



19.12.2018

NOTICE TO MEMBERS

Subject: Petition No 0084/2018 by Marian Tănase (Romanian) on controversial changes to the legislation governing the judiciary in Romania

1. Summary of petition

The petitioner is concerned about proposed changes to three significant laws governing the Romanian judiciary: Law 304/2004 on the judicial organization, Law 303/2004 on the status of judges and prosecutors and Law 317/2004 on the Superior Council of Magistracy. He argues that the draft bills seriously undermine the independence of the judiciary and do not serve the interests of the citizens and of the country but instead aim to protect high level corrupt politicians.

2. Admissibility

Declared admissible on 23 May 2018. Information requested from Commission under Rule 216(6).

3. Commission reply, received on 19 December 2018

The Commission is closely following developments in Romania in the area of judicial reform and the fight against corruption under the Cooperation and Verification Mechanism (CVM). In this context, the Commission adopted its last report on progress of Romania on 13 November 2018¹. In this report and the accompanying technical report, there is ample reference to the issues raised in the petition, namely the amendments of the justice laws. In particular the Commission recommends to the Romanian authorities to "*suspend immediately the implementation of the justice laws and subsequent Emergency Ordinances*" and to "*revise*

¹ COM(2018) 851 - https://ec.europa.eu/info/strategy/justice-and-fundamental-rights/effective-justice/rule-law/assistance-bulgaria-and-romania-under-cvm/reports-progress-bulgaria-and-romania_en

the justice laws taking fully into account the recommendations under the CVM and issued by the Venice Commission and GRECO".

The Commission has a responsibility towards Romanian citizens, as well as towards the EU as a whole, to continue to work closely with Romania and with determination in order to achieve the objectives of the Cooperation and Verification Mechanism. In addition, as the guardian of the treaties, the Commission will not hesitate to take all the measures necessary to uphold EU legislation and the common values on which the EU is founded.