



# Romania Report

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## Sustainable Governance Indicators 2019

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## Executive Summary

Since the parliamentary elections in December 2016, Romania has been governed by a coalition between the Social Democratic Party (PSD), the clear winner of the elections, and the Party of the Alliance of Liberals and Democrats (ALDE). Formally, government has been led by a succession of short-lived prime ministers, including Mihai Tudose (June 2017-January 2018) and Viorica Dăncilă (since the end of January 2018). PSD leader Liviu Dragnea, who was convicted of voting fraud and therefore barred from becoming prime minister, has pulled the strings behind the scenes.

Soon after taking office, the new government launched legislation aimed at decriminalizing and pardoning certain offenses. Broadly understood as an attempt to help politicians and others accused or convicted of corruption, including PSD leader Dragnea, these initiatives sparked an unexpectedly strong public outcry. Hundreds of thousands of people took to the streets, forcing the government to withdraw the decrees. Since then, there have been conflicts between the governing coalition on the one hand and President Klaus Iohannis, the opposition and civil society on the other. During the period under review, the governing coalition continued its efforts to strengthen its influence vis-a-vis the judiciary while discrediting and weakening the much-acclaimed National Anti-Corruption Directorate (DNA). These attempts culminated in the dismissal of Laura Codruța Kövesi, the head of the DNA, in July 2018. The European Commission and other international observers have strongly criticized the erosion of democracy in Romania.

While real GDP growth in Romania was almost halved in one year, falling from 7% in 2017 to 4% in 2018, the unemployment rate further declined and reached a ten-year low in December 2018. The Tudose and Dăncilă governments have pursued an expansive fiscal policy. Brought about by income tax cuts and further increases in public sector wages and pensions, the fiscal deficit exceeded 3% of GDP in 2018, and was the second highest in the European Union for that year. The Tudose and the Dăncilă governments have done little to improve the medium- and long-term prospects of the Romanian economy and have not addressed long-standing problems such as a weak education system, poor infrastructure, cumbersome procedures for businesses and frequent regulatory changes. Public investment recovered only slightly from its post-EU accession low in 2017. Contrary to the 2014-2020 National

Research, Development and Innovation Strategy, the Dăncilă government cut rather than increased its R&I budget. The allocation of research grants has been blocked by bureaucratic impediments, the central government's withholding of funds and the mass expulsion of foreign scholars from adjudicating committees. Despite significant wage increases in the health sector, Romania has struggled to attract, train and retain health professionals.

Institutional reforms during the period under review have been largely confined to changes in the portfolios of ministries. Most notably, the Dăncilă government decided to split the Ministry for Regional Development, Public Administration and European Funds into two separate ministries and to abolish the Ministry of Public Consultation and Social Dialogue. However, these changes have failed to improve the government's strategic capacity. The absorption of EU funds has remained low, and public consultation has further lost importance. There have been no institutional reforms to address long-standing problems such as limited planning capacities or the low quality of RIA. The pledged reforms of subnational administration have not been adopted.

## Key Challenges

Romania faces a number of challenges that extend to nearly every corner of society. The most important challenge relates to the intertwined issues of corruption and judicial integrity. Until 2017, Romania drew considerable acclaim for its judicial reforms and fight against corruption. The country's efforts were widely regarded as a model for other countries, for example, neighboring Bulgaria or Ukraine. The efforts by the current PSD/ALDE coalition to rollback judicial reform and anti-corruption efforts have squandered these achievements. The backtracking on both judicial reform and the fight against corruption is likely to have negative effects on the development of the Romanian economy. The combination of more corruption and less legal certainty will negatively impact investor confidence and favor a diversion of effort and resources from productive to rent-seeking activities. It will distort the allocation of public R&D spending and EU funds, and it will aggravate the growing shortage of qualified labor by driving talent out of the country. Finally, it will damage Romania's international standing and make it more difficult to shape debates within the EU.

Related, yet somewhat distinct is the issue of trust. As the mass unrest in 2017

and 2018 shows, public trust in state actors and institutions has suffered from the government's backtracking on judicial reform and the fight against corruption. Restoring and rebuilding this trust will take more than putting a stop to attempts to increase government influence in the judiciary and facilitate a more lenient approach to corruption. There is also a strong need to make decision-making more transparent and to expand public consultation. The creation of a ministry of public dialogue and social consultation by the Cioloș government back in 2015 was an important step in this direction. The re-establishment of the ministry should be combined with a more sincere and systematic approach to public consultation, a stronger inclusion of both academic experts and interest associations in the policymaking process and a bolstered commitment to making relevant policy information accessible online in a timely manner. Trust in government would also benefit from a reduced reliance on government emergency ordinances as a means of policymaking.

Improved public consultation might also help address a third challenge, the need to develop a more long-term development strategy. The near halving of GDP growth, strong inflation, the rising fiscal deficit and growing external imbalances in 2018 have revealed the limits of a model of economic growth based primarily on strong wage increases and higher consumer spending. Likewise, the recent increases in the minimum wage, wages in general and pensions have done little to reduce poverty and expand social inclusion. What is needed here are structural reforms addressing long-standing issues such as a shortage of qualified labor, outdated school curricula, high levels of avoidable hospital admissions, weak R&I activities by enterprises or strong regional disparities in access to education and health care. Such measures cannot be developed, let alone implemented, without the proper inclusion of all relevant stakeholders.

## Party Polarization

Since 1989, the Romanian party system has undergone many changes. Existing parties have split or merged, new parties have emerged, and quite different coalitions have been formed. Since the parliamentary elections in December 2016, the polarization between the governing coalition, consisting of the Social Democratic Party (PSD) and the Party of the Alliance of Liberals and Democrats (ALDE), and the center-right opposition led by the National Liberal Party (PNL) has been strong. The opposition, backed by President Klaus Iohannis, a former chairman of the PNL, has taken to the streets and

used all available parliamentary means to derail the governing coalition's attempts to strengthen its ability to influence the judiciary and undermine the fight against corruption. In turn, pro-government supporters have criticized Iohannis and the opposition for not accepting the results of the parliamentary elections and for instrumentalizing the judiciary and the National Anti-Corruption Directorate (DNA) as an illegitimate "parallel state" as a means of climbing back to power. The resulting polarization has undermined the ability to find cross-party agreements in policymaking. (Score: 4)

# Policy Performance

## I. Economic Policies

### Economy

Economic Policy  
Score: 4

Real GDP growth in Romania was almost halved within one year, falling from 7% in 2017 to 4% in 2018, and is expected to decline further in 2019. Private consumption, supported by tax cuts and strong increases in gross wages and pensions, has remained the main driver of growth, but has suffered due to strong inflation and the uncertainties associated with a shift in the distribution of social contributions from employers to employees. With an annual average of 4.1%, Romania's inflation has been the highest in the European Union. Both the Tudose and the Dăncilă government have done little to improve the medium- and long-term prospects of the Romanian economy by addressing long-standing problems such as a weak education system, poor infrastructure, cumbersome procedures for businesses and frequent regulatory changes. Public investment recovered only slightly from its post-EU accession low in 2017. Despite the political turmoil, private investment has remained high.

Citation:

European Commission (2019): Country report Romania 2019. SWD(2019) 1022 final, Brussels (<https://ec.europa.eu/info/sites/info/files/2019-european-semester-country-report-romania-en.pdf>).

### Labor Markets

Labor Market  
Policy  
Score: 4

In 2018, Romania's labor market continued to benefit from the country's strong economic performance. The unemployment rate dropped from 5.1% in 2017 to 4.3% in 2018 and reached a ten-year low in December 2018. However, the Tudose and Dăncilă governments have failed to address long-standing issues such as a high inactivity rate of the working-age population, massive youth unemployment, a growing skills mismatch, strong disparities between rural and urban areas, and the brain drain of the most educated and ambitious youth. Instead it has focused on raising wages in the

public sector and the minimum wage. In January 2019, the latter will rise from RON 1,900 to RON 2,050 per month (€140). The resulting strong general increase in wages is likely to threaten the country's competitiveness and stifle employment growth.

### Taxes

Tax Policy  
Score: 4

Romania has the second lowest tax-to-GDP ratio in the EU. Tax compliance has been low, as exemplified by a high VAT gap. A high use of cash payments and a large shadow economy have gone hand-in-hand with massive tax evasion. As the tax system has strongly relied on indirect taxes, its redistributive effect has been limited. The substantial changes in the tax system that went into effect in January 2018 after a short preparation period – a decrease in the flat personal income tax rate from 16% to 10%, combined with an increase in the income tax allowance and a far-reaching shift in the distribution of social contributions from employers to employees – have further strengthened the reliance on indirect taxes. Their positive effects on the collection of social insurance contributions have been limited so far. During the period under review, the Dăncilă government has launched a number of additional changes to the tax system, most notably an extension of the application of the reduced VAT rate of 5% for sporting and recreational activities as well as to accommodations, restaurant and catering services and further changes to the taxation of micro-enterprises. However, the frequent amendments to the fiscal code, often adopted on short notice by government emergency ordinance, have undermined the credibility of the tax system. As part of the Revenue Administration Modernization Project, the National Tax Administration Agency (ANAF) has consolidated its tax forms. However, the effectiveness of the Romanian tax administration has improved only slowly.

Citation:

European Commission (2019): Country report Romania 2019. SWD(2019) 1022 final, Brussels, 22-24 (<https://ec.europa.eu/info/sites/info/files/2019-european-semester-country-report-romania-en.pdf>).

### Budgets

Budgetary Policy  
Score: 4

Romania's general government fiscal deficit continued to grow in 2018. Eventually exceeding 3% of GDP, it was the second highest in the European Union. The deficit was caused by both by the government's tax cuts and its profligate public spending. In the first half of 2018, the deficit was substantially higher than planned. This prompted the Council of the European Union to launch a significant deviation procedure addressed to Romania in June 2018 and led the government to pass two budget amendments in September and November 2018. The original 2018 budget, as well as the two budget amendments violated several national fiscal rules. As in previous years,

the government also failed to send the update of the medium-term fiscal strategy to parliament by the statutory August deadline. While the debt-to-GDP currently stands at below 40%, it is likely to increase and to go beyond the 60% reference value by 2029, if budgetary policy continues the course adopted since the 2016 parliamentary elections.

Citation:

European Commission (2019): Country report Romania 2019. SWD(2019) 1022 final, Brussels, 22, 24-26 (<https://ec.europa.eu/info/sites/info/files/2019-european-semester-country-report-romania-en.pdf>).

### Research, Innovation and Infrastructure

R&I Policy  
Score: 3

Under the Dăncilă government, the progress made in recent years in the areas of research and innovation has been undone. Contrary to the 2014-2020 National Research, Development and Innovation Strategy, the government's R&I budget has been cut rather than increased. This prompted the resignation of Minister of Research and Innovation Minister Nicolae Burnete at the end of August. The allocation of research grants has been blocked by bureaucratic impediments, the central government's withholding of funds and the mass expulsion of foreign scholars from adjudicating committees.

### Global Financial System

Stabilizing  
Global Financial  
System  
Score: 6

Romania continues to be an active participant in the EU, the IMF and other international fora. The country's ability to lead in these fora is limited by its rightful focus on internal economic development and stability.

## II. Social Policies

### Education

Education Policy  
Score: 4

Romania's ailing education system was a major reason for Romania's poor showing in the World Bank's 2018 Human Capital Index. The Dăncilă government's approach to education policy has been two-pronged, largely focusing on investments in infrastructure and increases in teachers' wages. In 2018, the government reported that it had completed investments in 145 schools and 45 childcare and daycare facilities. Furthermore, teachers' incomes experienced an increase by nearly 40%. Both changes might help to limit the drain of qualified teachers, a key obstacle to improving education in Romania. However, their effects are limited by the failure of the government to launch a more comprehensive reform of the education system



and to address structural issues such as the outdated curriculum and the disparate access in rural and urban areas. Education policy has continued to suffer from frequent changes at the head of the ministry of education. Three different ministers held office during the period under review.

Citation:

World Bank, Human Capital Project (<https://www.worldbank.org/en/publication/human-capital>).

### Social Inclusion

Social Inclusion  
Policy  
Score: 4

Social exclusion threatens nearly one-third of Romania's population, with higher rates seen among the country's Roma and other minorities. The continued failure to address long-standing rural-urban disparities in terms of access to and quality of basic services puts much of the country's human capital at risk. In the 2018 Social Progress Index, Romania ranked last in the EU for quality of life and well-being. Romania's turbulent political scene and frequent changes in government have meant that efforts to address long-term, structural issues like poverty, health care and education have floundered. The Cioloş government's comprehensive anti-poverty package issued in April 2016 is past the half-way point, but its efforts to address impoverished and excluded communities through integrated EU and national funds have been ineffective. Recurrent increases in the minimum wage fall short of addressing the complex causes of poverty and social exclusion in Romania.

Citation:

Social Progress Imperative (2018), Social Progress Index 2018. Washington, D.C. (<https://www.socialprogress.org/>).

### Health

Health Policy  
Score: 4

Romania has a public health insurance system. Despite its claim to universal coverage, however, only around 86% of the population are insured. Access to health care is further limited by a high salience of informal payments and a low density of doctors in rural areas. The problems are aggravated by relatively low public spending, large-scale emigration of medical staff and rampant corruption. The sorry state of the Romanian health care system is documented by the country's poor showing in the World Bank's 2018 Human Capital Index, where Romania lags behind all EU Member States and many other European countries including Ukraine, Albania, and Georgia. According to the HCI, Romanian children born in 2018 will be only 60% as productive as they could be with improved medical and educational support. Worse still is that Romania's score on the index has declined in the last six years and is likely to decline further still until structural and consistent reforms are undertaken.

Despite significant increases in health-sector wages, Romania struggles to attract, train and retain health professionals. While the government has improved the state of medical equipment provision, as is stipulated in the Romanian National Health Strategy, the country lacks the important structural conditions that would ensure the efficient use of this equipment over the long-term. Corruption in the health sector remains a critical obstacle to expanding access and improving coverage. Furthermore, the politicization of public spending, particularly through wage increases, continues to hamper long-term gains in achieving universal health care coverage.

Farcasanu, D. (2018): ESPN Thematic Report on Inequalities in Access to Health Care: Romania. Brussels: EU.

World Bank, Human Capital Project (<https://www.worldbank.org/en/publication/human-capital>).

### Families

Family Policy  
Score: 5

Generous parental-leave benefits have been the main instrument of family policy in Romania. Parents can claim parental leave for up to two years, and during the period of parental leave – and for six months afterwards – they have job security and cannot be dismissed. Benefits are set at 85% of the net average income earned during the previous months, up to a cap of RON 8,500 per month, as a measure that was reintroduced by the Tudose government in 2017 as part of efforts to control spending. By contrast, public spending on child care has been low. Combined with the shortage of part-time work, the low child care density (especially full-time day care) creates a significant obstacle for women attempting to combine parenting and employment. As a result, female activity and employment rates have been among the lowest in the EU. The problems with combining parenting with participation in the labor market might even be visible in emigration trends. In contrast to the 2000s, women now represent the majority of out-going Romanians. The new National Strategy on Promoting Gender Equality and Preventing and Combating Domestic Violence for 2018-2021, presented by the government in May 2018, aims to improve the labor market situation of women, but has remained rather vague.

Citation:

Pop, L. (2017): Child-rearing indemnity in Romania: between social justice and financial feasibility European Social Policy Network, Flash Report No. 2017/44.

### Pensions

Pension Policy  
Score: 4

In Romania, low fertility rates combined with the massive out-migration of working-age citizens have contributed to a rapidly aging population. Forecasts suggest that 43% of the population will be over the age of 65 by 2050 – which

marks a dramatic increase from the comparable figure of 27% in 2011. These demographic pressures threaten to undermine the pension system's sustainability, even more so as the actual retirement age has continued to decline despite an increase in the official retirement age in 2014. Poverty among pensioners remains a problem as well. The situation is particularly dire in the agricultural sector, where workers of the former agricultural cooperatives were left with very low pensions following the dissolution of these cooperatives after 1990. As a result, many retirees live below or near the poverty limit, and many more rely on support from relatives to supplement their pensions. In part due to their lower pension-eligibility age, women typically have considerably lower pensions than men, and therefore have double the poverty-risk rates. A further problem is that the pension system is not equitable at all, as there are huge differences between the pensions of ordinary citizens and the pensions of the politically connected. The latter often benefit from additional pension claims based on positions in public administration or public enterprises that involve very little effort, but are primarily used for siphoning off government resources to loyal party supporters.

As pensioners have been a major constituency of the governing PSD, the Dăncilă government's pension policy has focused on increasing public pensions. In 2018, it adopted a 10% increase in regular pensions and a 23% increase in the guaranteed minimum pension. While the strong showing of revenues has helped finance the pension increases, the short-term fiscal stance of the public pension fund, let alone its long-term sustainability has declined. The government and President Iohannis have continued to clash over the government's plans to reduce contributions to, or to dissolve entirely, the mandatory fully funded second pillar introduced by the 2008 pension reform. Without a long-term strategy for maintaining a workforce that can sustain its pensioner population, Romania's pension framework will become increasingly vulnerable to economic and financial shocks.

### Integration

Integration Policy  
Score: 6

In the run-up to EU accession in 2007, legal rules on family reunification, long-term residence and anti-discrimination were adopted to ensure conformity with EU law. From a comparative perspective, Romania's legislation has been fairly favorable toward immigrants. Romania scores particularly well with respect to anti-discrimination and labor market mobility, but policies are less welcoming with respect to education access and access to citizenship. For some time, however, migration policy has been dominated by the struggle to retain young, educated, Romanian citizens who are attracted to higher wages and standards of living elsewhere in the EU, as well as by the

short-term pressures of the EU refugee crisis, rather than by attempts at attracting and integrating newcomers. Thus, Romanian politicians and voters have yet to approach immigration through the lens of solving the country's medium- and long-term demographic and economic challenges. The National Strategy on Immigration 2015-2018 focused on promoting legal migration, improving controls on third-country nationals staying in Romania and strengthening the national asylum system. Its implementation has been hampered by weak coordination among public authorities. In 2017, Romania ranked 16th among the EU states as regards the number of refugees it permitted to enter. Half of the refugees taken in by Romania were from Syria, and a large minority were of Afghan origin. In 2018, Romania's annual quota for refugees has been down to 40, but the government plans to take in more than 109 Syrians as part of an agreement to relieve some of neighboring Turkey's refugee burden.

### Safe Living

Internal Security  
Policy  
Score: 6

Romania's homicide and violent crime rates have remained relatively low. The dominant challenges to Romanian public safety are transnational and organized crime, as seen in various arrests related to smuggling and human trafficking. Romania continues to be a willing participant in international police cooperation with European and regional partners.

### Global Inequalities

Global Social  
Policy  
Score: 4

Romania remains a minor player on the global stage when dealing with issues of global inequality. In 2016, the Cioloș government put development assistance on a new footing. Among other things, Law No. 213/2016 created a new Agency for International Development Cooperation, "RoAid," which is responsible for implementing development cooperation and humanitarian aid-related activities. In 2016, official development assistance rose by 71% in real terms. Further, Romania became a participant in the OECD's Development Assistance Committee in April of 2018. Romanian bilateral development cooperation has focused mostly on Moldova, Turkey, Serbia, Ukraine and Syria. In 2018, Romania's support to Moldova has focused on defending the country's democratic institutions in the wake of the tumultuous mayoral elections in Chisinau. Furthermore, Romania continues to be an active supporter of Moldova's stated pro-European objectives, which includes deepening integration into the West and the removal of Russian forces in the break-away region of Transnistria. Moldova's ailing political and economic systems, as well as its proximity to Romania and geopolitical importance to Europe vis-a-vis Russia make it an important area of political and economic engagement.

### III. Environmental Policies

#### Environment

Environmental  
Policy  
Score: 5

Despite its membership in the EU, Romania continues to struggle with developing and implementing comprehensive environmental regulations. Despite improvements to the country's waste management regulatory regime, households and companies recycle very little and the implementation of the EU's Strategy and Legislation on Hazardous Waste and Chemicals remains ineffective. The structural factors inhibiting success include petty corruption, under-resourced enforcement agencies and the economic development incentive of a weak regulatory regime. The Danube river and lower Danube watershed in Romania is one of the largest in Europe but struggles against the significant industrial and agricultural run-off from Romania and elsewhere in Europe. Soil degradation resulting from increased agriculture and poor farming practices are putting additional pressure on this important ecosystem. Organized crime manifests itself in illegal forestry as evident in the Directorate for Investigation of Organized Crime and Terrorism (DIICOT) operation in 2018 to break-up a €25m illegal logging ring, estimated to be one of the largest in Europe. Forestry has the potential to be a strong industrial sector with forests covering more than 25% of the country, but a lack of reliability and regulation have prohibited the forestry sector from truly thriving.

#### Global Environmental Protection

Global  
Environmental  
Policy  
Score: 5

Romania continues to be an active participant in multilateral fora focused on environmental stewardship and climate change. An example of this engagement was the announcement that Romania is the future home of a North American Treaty Organization (NATO) Centre of Excellence focused on environmental protection. The new center will be co-developed and managed by the Ministries of Defense and the Environment. Like all signatories to the 2015 Paris Conference on Climate Change, Romania has taken some measures to uphold its commitments, but the withdrawal of the United States has relieved some international pressure to meet its obligations.

# Quality of Democracy

## Electoral Processes

Candidacy  
Procedures  
Score: 7

Electoral legislation was amended in the first half of 2015 with an eye to the local and parliamentary elections in 2016. One amendment substantially lowered the typically high stakes involved in establishing a political party. Moreover, the requirement to submit financial deposits for candidate registration was lifted, and citizens have been allowed to support multiple candidates and parties with their signatures. Partly as a result of these changes, the number of parties participating in the parliamentary elections in December 2016 was relatively high.

A major problem that has not been addressed in the period under review, has been the candidacy rules for the four deputies and two senators elected by the Romanian diaspora. As criticized by the Federation of Romanians' Associations in Europe and others, diaspora candidates were discriminated against in the 2016 parliamentary elections because they were required to collect 6,090 signatures rather than 1,000 to enter the race. Moreover, their electoral colleges extend across several countries, impeding the collection of required signatures.

Citation:

OSCE/ODIHR (2016): Needs Assessment Mission Report: Romania, Parliamentary Elections 11 December 2016, Warsaw, 6 (<http://www.osce.org/odihr/elections/romania/278346?download=true>).

Media Access  
Score: 5

Campaign coverage by broadcast media, both private and public, is subject to detailed and complex regulations. The law provides for free access to public television and radio for all parliamentary parties to promote their platforms. Such access is also granted to non-parliamentary parties that submit full candidate lists in at least 23 constituencies. Broadcasting time granted by public and private broadcasters and editorial boards must ensure non-discriminatory conditions. However, the monitoring capacity and the sanctioning power of the National Audiovisual Council, the regulatory body in charge, are limited. Media access in a broader sense is uneven, as the public media has been susceptible to governmental and parliamentary influence, while private media is biased by its owners' political and economic interests. Talk-show hosts and political programs seldom invite speakers with views

other than those of the media outlet's owner, and politicians and companies that buy ads often ask media outlets to refrain from criticizing them.

Citation:

OSCE/ODIHR (2016): Needs Assessment Mission Report: Romania, Parliamentary Elections 11 December 2016, Warsaw, 8-9 (<http://www.osce.org/odihr/elections/romania/278346?download=true>).

Voting and  
Registration  
Rights  
Score: 6

Citizens aged 18 years or older on election day are eligible to vote, unless disenfranchised by a final court decision for reasons of legal incapacity or as part of a judicial sentence. There is a central voter register based on a compilation of information from various government authorities. To minimize voter fraud, which has been a major issue in the past, Teamnet was awarded a RON 31 million contract to provide high-tech voting equipment to monitor whether voters have their voting rights in good standing and cast only one ballot. In the constitutional referendum in October 2018, however, the electronic system for the verification of voters and prevention of multiple voting was not used. This led to situations where the presidents of the electoral bureaus suspected that multiple voting had taken place but they could not verify this and public trust in the process suffered as a result.

The fact that thousands of Romanians abroad were unable to cast their votes in the 2014 presidential elections prompted the introduction of a postal vote for diaspora voters in November 2015. However, less than 10,000 out of more than 600,000 Romanians abroad participated in the 2016 parliamentary elections. Information was weak, voters had to register with the Permanent Electoral Authority before the vote and the authorities asked for proof of residence before registration, which deterred many Romanians who feared that Romania's Tax Authority would use that information to trigger an investigation against them. These problems have not been addressed during the period under review.

Citation:

Expert Forum (2018): Raport de monitorizare: Referendum 2018. Policy Brief No. 68, Bucharest (<https://expertforum.ro/en/referendum-report-2018/>).

Party Financing  
Score: 5

The legal framework for party and campaign financing was amended in 2016. One important amendment has required parties to declare all contributions received along with the sums earmarked for television ads and posters while identifying the contributors. A second amendment strengthened the obligation of parties to document the use of public funds, which constitute a significant portion of party resources. While these amendments have enhanced the transparency and accountability of party financing, other changes have pointed in the opposite direction. In early 2016, the two biggest parties, PSD and PNL, both highly indebted, colluded and reduced the possibility for creditors to get their money back from parties. However, the main problem still is lagging

Popular Decision-  
Making  
Score: 4

implementation. Parties circumvent regulations through a variety of methods such as the creation of fictitious positions and party structures, thus enabling them to hide additional sources of income. As a result, spending by parties and candidates surpasses their declared resources, and true donor support exceeds parties' stated income. Sanctions are rare even in cases of blatant legal breaches.

According to the Romanian constitution, national referendums are required automatically for any revision to the constitution (as happened in 1991 and 2003) and following the impeachment of the president (as in 2007 and 2012). In addition, the president can (after consultation with parliament) call for referendums on matters of national interest, as in the case of the 2007 electoral-system referendum and the 2009 referendum on parliamentary reform. For referendum results to be legally binding, turnout needs to be above a certain threshold, which was lowered from 50% to 30% by a law passed in May 2013. At the national level, citizens do not have the general right to initiate a referendum. However, if more than 500,000 citizens support a change in the constitution, parliament can approve a revision, which then must pass a nationwide referendum. At the county level, citizens can initiate referendums. However, such initiatives are subject to approval by the County Council and have remained rare.

During the period under review, one national referendum was held in October 2018 on whether or not the constitution should be amended to restrict the definition of a "union" as that between a man and a woman and thereby enshrine a more restrictive definition of marriage within the constitution. The referendum followed an almost two-year long campaign by the conservative Coalition for Family (Coalitia pentru Familie), a coalition of non-governmental organizations aiming to "preserve the traditional family" amid fears that the current wording might favor the legal recognition of same-sex relationships. The initiative for a referendum was supported by the governing PSD/ALDE coalition which had announced several times its intent to hold a referendum, eventually calling it on short notice. The referendum suffered from a number of irregularities, including the extension of the voting period to two days by a government emergency ordinance, arbitrary decisions regarding continued campaigning during the days on which the referendum was held and a lenient approach toward multiple voting. Ultimately, with just over 20% of Romanians casting a ballot in the referendum, it failed to meet the minimum voter turnout threshold of 30% and therefore did not pass.

Citation:

Expert Forum (2018): There can be no referendum in October or November. Policy Brief No. 66, Bucharest (<https://expertforum.ro/en/disaster-referendum-law/>).

Expert Forum (2018): Raport de monitorizare: Referendum 2018. Policy Brief No. 68, Bucharest (<https://expertforum.ro/en/referendum-report-2018/>).



### Access to Information

Media Freedom  
Score: 3

In Romania, the independence of the media is limited. The government exerts strong control over the public media, as can be seen by the way the latter have covered anti-government protests. The 2017 decision to abolish the existing TV-radio fee and to have the public media financed directly out of the central government budget, hidden in a list of popular tax cuts, has further increased the political control of the public media. Most private media owners have ties to national and local politicians and serve them in exchange for favors. Many private media spread fake news, with the regulatory body doing almost nothing to discipline these outlets.

Citation:

Expert Forum (2018): Media Clientelism in Romania 2016-2018. Policy Brief No. 63, Bucharest (<https://expertforum.ro/en/media-clientelism-in-romania-2016-2018/>).

Gross, P. (2015): (Happily) Living in Sin: Media and Politics in Romania, in: Southeastern Europe 39(1): 12-34.

Media Pluralism  
Score: 4

There is a large number of different media outlets in Romania, suggesting that Romanians have access to a multitude of information sources. But these sources lack diversity and predominantly represent the views of the main political parties. The share of private media owners directly or indirectly involved in national and local politics has increased. Formally, private media are often owned by offshore companies or non-transparent investment funds.

Access to  
Government  
Information  
Score: 6

Law 544/2001, known as the Freedom of Information Act (FOIA), ensures citizens' access to public information. Its remit creates obligations for all central and local state institutions, as well as public companies for which the state is the majority shareholder. Along with ministries, central agencies and local governments, public universities, hospitals, and many off-budget central and local public companies have to comply with the terms of law 544. However, actual enforcement differs from the terms of the existing legislation. Privacy and secrecy considerations often trump the transparency principle.

### Civil Rights and Political Liberties

Civil Rights  
Score: 5

Civil rights are guaranteed by the constitution and are generally respected in practice. Romania responded to the decision by the European Court of Human Rights by adopting a new civil procedure order, which came into effect in February 2013. However, court protection has continued to suffer as a result of long and unpredictable proceedings. There is no equal access to the law since

well-positioned individuals, including politicians, are given preference by the courts. More specific concerns have been raised by the disproportionate use of preventive detention, often in conflagration of European legal standards, the bad conditions in Romanian prisons, and the large-scale surveillance activities of the Romanian Intelligence Service (SRI). During the period of review, the involvement of the SRI in the penal investigations conducted by the National Anti-Corruption Directorate (DNA) continued to violate the right to a fair investigation and the presumption of innocence. NGO legislation introduced by the governing coalition in 2017 has weakened watchdog organizations in the field of civil rights.

Political Liberties  
Score: 7

Romanians have made significant use of their political liberties throughout 2018, with multiple anti-government and anti-corruption demonstrations taking place throughout the country. In January 2018, thousands gathered in Bucharest and other major cities to protest against amendments made to laws and criminal codes. In May 2018, an estimated 5,000 gathered in Victoria Square to continue protesting the modification of the criminal codes, the attempt to change DNA leadership and proposed modifications to the constitution. In June 2018, over 2,000 protesters who walked 12 kilometers in Sibiu demanded for the resignation of the PSD's Dragnea and Prime Minister Dăncilă, following Dragnea's Supreme Court conviction for instigating abuse. Finally, on August 10, protests in Bucharest and other major cities were attended by an estimated 150,000 people – the largest number since February of 2017. However, the protesters and some of the NGOs involved faced a smear campaign by the governing coalition. In some cases, the confrontation between the protesters and the police raised questions about crowd control and the conduct of the Romanian police. The protests on August 10 left about 450 treated for injuries behind.

Non-discrimination  
Score: 5

The Romanian state has been ineffective in countering discrimination against a number of vulnerable groups, including members of the LGBT community, those infected with HIV, people with disabilities, and members of the country's large Roma community. Massively backed by the governing coalition, the 2018 referendum calling for a constitutional amendment to specifically define a "union" as that between a man and a woman, though ultimately defeated, has fostered discrimination toward the LGBT community. Human Rights Watch criticized the referendum for being "little more than a thinly veiled attempt to scapegoat a vulnerable minority."

Citation:

Reid, G. (2018): Cynical Romanian Referendum Tries to Redefine 'Family'. Human Rights Watch, October 3 (<https://www.hrw.org/news/2018/10/03/cynical-romanian-referendum-tries-redefine-family>).

### Rule of Law

Legal Certainty  
Score: 3

Legal certainty has strongly suffered from the tug-of-war over the reform of the judiciary between the government on the one hand and President Iohannis, Prosecutor General Augustin Lazar and the Supreme Council of Magistrates on the other. Moreover, the government has continued its widespread use of government emergency ordinances (OUG) Since Article 115 of the constitution provides for OUGs only in exceptional circumstances, their frequency represents an abuse of the government's constitutional powers and undermines legal certainty.

Judicial Review  
Score: 4

The judicial reforms of the PSL/ALDE government have been aimed at increasing the governmental influence over the judiciary. While the Superior Council of the Magistracy has fiercely defended the independence of the judiciary, the Constitutional Court has often sided with the government. One major change has been the creation of a new prosecutorial section in charge of investigating offenses committed by justices and prosecutors which has been widely perceived as a disciplinary device. In July 2018, Minister of Justice Tudorel Toader eventually succeeded in bringing President Iohannis to dismiss Chief Prosecutor Laura Codruta Kövesi, the head of the National Anti-Corruption Directorate (DNA). In October 2018, Toader also initiated the dismissal of Prosecutor General Augustin Lazar, an outspoken critic of the government's attacks on the judiciary's independence and integrity. The governing coalition's attempts to strengthen its control over the judiciary have not only provoked massive protests in Romania but have been criticized by many outside observers as well. The European Commission, under the cooperation and verification mechanism, has warned the government against undoing the progress made in judicial reform.

European Commission (2018): Report from the Commission to the European Parliament and the Council on Progress in Romania under the Co-operation and Verification Mechanism. COM(2018) 851 final, Brussels ([https://ec.europa.eu/info/files/progress-report-romania-2018-com-2018-851\\_en](https://ec.europa.eu/info/files/progress-report-romania-2018-com-2018-851_en)).

Selejan Gutan, B. (2019): New Challenges against the Judiciary in Romania, in: Verfassungsblog, February 22 (<https://verfassungsblog.de/new-challenges-against-the-judiciary-in-romania/>).

Appointment of  
Justices  
Score: 5

According to Article 142 of Romania's constitution, every three years three judges are appointed to the Constitutional Court for nine-year terms, with one judge each appointed by the Chamber of Deputies, the Senate and the president of Romania. Since there are no qualified-majority requirements in either the Chamber of Deputies or the Senate, and since these appointments occur independently (i.e., they do not need to be approved by or coordinated with any other institution), Constitutional Court justices are in practice appointed along partisan lines. The last round of appointments of justices took place in 2016.

Corruption  
Prevention  
Score: 4

Corruption has been a major political issue in Romania for some time and has become even more pronounced since the 2016 parliamentary elections. As early as in January 2017, the newly installed PSL/ALDE government launched legislation aimed at decriminalizing and pardoning certain offenses. Broadly understood as an attempt to help politicians and others either accused or convicted of corruption, including PSD leader Liviu Dragnea, these initiatives prompted an unexpectedly strong public outcry that led the government to retract them. Next, the governing coalition has sought to strengthen its influence in the judiciary and to discredit and weaken the much-acclaimed National Anti-Corruption Directorate (DNA), which has achieved many high-profile convictions. The PSD has attacked the DNA and its combative Chief Prosecutor Laura Codruta Kövesi, referring to her and the DNA as an illegitimate “parallel state.” In a 36-page report in February 2018, Minister of Justice Tudorel Toader stated that the DNA engages in “excessively authoritarian behavior” and that it prioritizes “solving cases with a media impact.” The minister also criticized the DNA for “daring” to comment on legislative proposals, of falsifying wiretap transcripts and failing to investigate abusive acts allegedly committed by prosecutors. After a tug-of-war with President Iohannis, and favored by a controversial Constitutional Court decision in May 2018, Minister Toader eventually succeeded in bringing the president to dismiss Kövesi in July 2018. The attacks on the DNA, combined with its cuts in funding, have limited its capacity to maintain the fight against corruption.

Citation:

European Commission (2018): Report from the Commission to the European Parliament and the Council on Progress in Romania under the Co-operation and Verification Mechanism. COM(2018) 851 final, Brussels ([https://ec.europa.eu/info/files/progress-report-romania-2018-com-2018-851\\_en](https://ec.europa.eu/info/files/progress-report-romania-2018-com-2018-851_en)).

Group of States Against Corruption (GRECO)(2018): Ad hoc Report on ROMANIA (Rule 34) Adopted by GRECO at its 79th Plenary Meeting, Strasbourg, March 19-23 (<https://www.coe.int/en/web/greco/-/romania-council-of-europe-s-anti-corruption-body-deeply-concerned-about-certain-justice-and-criminal-law-reforms>).

Selejan Gutan, B. (2018): The Taming of the Court – When Politics Overcome Law in the Romanian Constitutional Court, in: Verfassungsblog, June 6 (<https://verfassungsblog.de/the-taming-of-the-court-when-politics-overcome-law-in-the-romanian-constitutional-court/>).

# Governance

## I. Executive Capacity

### Strategic Capacity

Strategic  
Planning  
Score: 3

While EU membership has forced the Romanian government to produce regular strategic documents, policymaking in Romania has long suffered from a lack of strategic planning. Subsequent governments have emphasized their commitment to strengthening planning. In addition to a strategic planning calendar, Government Emergency Ordinance 49/2017 proposed a novel link between public institutions' strategic plans and the country's annual budgetary process. Romania's 2018 National Reform Program has declared strategic planning a key priority for the government, highlighting recent improvements in the implementation of the Annual Working Plan of the Government as well as plans for the establishment of a new Strategy Unit through World Bank assistance. Most recently, in June 2018, the Senate adopted a draft bill for "Romania 2040," which outlines plans for the development of a long-term national strategy through a multi-stakeholder commission that would direct government policy for years to come, a move which has prompted criticism from the National Liberal Party (PNL). As it stands, however, these moves have so far done little to improve strategic planning in practice.

Citation:

Romanian Government (2018): National Reform Program 2018. Bucharest (<https://ec.europa.eu/info/sites/info/files/2018-european-semester-country-report-romania-en.pdf>).

Expert Advice  
Score: 4

Cooperation between the Romanian government and non-governmental experts has traditionally been only weakly institutionalized. Consultations do take place, but they are irregular and lack transparency as well as mechanisms that would ensure feedback received is actually accounted for in policy itself. The dismantling in January 2018 of the Ministry for Public Consultation and Civic Dialogue, which was established in 2015 with the purpose of systematically ensuring public consultation, marked a step backwards in the formalization of public and expert consultation processes within the country.

### Interministerial Coordination

GO Expertise  
Score: 5

The organization of the Government Office has undergone some changes. Until January 2017, it featured two bodies involved in interministerial coordination, the General Secretariat of the Government (GSG) and the Prime Minister's Chancellery (PMC). Whereas the GSG focused on the formal coordination, the PMC, consisting of about 15 state counselors with different backgrounds, provided the policy expertise. In January 2017, Prime Minister Grindeanu dismantled the PMC and transferred its responsibilities to the GSG. Once appointed, its successor, Prime Minister Tudose, re-established the PMC and the old dual structure. These changes have infringed upon the government office's capacity to do comprehensive evaluations of draft bills.

Line Ministries  
Score: 5

Policy proposals are usually drafted within ministries. The Secretariat General of the Government provides administrative and legal support for policymaking but has a limited role in the quality control of policy design. The Prime Minister's Chancellery usually becomes involved only after the compulsory public-consultation procedures are finalized, and its mandate is to ensure that policy proposals align with broader government strategy. While the prime minister occasionally publicly involves himself in debating certain legislative proposals and may contradict line ministers, the final decision on the content of the policy proposal tends to be made by the line ministry.

Cabinet  
Committees  
Score: 5

In Romania, ministerial committees, composed of one minister, deputy ministers and public servants, feature prominently in interministerial coordination. By contrast, committees consisting only of ministers or with several ministers are rare.

Ministerial  
Bureaucracy  
Score: 6

Much of the coordination takes place in interministerial committees, usually presided over by a minister and composed primarily of deputy ministers (political positions) and top civil servants. In the absence of these committees, bills are subject to interministerial consultation by being sent for review to the ministries affected by each act. If ministries do not respond to the review request within five days, the non-response is considered tacit approval. Prior to government meetings discussing a particular legislative proposal, the Secretariat General of the Government organizes working groups between the representatives of ministries and agencies involved in initiating or reviewing the proposal in order to harmonize their views. While these procedures promote coordination, the capacity limitations of many ministries and the short turnaround time allowed for review undermine effective review and hence allow for only superficial coordination in many cases.

Informal  
Coordination  
Score: 2

In addition to the formal mechanisms of interministerial coordination, there has been an informal coordination of the government's work by PSD chef Liviu Dragnea, the "éminence grise" of the government. Barred from

becoming prime minister himself by a criminal conviction, Dragnea has been keen on preventing prime ministers to act in too independent a manner. In January 2018, he toppled Prime Minister Mihai Tudose, barely seven months after his predecessor Sorin Grindeanu had suffered the same fate. Thus, the informal coordination within the governing party has tended to undermine rather than complement the formal coordination mechanisms within government.

Digitalization for  
Interministerial  
Coordination  
Score: 3

The 2014 National Strategy on Digital Agenda for Romania explicitly called on the public sector to embrace and optimize the use of digital technology for improving effectiveness in governance. This commitment was further buttressed through the establishment of a Government Chief Information Officer within the chancellery. However, the role which digital technologies have actually played in interministerial coordination has been limited so far. In July 2018, the government announced plans to spend €45 million on the development of a government cloud framework to be used by all public institutions in the country. However, similar plans were announced in 2014 and 2017 but have yet to deliver much in the way of results.

Citation:

Ministry for the Information Society (2018): National Strategy on Digital Agenda for Romania. Bucharest (<https://www.trusted.ro/wp-content/uploads/2014/09/Digital-Agenda-Strategy-for-Romania-8-september-2014.pdf>).

### Evidence-based Instruments

RIA Application  
Score: 6

RIA-related procedures were introduced in Romania in 2005. At least in theory, legislative proposals cannot enter the legislative process without RIA approval from the Public Policy Unit of the Secretariat General of the Government (GSG). In practice, the use and the quality of RIA is highly uneven, and many RIAs are superficial. Capacity remains a critical obstacle to the effective implementation of RIA procedures and requirements. Further problems have stemmed from the complex division of monitoring and evaluation responsibilities between the GSG and the Prime Minister's Chancellery. While Romania's 2018 National Reform Programme stresses the government's commitment to improve RIA, no significant improvements have actually taken place.

Citation:

Romanian Government (2018): National Reform Programme 2018. Bucharest, 21 (<https://ec.europa.eu/info/sites/info/files/2018-european-semester-country-report-romania-en.pdf>).

Quality of RIA  
Process  
Score: 5

Romanian law stipulates that RIAs, along with proposed regulations, must be published for at least 30 days on the ministerial websites, and this obligation is usually respected. Only a select few stakeholders are regularly involved in the

RIA process. Public consultations are largely online (which is problematic given unequal internet access within the country) with a short time-frame for input, while in-person consultations tend to be informal and, as a result, risk being subject to regulatory capture. Other ministries are not systematically involved in the RIA process. While the RIA process as a whole has been reviewed by the OECD as well as the World Bank, there are no regular independent quality evaluations of individual RIA assessments.

Sustainability  
Check  
Score: 3

Romania is formally committed to SDG implementation. It took part in the 2018 voluntary national review of the U.N.'s High-Level Political Forum on Sustainable Development and has initiated a review of the country's 2008 National Sustainable Development Strategy with a view to incorporating the 2030 Agenda for Sustainable Development. The RIA methodology manual requires that sustainability concerns be incorporated in assessment reports. In practice, however, sustainability checks do not feature very prominently and are not done in a comprehensive manner.

Citation:

Ministry of the Environment (2018): Transformation Towards a Sustainable and Resilient Romania: Romania's Voluntary National Review 2018. Bucharest (<https://sustainabledevelopment.un.org/memberstates/romania>).

Quality of Ex  
Post Evaluation  
Score: 3

While the institutionalization of ex post evaluations has been announced several times, they have remained the exception rather than the rule. If such evaluations have been done, their impact on decision-making has been intransparent.

### Societal Consultation

Public  
Consultation  
Score: 3

Romania possesses two tripartite bodies, the Economic and Social Council (Consiliul Economic și Social) and the National Tripartite Council for Social Dialog (Consiliul National Tripartit pentru Dialog Social, CNTDS). However, neither the Tudose nor the Dăncilă governments have done much in the way of consulting societal actors. In early 2018, the Dăncilă government disbanded the Ministry for Public Consultation and Civic Dialogue established by the Cioloș government in 2015, with its responsibilities to be taken over by other unspecified ministries. In October 2018, the government replaced, with little warning, 13 of the 15 representatives on the Economic and Social Council in order to facilitate the acceptance of its priorities. Where consultation with societal actors has occurred, it has been ad hoc and has been used primarily as a means of government communication and not as an attempt at collaboration. Societal actors as diverse as trade unions and the judges' professional associations have complained that their views have not been taken seriously by the government. In October 2018, the Foreign Investors Council, an organization serving as a liaison between Romanian policymakers and the



foreign investor community, criticized the government's strong reliance on emergency ordinances and for its tendency to reduce formal consultation periods to a mere days.

### Policy Communication

Coherent  
Communication  
Score: 4

Both the Tudose and Dăncilă governments have lacked a unified and coordinated communications strategy, defaulting to a decentralized approach with individual ministries communicating new policy initiatives and programs. Under both governments, announcements of different ministers have occasionally contradicted each other. In an address to parliament in June 2018, Prime Minister Dăncilă emphasized the need for improving the government's strategic communication capacity, but left open the question of how to achieve this goal.

### Implementation

Government  
Effectiveness  
Score: 4

The Tudose and the Dăncilă governments have not been very effective. While they have relentlessly tried to strengthen the government's control over the judiciary and to weaken the DNA, they have failed to fulfill major campaign promises. The resignation of Prime Minister Mihai Tudose in January 2018 was prompted by widespread perceptions both within the governing coalition and among the public of unmet promises regarding tax cuts, wage increases and pensions.

Ministerial  
Compliance  
Score: 5

Ministers in Romania have traditionally held significant leeway in terms of deciding policy details within their departments, and the short-lived prime ministers in recent years – all dependent on the backing of PSD chair Dragnea – have been too weak to bring ministers in line.

Monitoring  
Ministries  
Score: 6

The government has a special office in charge of monitoring the activities of line ministries and other public bodies, the Control Body of the Prime Minister. In spite of having limited staff and resources, this office monitors the activity of most line ministries fairly effectively.

Monitoring  
Agencies,  
Bureaucracies  
Score: 4

The monitoring of agencies in Romania has been plagued by political clientelism and the capacity reduction suffered by many ministries following the often-haphazard personnel reductions associated with the austerity measures adopted in 2010 – 2011. Many agencies even fail to provide legally required information on their websites.

Task Funding  
Score: 3

Subnational governments suffer from a lack of revenues and thus remain dependent on central government funding. As the governing coalition has done little to secure sufficient funding for subnational governments, the quality of public services has remained low. Central government funding has been tainted by party bias, with subnational governments controlled by the PSD

receiving more money. Moreover, the funds from Bucharest have come late, so that subnational units have scrambled to keep projects alive during the first months of each calendar year. The financial dependence of subnational governments has contributed to an unwillingness to implement larger-scale projects for fear of losing funding as a result of political changes.

Constitutional  
Discretion  
Score: 3

The autonomy of subnational units is often curtailed by fiscal measures enforced from the central level. The allocation of discretionary financial transfers and investment projects to municipalities and counties along partisan lines has continued during the period under review. Another problem is that allocations are often made with considerable delay, which affects the capacity of subnational units to initiate and complete projects.

National  
Standards  
Score: 5

The central government seeks to ensure that subnational governments realize national public-service standards. The prefects, which represent the central government in each of the country's 41 counties as well as in the municipality of Bucharest, have an important role in this respect. In practice, however, enforcement is often undermined by the inadequate and uneven funding of subnational governments.

Effective  
Regulatory  
Enforcement  
Score: 3

Generally speaking, government agencies possess the technical capacity to enforce regulations against vested interests. In practice, however, regulations are mostly enforced only to the extent to which they benefit powerful lobbies and politicians' clients.

### Adaptability

Domestic  
Adaptability  
Score: 6

As Romania looks to taking on its Presidency of the Council of the European Union in 2019, EU affairs have attracted growing attention in the country. However, the political turbulence in recent years has undermined several efforts to adapt domestic government structures to international and supranational developments. For instance, the absorption of EU funds has remained below the EU average, with the country receiving a warning from the European Commissioner for Regional Policy in October of 2018.

International  
Coordination  
Score: 5

Romanian governments have supported international efforts to provide global public goods. The country has been actively involved in various U.N. peacekeeping missions, has contributed to global action against climate change and has participated constructively in the allocation of refugees within the EU. In April 2018, it also became a member in the OECD's Development Assistance Committee. The country's international ambitions are evident in its intention to seek a non-permanent seat on the U.N. Security Council from 2020-2021. However, Romania's international standing has suffered from the democratic backsliding.

### Organizational Reform

Self-monitoring  
Score: 4

There is no systematic and regular monitoring of institutional arrangements. Occasionally, the OECD and World Bank have been involved in governance reviews, but the effects of the latter have been negligible.

Institutional  
Reform  
Score: 3

Institutional reforms under the Tudose and Dăncilă governments have been largely confined to changes in the portfolios of ministries. Most notably, the Dăncilă government decided to split the Ministry for Regional Development, Public Administration and European Funds into two separate ministries and to abolish the Ministry of Public Consultation and Social Dialogue. However, these changes have failed to improve the government's strategic capacity. The absorption of EU funds has remained low, and public consultation has further lost importance. There have been no institutional reforms to address long-standing problems such as limited planning capacities or the low quality of RIA. The pledged reforms of subnational administration have not been adopted.

## II. Executive Accountability

### Citizens' Participatory Competence

Political  
Knowledge  
Score: 5

Although the mass protests in 2017 and 2018 suggest an increase in political interest – particularly when compared with the low voter turnout at the 2016 parliamentary elections – public knowledge of government policy remains low. Most of the population, especially in rural areas and small towns, have no clue as to what government policies are being proposed or implemented. They might know the name of the president, but not the names of the prime minister and individual cabinet members; they know nothing at all about policy, but judge government activity mostly in ideological terms.

Open  
Government  
Score: 4

Romania joined the international Open Government Partnership in 2011, emphasizing the overarching goals of increasing transparency, promoting new technologies and engaging citizens. Within the framework of the partnership, four action plans have been approved since 2011. In 2013, the government established an open data portal ([data.gov.ro](http://data.gov.ro)) which, in February 2018, provided over 1,000 datasets from 84 public bodies. From 2015 to 2017, the Ministry of Public Consultation and Civic Dialogue oversaw the implementation of the action plans. Since its disbandment in January 2018, the implementation oversight has rested with the Secretariat General of the Government. A quick look at the website of various ministries and agencies

shows that the information provided is patchy, outdated or partial. Some of the websites are hard to access or are difficult to navigate.

Citation:

Romanian Government (2018): Open Government Partnership: National Action Plan 2018-2020. Bucharest ([http://ogp.gov.ro/wp-content/uploads/2018/11/Romania-2018-2020\\_NAP\\_EN.pdf](http://ogp.gov.ro/wp-content/uploads/2018/11/Romania-2018-2020_NAP_EN.pdf)).

### Legislative Actors' Resources

Parliamentary  
Resources  
Score: 6

The Romanian parliament has a Department of Parliamentary Studies and EU Policies, which is divided into two divisions: the Division for Legislative Studies and Documentation and the EU Division. Together, these divisions offer members of both chambers, as well as parliamentary group leaders and committee chairs, useful documentation, studies and research materials, expertise and assistance. In addition, all members have equal access to the parliamentary library which provides references as well as research and bibliographic services. However, members of parliament have relatively limited individual resources. In practice, they tend to rely on assistance from former parliamentarians or political-party staff rather than on the expertise of the Department of Parliamentary Studies and EU Policies or independent experts.

Obtaining  
Documents  
Score: 7

According to Article 111 of Romania's constitution, "the government and other agencies of public administration shall, within the parliamentary control over their activity, be bound to present any information and documents requested by the Chamber of Deputies, the Senate or parliamentary committees through their respective presidents." However, this access is limited in case of documents containing classified information, especially with respect to national security and defense issues. Members of parliament also complain about delays in the provision of documents and information.

Summoning  
Ministers  
Score: 9

According to Article 54(1) of the Chamber of Deputies Regulations, ministers are permitted to attend committee meetings, and "if their attendance has been requested, their presence in the meeting shall be mandatory." Furthermore, ministers are requested to present a work report and strategy of their ministry before committees once per session. Notably, the frequency with which ministers attend committee meetings is not documented. Sometimes ministers send deputies who are not always able to respond to queries raised by parliamentarians. The fact that members of parliament addressed over 4,000 questions to ministers in 2018, often raising the same question repeatedly over several weeks, suggests that they often do not receive a satisfactory response.

Summoning  
Experts  
Score: 9

According to Article 55(2) of the Chamber of Deputies Regulations, "committees may invite interested persons, representatives of non-governmental organizations and experts from public authorities or from other

specialized institutions to attend their meetings. The representatives of non-governmental organizations and the experts may present their opinions on the matters that are under discussion in the Committee, or may hand over documents regarding the matters under discussion to the Committee President.” The frequency with which experts are invited has differed among committees.

Task Area  
Congruence  
Score: 6

The number of committees in the Senate and the Chamber of Deputies is roughly in line with the number of ministries in the government. However, the legislature’s oversight capacity is reduced by the incomplete match between the task areas of ministries and parliamentary committees.

### Media

Media Reporting  
Score: 4

Media coverage of government decisions and public policy continues to be highly partisan and emphasize political scandals and politicians’ personalities rather than in-depth policy analysis. Crucially, a number of media outlets with major market shares (i.e., the Antena 3 television station) have continued to contribute to the radicalization of Romanian politics by manipulating or spreading misinformation regarding public opinion and political discourse. However, there is a clear minority of mass-media brands – such as the Digi 24 television station and HotNews.ro, an online news source – that produce higher quality, less partisan, and more in-depth policy-related information. The ability of this media to provide such information is, however, under threat from several fronts, including the governing coalition’s attempts to control the media and the eroding public trust in the media.

#### Citation:

Boros, C., J. Cusick (2017): Bought and paid for – how Romania’s media is pressured by corporate and political masters. openDemocracy, November 22, London (<https://www.opendemocracy.net/en/bought-and-paid-for-how-romania-s-media-is-pressured-by-corporate-and-polit/>).

### Parties and Interest Associations

Intra-party  
Decision-Making  
Score: 3

Almost all Romanian parties have been characterized by weak intra-party democracy. In the case of the strongest party in parliament, the socialist PSD, its chairman Liviu Dragnea has enjoyed an unprecedented authority, not even reached by Ion Iliescu, Romania’s first post-communist president. Despite being convicted for vote-rigging, Dragnea has been able to appoint and dismiss cabinets at will.

Association  
Competence  
(Employers &  
Unions)  
Score: 3

While policymaking in Romania is often influenced in a particularistic fashion by individual business interests, business associations are rather weak and have played a minor role in proposing concrete policy measures, much less offering cost-benefit analyses of the likely effects of such policies. Unions

have not played an active role in policy formulation either. Union density has decreased considerably since 1990, with union structure fragmented and weakly developed. Unions have become increasingly distrusted as various leaders have joined political parties and sought political careers, often by sacrificing the interests of the unions to their own personal objectives. Moreover, even where economic interest associations are capable of formulating relevant policies, this has been somewhat undermined by an unwillingness on behalf of the government to take these views into account, as was demonstrated by the recent tax reforms which prompted significant criticism from labor organizations.

Association  
Competence  
(Others)  
Score: 6

NGOs have significant analytical capacities, especially in areas such as environmental policy and social protection. However, many NGOs have suffered from a lack of resources and have been dependent on international financing. The Romanian Orthodox Church, which represents as much as 85% of the population, has been a powerful actor, but has promoted a relatively narrow agenda.

### Independent Supervisory Bodies

Audit Office  
Score: 8

The Court of Accounts is an independent institution in charge of conducting external audits on the propriety of money management by state institutions. Parliament adopts the budget proposed by the court's plenum and appoints the court's members, but cannot remove them. The court president is appointed by parliament for a nine-year term from among the counselors of account. Thus, while court presidents tend to be appointed on a partisan basis, they are not always representing the current parliamentary majority. The court submits to parliament annual and specific reports that are debated in the legislature after being published in the Official Gazette. The annual public report articulates the court's observations and conclusions on the audited activities, identifies potential legal infringements and prescribes measures. The appointment of Mihai Busuioc, who has been close to PSD leader Dragnea, as new court president in mid-October 2017 has raised concerns about its independence. These concerns have been aggravated by parliamentary proposals to alter the Court's remit and to render it more amenable to the will of the government. President Iohannis referred the legislation to the Constitutional Court in July 2018. The European Commission has threatened to freeze EU funds.

Ombuds Office  
Score: 3

The Romanian Ombudsman was established in 1991 after the ratification of the country's first post-communist constitution and is appointed by both chambers of parliament for a term of five years. The current Ombudsman is Victor Ciorbea, a former prime minister (1997-1998) and senator tainted by allegations that his legal practice has defended the interests of some notorious corrupt politicians. Nominated to the post in April 2014, Ciorbea has been criticized for ignoring the concerns of ordinary citizens and championing those

of politicians. In October 2018, the National Liberal Party (PNL) cited formal reasons in calling for Ciorbea's resignation –after he failed to delegate his duties while on holiday.

Data Protection  
Authority  
Score: 5

Romania updated its data protection legislation in accordance with EU GDPR policy in May 2018. The responsibility for protecting personal data rests with the National Authority for the Supervision of Personal Data Processing (DPA) established in 2005. With a staff of about 50 and an operating budget of little more than €1 million, the DPA's resources are limited. The position of the DPA's vice-president has remained vacant for some time, and the position of Ancuța Gianina Opre, the DPA's president since 2013, has languished under corruption charges dating from 2009 when she was working for the National Authority for the Restitution of Properties.

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