ccr.ro/files/products/7611.pdf>.
- <sup>65</sup> Sorin Ionita, “Situatia migratiei pe OUG 55/2014” [The migratory situation following GEO 55/2014], Expert Forum, 28 January 2015, <http://expertforum.ro/primari-migratori/>.
- <sup>66</sup> “PI-x nr. 463/2013 Propunere legislativă privind modificarea și completarea Legii nr.51/2006 privind serviciile comunitare de utilități publice” [PI-x no. 463/2013 Legislative proposal for amending the Law no.51 / 2006 on services of public utilities], Romanian Chamber of Deputies, 11 November 2014, [http://www.cdep.ro/pls/proiecte/upl\\_pck.proiect?cam=2&idp=13178](http://www.cdep.ro/pls/proiecte/upl_pck.proiect?cam=2&idp=13178).
- <sup>67</sup> “Blat PNL cu Puterea. Camera Deputatilor a votat o lege care ii scoate din incompatibilitate pe primarii si sefii consiliilor judetene care sunt si membri ai adunarilor generale ale companiilor locale de utilitati. Iohannis, un beneficiar al legii. Vezi de ce respinge ANI modificarile” [Deal between the PNL and the Government. The Chamber of Deputies voted on a law that exempts mayors and county council presidents from being members of the general assemblies of local utility companies. Iohannis, a beneficiary of the law. See why ANI rejects the changes], Hotnews, 24 June 2014, <http://www.hotnews.ro/stiri-esential-17544105-ultima-ora-deputatii-voteaza-proiect-lege-care-dreptul-primarilor-sefilor-uri-faca-parte-din-consilii-administratie-comaniile-utilitati-publice-scoate-din-incompatibilitate.htm>.
- <sup>68</sup> The Court argued that the draft law suffered from legislative technical technique problems, since there were no preparatory measures, standardized costs for financing decentralized public and public utility services, impact assessments or systems of monitoring indicators attached to the draft initiative. See “Curtea Constituțională a României Decizia Nr.1 din 10 ianurie 2014” [Romanian Constitutional Court Decision no. 1 from 10 January 2014], published 10 January 2014, [http://www.ccr.ro/files/products/Decizia\\_1-2014.pdf](http://www.ccr.ro/files/products/Decizia_1-2014.pdf); “Motivare CCR: Legea descentralizarii este neconstituționala deoarece nu prevede masuri pregatitoare, studii de impact si standarde de cost” [The CC’s motivation: The decentralization law is unconstitutional because it does not provide preparatory measures, impact studies and standardized costs], Hotnews, 13 February 2014, <http://www.hotnews.ro/stiri-esential-16603560-motivare-ccr-legea-descentralizarii-este-neconstituionala-deoarece-nu-prevede-masuri-pregatitoare-studii-impact-standarde-cost.htm>; and Liviu Sova, “CCR: Legea descentralizarii nu se mai intoarce in Parlament; Guvernul trebuie sa initieze un nou proiect” [RCC: The decentralization law will not go back to the Parliament; The Government must initiate a new project], Agerpres, 13 February 2014, <http://www.agerpres.ro/justitie/2014/02/13/ccr-legea-descentralizarii-nu-se-mai-intoarce-in-parlament-guvernul-trebuie-sa-initieze-un-nou-proiect-16-08-03>.
- <sup>69</sup> The most important provisions state that Covasna, Harghita, and Mures counties constitute an autonomous region with its own legal personality, executive and president (and its own symbols and regional institutions), the Hungarian language is to be recognized as an official state language, and that the local inhabitants can interact with courts of law in Hungarian. The latter provision attracted drew criticism from the Superior Council of Magistracy, which argued that the initiative represents an act of aggression towards the Constitution and the rule of law. See UDMR, “Statutul Special al Tinutului Secuiesc din Romania” [Special Statute of the Szekely Land in Romania], September 2014, <http://www.udmr.ro/page/statutul-special>; Dan Tapalaga, “Proiectul de autonomie a Tinutului Secuiesc – varianta integrala” [The Szekely Land’s autonomy project – consolidated version], Hotnews, 9

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September 2014, <http://www.hotnews.ro/stiri-esential-18071286-exclusiv-proiectul-autonomie-tinutului-secuiesc-romniai-szkelyfld-autonomia-stattuma.htm>.

<sup>70</sup> Over 30 of the 153 local councils from the three counties in question, under the coordination of the SZNT, have passed documents through which they declare their autonomy on Romanian territory. These documents are to be sent to the Romanian Parliament and Government, to the Council of Europe, the EU's Committee of Regions, and the UN's Human Rights Council. However, the legality of this action has been contested by the Prefectures of the three counties in question. See Victor Ilie, "Memorandum' cum arata autonomia secuilor la nivelul comunelor" [Memorandum: how the Szekelys' autonomy looks like at the level of communes], Riseproject, 1 October 2014, <http://www.riseproject.ro/memorandum-cum-arata-autonomia-secuilor-la-nivelul-comunelor/>.

<sup>71</sup> Endre Borbath, "Autonomia teritoriala in Romania luata in serios" [Romania's territorial autonomy taken seriously], OpenPolitics, specific date? September, <http://www.openpolitics.ro/noutati/homepage/autonomia-teritoriala-romania-luata-serios.html>.

<sup>72</sup> Oana Negrea, "Victor Ponta: Daca autonomie inseamna descentralizare, atunci vorbim in acelasi limbaj" [If autonomy means decentralization, then we're speaking the same language], Agrepres, 11 September 2014, <http://www.agerpres.ro/politica/2014/09/11/victor-ponta-daca-autonomie-inseamna-descentralizare-atunci-vorbim-in-acelasi-limbaj-15-01-06>; "UDMR a prezentat oficial proiectul de autonomie a asa-numitului 'Tinut Secuiesc'" [UDMR officially presented the so-called Szekely Land's autonomy project], TVR, 18 September 2014, [http://stiri.tvr.ro/udmr-a-prezentat-oficial-proiectul-de-autonomie-a-asa-numitului-tinut-secuiesc\\_50182.html](http://stiri.tvr.ro/udmr-a-prezentat-oficial-proiectul-de-autonomie-a-asa-numitului-tinut-secuiesc_50182.html).

<sup>73</sup> The case of former judge Florin Costiniu encapsulates the conditions. Despite a conviction against him for corruption, Costiniu took home a 16,000 RON (about \$3800) monthly pension on the grounds that his retirement came before the conviction. See National Anti-Corruption Directorate, "Comunicat Nr. 183/VIII/3, 2010" [Press Release Nr 183/VIII/3 2010], news release, 21 May 2010, <http://www.pna.ro/comunicat.xhtml?id=1641&jftfdi=&jffi=comunicat>.

<sup>74</sup> Virgil Burlă, "EXCLUSIV EVZ. Magistratii CORUPTI rămân fără pensiile NESIMȚITE. Unii INCASEAZĂ 16.000 de lei pe lună, deși sunt CONDAMNAȚI pentru ȘPAGĂ!" [Exclusive EVZ: Corrupt magistrates without pensions remain invisible. Some COLLECT 16,000 lei per month, although convicted of bribery!], EVZ, 13 May 2013, <http://www.evz.ro/detalii/stiri/exclusiv-evz-magistratii-penali-raman-fara-pensiile-nesimtiteunii-au-16000-de-lei-pe-lu-103-1.html>.

<sup>75</sup> National Anti-Corruption Directorate, "Comunicat Nr. 648/VIII/3, 2014" [Press Release Nr 648/VIII/3 2014], news release, 26 May 2014, <http://www.pna.ro/comunicat.xhtml?id=4906&jftfdi=&jffi=comunicat>.

<sup>76</sup> Horatiu Pepine, "Cum poate fi aservita Justitia" [How the justice system can be controlled], *Deutsche Welle*, 26 September 2014, <http://www.dw.de/cum-poate-fi-aservita-justitia/C4%83-justi%C5%A3ia/a-17954452>.

<sup>77</sup> Digital Rights Ireland Ltd v Minister for Communications, Marine and Natural Resources, Minister for Justice, Equality and Law Reform, Commissioner of the Garda Síochána, European Court of Justice, C-293/12 (2014), <http://curia.europa.eu/juris/document/document.jsf?jsessionid=9ea7d0f130d58550465243ce4656837ca3939d7447e7.e34KaxiLc3eQc40LaxqMbN4Obh4Pe0?text=&docid=150642&pageIndex=0&doclang=en&mode=lst&dir=&occ=fi rst&part=1&cid=324795>.

<sup>78</sup> The text does not explicitly mention the need for a warrant, but simply states that such data should be made available to authorities following a motivated request. See legislative proposal L580/2014, adopted by the Romanian Changer of the Senate on 19 December 2014, <http://senat.ro/legis/PDF/2014/14L580FS.pdf>.

<sup>79</sup> Realitatea.net, ONU: Rromii sunt discriminați pe scară largă. România a eșuat în protejarea drepturilor omului [Roma are discriminated against on a wide scale. Romania has failed in to protecting human rights], 3.12.2014, [http://www.realitatea.net/onu-rromii-sunt-discriminati-pe-scarala-romania-a-e-uat-in-protejarea-drepturilor-omului\\_1584260.html](http://www.realitatea.net/onu-rromii-sunt-discriminati-pe-scarala-romania-a-e-uat-in-protejarea-drepturilor-omului_1584260.html).

<sup>80</sup> Ziar de Cluj, Scrisoare deschisa pentru Emil Boc: "Nu faceti educatie segregata la Pata Rat pentru bani europeni" [Open letter to Emil Boc: "Don't segregate education using European funds"], 3 July, 2014, <http://www.ziardecluj.ro/scrisoare-deschisa-pentru-emil-boc-nu-faceti-educatie-segregata-la-pata-rat-pentru-bani-europeni>.

<sup>81</sup> Realitatea.net, BUCUREȘTI. Zeci de oameni evacuați din strada Vulturilor dorm în stradă de câteva zile [Dozens of people evacuated from Vulturilor street have been sleeping outside for several days], 19 September 2014, [http://www.realitatea.net/bucuresti-zeci-de-oameni-evacuati-din-strada-vulturilor-dorm-in-strada-de-cateva-zile\\_1528840.html](http://www.realitatea.net/bucuresti-zeci-de-oameni-evacuati-din-strada-vulturilor-dorm-in-strada-de-cateva-zile_1528840.html).

<sup>82</sup> This wall, built in 2011, has been found to be discriminatory by the NCCD, which recommended it be demolished and fined the mayor. The mayor appealed the NCCD decision in court and won in the first instance, but then lost in the second and last instance. Cherecheș then declared he will pay the fine but will not take down the wall. In justifying his action, the mayor also made discriminatory statements. Hotnews.ro, Primarul din Baia-Mare a pictat zidul pe care l-a construit in 2011 pentru a separa doua blocuri locuite in mare parte de romi de restul comunitatii.

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Edilul spune ca l-a transformat intr-o opera de arta si va atrage turisti [The mayor from Baia Mare painted the wall which he built in 2011 to separate two blocs inhabited mostly by Roma from the rest of the community. He claims to have turned it into an work of art and contends that it will attract tourists], 26 November 2014, , [http://www.hotnews.ro/stiri-administratie\\_locala-18671367-video-fotogalerie-primarul-din-baia-mare-pictat-zidul-care-construit-2011-pentru-separa-doua-blocuri-locuite-mare-parte-romi-restul-comunitatii-edilul-spune-transformat-intr-opera-arta-atrage-turisti.htm](http://www.hotnews.ro/stiri-administratie_locala-18671367-video-fotogalerie-primarul-din-baia-mare-pictat-zidul-care-construit-2011-pentru-separa-doua-blocuri-locuite-mare-parte-romi-restul-comunitatii-edilul-spune-transformat-intr-opera-arta-atrage-turisti.htm).

<sup>83</sup> Digi 24, Traian Băsescu, sancționat de CNCD pentru afirmația „mulți dintre romii nomazi, în mod tradițional, trăiesc din ce fură” [ Traian Băsescu, punished by the NCCD for the statement “ many of the nomadic Rroma traditionally live from off what they steal”], 10 February 2014, <http://www.digi24.ro/Stiri/Digi24/Actualitate/Politica/Traian+Basescu+a+fost+sancionat+de+Consiliul+pentru+Combaterea>.

<sup>84</sup> Digi 24, “România, condamnată la CEDO în dosarul Mineriadei: “Există elemente constitutive ale unei crime împotriva umanității comise de oficiali ai statului român” [Romania, found guilty by the ECHR in the case of the “Myneriad”: There are constitutive elements of crimes against humanity committed by Romanian state officials], 17 September 2014, <http://www.digi24.ro/Stiri/Digi24/Actualitate/Justitie/Romania+condamnata+la+CEDO+in+dosarul+Mineriadei>.

<sup>85</sup> “Romanian court sentences former senator to 10 years in jail for graft,” Reuters, 8 August 2014, <http://www.trust.org/item/20140808150419-0uf60>.

<sup>86</sup> Catalin Antohe, “Afacerile cu ‘Statul-Talhar’ l-au imbogatit pe Voiculescu” [Voiculescu’s businesses with the ‘Thief-State’ made him a rich man], Evenimentul Zilei, 21 January 2015, <http://www.evz.ro/exclusiv-print-afacerea-care-i-a-adus-o-gramada-de-bani-lui-voiculescu.html>.

<sup>87</sup> “Romania: Eight Top Football Officials Jailed for Corruption,” Organized Crime and Corruption Reporting Project, 6 March 2014, <https://www.occrp.org/en/daily/2359-romania-eight-top-football-officials-jailed-for-corruption>.

<sup>88</sup> National Anti-Corruption Directorate, “Comunicat Nr. 912/VIII/3, 2014” [Press Release Nr 912/VIII/3 2014], news release, 26 June 2014, <http://www.pna.ro/faces/comunicat.xhtml?id=5041&jftfdi=&jffi=comunicat>.

<sup>89</sup> Alina Neagu, “Comisia Juridica din Senat a amanat votul pe cererea de ridicare a imunitatii senatorilor Ecaterina Andronescu si Serban Mihailescu pana dupa turul doi al alegerilor (19 noiembrie)” [The Senate’s Judicial Committee postponed the vote on lifting the parliamentary immunity of Ecaterina Andronescu and Serban Mihailescu until after the second round (19 November)], Hotnews, 28 October 2014, <http://anticoruptie.hotnews.ro/stiri-politic-18395315-comisia-juridica-din-senat-amanat-votul-cererea-ridicare-imunitatii-senatorilor-ecaterina-andronescu-serban-mihailescu-pana-dupa-turul-doi-alegerilor.htm>.

<sup>90</sup> “40 de parlamentari au dosare penale. Cati dintre ei mai au imunitate” [40 MPs face criminal charges. How many still enjoy immunity], Digi24, 19 November 2014, <http://www.digi24.ro/Stiri/Digi24/Actualitate/Justitie/40+de+parlamentari+au+dosare+penale+Cati+dintre+ei+mai+au+imunit>.

<sup>91</sup> “Legea nr. 176/2010 privind integritatea în exercitarea funcțiilor și demnităților publice, pentru modificarea și completarea” [Law no. 176/2010 regarding the integrity and performance of public dignities, amending and supplementing]; “Legii nr.144/2007 privind înființarea, organizarea și funcționarea Agenției Naționale de Integritate” [Law no.144 / 2007 on the establishment, organization, and functioning of the National Integrity Agency].

<sup>92</sup> Romanian National Integrity Agency, “Comunicat - Sesizarea Parchetului de pe Langa I.C.C.J. - In Cazul Domnului Mircea Diaconu” [Press - Referral Office attached to ICCJ – In case of Mircea Diaconu], news release, 27 October 2011, <http://www.integritate.eu/Comunicate.aspx?PID=20&NewsID=494>.

<sup>93</sup> Romanian National Integrity Agency, "Precizari Privind Candidatura Lui Mircea Diaconu La Alegerile Pentru Parlamentul European" [Statement on the candidacy of Mircea Diaconu for election to the European Parliament], news release, 12 March 2014, <http://www.integritate.eu/Comunicate.aspx?PID=20&NewsID=1513>.

<sup>94</sup> Ibid.

<sup>95</sup> National Anti-Corruption Directorate, “Comunicat Nr. 860/VIII/3, 2014” [Press Release No. 860/VIII/3, 2014], news release, 19 June 2014, <http://www.pna.ro/faces/comunicat.xhtml?id=5012&jftfdi=&jffi=comunicat>.

<sup>96</sup> Catalin Leganel, “Mircea Băsescu: Președintele Traian Băsescu nu are niciun fel de legătură cu relația mea cu familia Anghel” [Mircea Basescu: President Traian Basescu is not involved in my connection to the Anghel family], Mediafax, 19 June 2014, <http://www.mediafax.ro/social/mircea-basescu-presedintele-traian-basescu-nu-are-niciun-fel-de-legatura-cu-relatia-mea-cu-familia-anghel-12789195>.