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His Excellency
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Dear Mr. President,

it is with great concern that I am writing to you today with regard to the current political situation in Romania. Recent developments indicate that Romania is moving towards a “guided democracy”. Over the past weeks, political structures were altered at breath-taking speed. The rule of law has been undermined, the independence of the judiciary been put into question and democratically elected structures have been suspended. Let me highlight a few of the most disturbing developments.

First of all, the PSD/PNL majority in the Romanian parliament has restricted the rights of the Constitutional Court: now it cannot review all parliamentary decisions including its internal procedures but only promulgated laws. It is to be feared that parliamentary minority rights could now very easily be constrained. The PSD/PNL coalition also plans to implement a new electoral law that several legal experts view as unconstitutional.

Second, Prime Minister Ponta has ignored a ruling by the Romanian Constitutional Court on who should be representing Romania at the EU summit on June 28/29. Ponta has indicated that he is planning to change the composition of the Constitutional Court by removing two judges that are seen as confidants of President Traian Basescu. He has also seized control of the official gazette, in which all major legal acts are published – a privilege previously held by the parliament.



Third, after ruling against Prime Minister Victor Ponta regarding a plagiarism charge, the majority situation in the Romanian National Council for Certification of Titles, Diplomas and University Certificates was single-handedly changed by the government.

Fourth, the parliament has hastily changed regulations for an unseating of the Romanian President. A temporary suspension by the parliament on grounds of grave unconstitutional actions was always subject to review by the Constitutional Court. Now their ruling is not binding for the parliament anymore, as described above. The governing coalition has also changed the majorities needed in the subsequent referendum. In the future, a simple majority of voters will suffice for a final suspension, not the majority of eligible voters. All these changes have made an unseating easier and faster. They are clearly targeted at removing current President Traian Basescu from office. Prime Minister Ponta had called for the suspension of President Basescu several times publicly.

Last but not least, the governing PSD/PNL majority has recently unseated the presidents of both parliamentary chambers, disrespecting its own rules of procedures. They have also installed new Directors for Romanian National Radio and Romanian National Television and removed the Ombudsman, Gheorghe Iancu, from office.

These actions go beyond everything we have rightfully criticized in the case of Hungary. The U.S. ambassador to Romania, Mark H. Gitenstein, has described them as a “threat to the independence of democratic institutions”. Personally, I consider these steps an assault on democracy itself. Hence, it is essential that we treat events in Romania with at least the same attention as the case of Hungary and draw the similar, if not tougher consequences.

Therefore, I am asking the Commission under your leadership to seriously consider both an Article 7 (3) TEU procedure against Romania as well as infringement proceedings under article 258 TFEU. During these proceedings, a suspension of voting rights should be entertained.

Furthermore, these alarming developments should of course be reflected in the upcoming CVM report. After improvements in the fight against corruption – notably the verdict against former Prime Minister Adrian Nastase – the measures outlined above are a huge step back-



ward. However, if there has ever been any doubt as to whether the monitoring process was necessary, recent events have certainly confirmed its necessity.

All in all, it is imperative that we act swiftly and decisively in this matter. Given your reliable support for democracy within Europe and beyond, I urge you to publicly clarify that the outlined developments in Romania are not consistent with European fundamental rights and to take all necessary steps against any further deterioration of democracy in Romania.

Sincerely

Gunther Krichbaum