

# LIBERTIES

# RULE OF LAW

# REPORT

# 2026



#roi-report2026

# ROMANIA



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## FOREWORD

The Liberties Rule of Law Report 2026 is the seventh annual report on the state of rule of law in the European Union (EU) published by the Civil Liberties Union for Europe (Liberties). Liberties is a non-governmental civil society organisation promoting the civil liberties of everyone in the EU, and it is built on a network of national civil liberties groups from across the EU. Currently, we have member organisations in Belgium, Bulgaria, the Czech Republic, Croatia, Denmark, Estonia, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, the Netherlands, Poland, Romania, Slovakia, Slovenia, Spain and Sweden, as well as a contributing partner organisation in Greece.

Liberties, together with its members and partner organisations, carries out advocacy, campaigning and public education activities to explain what the rule of law is, what the EU and national governments are doing to protect or harm it, and gathers public support to press leaders at EU and national level to fully respect, promote and protect our basic rights and values.

Drafted by Liberties and its member and partner organisations, the 2026 report covers the situation during 2025 with the purpose of providing the European Commission with reliable information and analysis from the ground to feed its own rule of law reports, and to provide an independent analysis of the state of the rule of law in the EU in its own right. Liberties' report represents the most in-depth reporting exercise carried out to date by a civil society network to map developments in a wide range of areas connected to the rule of law in the EU.

The 2026 report includes EU-wide trend analysis in the justice system, anti-corruption framework, media freedom, checks and balances, based on 22 country reports that follow a common structure, mirroring and expanding on the priority areas and indicators identified by the European Commission for its annual rule of law monitoring cycle. Nearly 40 organisations contributed to the compilation of these country reports. The 2026 report places particular emphasis on the recommendations made by the European Commission and how, in the assessment of Liberties' members, they have been implemented. Specific gaps were identified alongside new issues that arose in 2025.

**[Download the full Liberties Rule of Law Report 2026 here.](#)**

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# ***TABLE OF CONTENTS***

<b>FOREWORD</b> .....	<b>2</b>
<b>ABOUT THE CONTRIBUTING ORGANISATIONS</b> .....	<b>4</b>
<b>OVERALL ASSESSMENT: STAGNATOR</b> .....	<b>5</b>
Assessment of the trajectory .....	6
<b>JUSTICE SYSTEM</b> .....	<b>8</b>
General assessment .....	8
Implementation of 2025 Commission recommendations .....	9
Gaps in the Commission's Report .....	10
New Issues that Emerged in 2025 .....	10
Implications and Recommendations for 2026 .....	12
Implementation of Judgments .....	13
<b>ANTI-CORRUPTION FRAMEWORK</b> .....	<b>15</b>
General assessment .....	15
Implementation of 2025 Commission recommendations .....	16
Gaps in the Commission's Report .....	18
New Issues that Emerged in 2025 .....	19
Implications and Recommendations for 2026 .....	20
<b>MEDIA ENVIRONMENT AND MEDIA FREEDOM</b> .....	<b>21</b>
General assessment .....	21
Implementation of 2025 Commission recommendations .....	22
Gaps in the Commission's Report .....	24
New Issues that Emerged in 2025 .....	25
Implications and Recommendations for 2026 .....	26
<b>CHECKS AND BALANCES</b> .....	<b>27</b>
General assessment .....	27
Implementation of 2025 Commission recommendations .....	28
Gaps in the Commission's Report .....	30
New Issues that Emerged in 2025 .....	31
<b>CONTACTS</b> .....	<b>33</b>

# ROMANIA

## ABOUT THE CONTRIBUTING ORGANISATIONS

### Association for the Defense of Human Rights in Romania-the Helsinki Committee (APADOR-CH)



APADOR-CH (the Association for the Defense of Human Rights in Romania – Helsinki Committee) is a non-governmental, non-profit organization established in 1990. For more than three decades, the association has played a pivotal role in promoting human rights, transparency, and the rule of law in Romania. Its work consistently focuses on shaping the human rights agenda and maintaining a watchdog role in areas where accountability is weak. The organisation’s objectives include the development of effective legal and institutional mechanisms to ensure respect for human rights and the advancement of transparency and good governance through institutional reform. Legislative improvement remains a key priority, particularly in relation to freedom of expression, assembly, association, and the right to privacy. The association’s methods are grounded in ongoing legal analysis, strategic litigation that informs and strengthens advocacy, human rights monitoring, and public campaigns.

## OVERALL ASSESSMENT: STAGNATOR

Romania continues to be classified by the Economist Intelligence Unit as a ‘hybrid regime’,<sup>1</sup> reflecting ongoing problems with the rule of law, the balance of powers, and the politicization of the judiciary.<sup>2</sup> To date, no official report has been released on the annulment of the 2024 presidential elections, and the president has announced that a comprehensive report is expected only in 2026.

In 2025, Romania’s rule of law faced serious challenges connected to declining trust in the justice system and growing pressure on civil society and the media. A central issue remained in the prescription crisis for major corruption cases, which continued to undermine confidence and reinforce the perception that those in power can avoid accountability. The late 2025 Recorder investigation amplified these concerns by publicly exposing dysfunctions in the justice system, such as panel changes, repeated adjournments, and delays contributing to the broader perception of a ‘captured’<sup>3</sup> justice system. Reactions to the investigation highlighted institutional and societal fragmentation: while parts of the executive and judicial leadership called for scrutiny, other judicial actors responded defensively, with rhetoric escalating toward accusations of ‘incitement’,<sup>4</sup> increasing pressure on journalists, and deepening polarization.

At the political level, executive dominance over lawmaking intensified. Instead of pursuing deliberative reform, 2025 was marked by the routine use of emergency ordinances and the assumption of governmental responsibility to bypass the parliament and limit public consultation, including on reforms directly affecting the judiciary. The Constitutional Court’s decisions also had tangible consequences for transparency and anti-corruption efforts. Most notably, the Court’s May 2025 ruling on asset declarations reduced public access and removed spousal disclosure obligations, which was widely seen as a step backwards for public accountability, regardless of the data-protection arguments advanced.

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1 Economist Intelligence Unit, Democracy Index 2024, <https://www.eiu.com/n/campaigns/democracy-index-2024/>

2 Economist Intelligence Unit, Democracy Index 2024, as reported by Romania Insider, “Romania remains a ‘hybrid regime’ in Democracy Index 2024,” 28 February 2025, <https://www.romania-insider.com/romania-hybrid-regime-democracy-index-2024>

3 Documentar Recorder „Justiție capturată”, <https://recorder.ro/documentar-recorder-justitie-capturata/>

4 Hotnews, 11 decembrie 2025, „VIDEO Moment șoc la conferința de presă a Curții de Apel București. O judecătore a luat cuvântul și a spus că mărturiile din filmul Recorder spun adevărul / Au venit toți cei 13 membri ai Colegiului de Conducere / „Ministrul Predoiu a anunțat în avans o achitare dată chiar de dumneavoastră”, <https://hotnews.ro/curtea-de-apel-bucuresti-conferinta-de-presa-extraordinara-intr-o-iesire-fara-precedent-in-fata-publicului-dupa-documentarul-recorder-2127980>

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After the European Media Freedom Act entered into force in August 2025, it was not effectively implemented, while long-standing problems such as opaque media funding and politically influenced oversight persisted. At the same time, the way online content rules were applied during the electoral period raised doubts about fairness and legitimacy, fueling concerns that efforts to combat disinformation could slide into censorship in the absence of clear legal safeguards and strong judicial oversight. Romania has also continued to face serious challenges in executing the European Court of Human Rights' judgments, alongside ongoing tensions between national courts and the Constitutional Court over the primacy of the EU law.

Despite this difficult context, societal resilience has not disappeared. The public reaction to the Recorder investigation, including street protests, showed that Romanian society still has the capacity to demand accountability. Nevertheless, this resilience now operates in a more hostile environment, with journalists facing increasing pressure and intimidation.

### **Assessment of the trajectory**

Romania was designated as a 'Stagnator' because the developments outlined above point to a pattern of stalled reform rather than clear progress on the rule of law. While the country has not experienced a sudden breakdown of democratic safeguards, key issues such as judicial credibility, transparency, media freedom, and accountability have remained unresolved.

A persistent issue in 2025 has been the conflict between the High Court of Cassation and Justice and the Constitutional Court regarding the primacy of EU law. In decision No. 390/2021,<sup>5</sup> the Constitutional Court held that national constitutional identity sets a limit on the primacy of EU law, requiring Romanian courts to respect its rulings on constitutional compatibility. The Court of Justice of the European Union's (CJEU) position was contrary to this, insisting that EU law's primacy is absolute, with the obligation of the national courts to set aside any conflicting national law, including the Constitutional norms, to ensure uniform EU law application. However, in practice, some Romanian courts pronounced decisions in 2024 and 2025 challenging the European Court of Justice's (ECJ) authority to disapply national laws in cases such as those concerning the statute of limitations for fraud against EU financial interests, leading to legal uncertainty and divergent practices within other national courts. Hence, Romanian courts and judges are caught between the Constitutional Court's decision (which renders as unconstitutional to allow the prevalence of EU law over legislation that it decided is prevalent over national law), and the CJEU's role of ensuring and enforcing EU's law application and effectiveness.

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5 Curtea Constituțională press release in English, [www.ccr.ro/en/press-release-8-june-2021/](http://www.ccr.ro/en/press-release-8-june-2021/) and decizia în Monitorul Oficial (în Română): <http://86.105.216.122:83/MOfsWeb/2021/0612.pdf>

An infringement procedure would not resolve this conflict, as Article 148(2) of the Constitution<sup>6</sup> establishes the primacy of EU law only over national legislation, not over the Constitution itself. Addressing this issue would therefore require a constitutional amendment.

### **State of play (versus 2025)**

- Justice system
- Anti-corruption framework
- Media Environment and Media Freedom
- Checks and balances

### **Legend**

Regression      No progress      Progress



6 Constituția României, art. 148(2) - [www.constitutiaromaniei.ro/art-148-integrarea-in-uniunea-europeana/](http://www.constitutiaromaniei.ro/art-148-integrarea-in-uniunea-europeana/)

## JUSTICE SYSTEM -

### General assessment

In 2025, the unresolved consequences of prescription rules for major corruption cases continued to erode public trust in the justice system. Although legislative alignment with European standards has progressed since the adoption of the 2022 justice laws, their implementation has revealed serious shortcomings in internal governance, transparency, and accountability within the judiciary.

Consultations with magistrates in late 2025<sup>7</sup> points to a growing climate of professional self-censorship, driven by fears of disciplinary sanctions. According to judges and prosecutors, internal mechanisms governing promotions, evaluations, delegations, and access to leadership positions are increasingly perceived as opaque and overly centralised. This concentration of decision-making power weakens collegial control and internal checks and balances, while the perceived instrumentalisation of disciplinary procedures risks turning accountability tools into instruments of pressure rather than safeguards of integrity. These governance concerns are compounded by a deepening staffing crisis. The chronic shortage of judges and prosecutors, combined with prolonged blockages in recruitment and admission competitions, has created unsustainable workloads. Courts are operating with a severe shortage of personnel while facing record caseloads. This situation constitutes a structural threat to both the effectiveness and independence of the judiciary.

At the same time, Romania continues to face a serious and persistent problem in the execution of judgments, both at domestic and European levels. The large number of pending cases before the Committee of Ministers of the Council of Europe, together with recurring findings of ineffective investigations, excessive length of proceedings, and failures to enforce final court decisions, point to entrenched deficiencies in ensuring compliance with binding judgments. There is also ongoing tension between national courts and the Constitutional Court regarding the primacy of EU law.

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7 Presidency of Romania, Summary of observations submitted by magistrates and other actors in the judicial system on the functioning of justice, the independence of magistrates and the mechanisms regarding the career of magistrates (Sinteza observațiilor transmise de magistrați și alți actori din sistemul judiciar privind funcționarea justiției, independența magistraților și mecanismele privind cariera magistraților), 21 December 2025, <https://www.presidency.ro/ro/media/comunicate-de-presa/sinteza-observatiilor-transmise-de-magistrati-si-alti-actori-din-sistemul-judiciar-privind-functionarea-justitiei-independententa-magistratilor-si-mecanismele-privind-cariera-magistratilor> [in Romanian]

## Implementation of 2025 Commission recommendations

### Recommendation: Take forward legislative steps to strengthen safeguards to ensure the independence of high-ranking prosecutors and for the organisation and functioning of the judicial police (first made in 2022)

At the end of 2025, a working group was set up by the government to advance reforms in the field of justice, aiming to revise the changes introduced in 2022.<sup>8</sup> The reform agenda continues to be heavily politicised.

The idea of ‘prosecutorial independence’ is understood in different ways. Among political parties represented in Parliament and in the governing coalition, it is often seen as something that can be achieved by appointing leadership positions with their political approval. This view is reflected in proposals to strengthen the role of the Minister of Justice and the President of Romania in senior prosecutorial appointments. However, this approach is unlikely to lead to genuine independence. Any reform that increases political control over these appointments cannot realistically strengthen prosecutorial autonomy, because real independence means, first and foremost, freedom from political influence. The more political actors are involved in selecting senior prosecutors, the more those prosecutors become dependent on will, and the weaker their independence becomes.

No progress has been made regarding legislative changes for the organisation and functioning of the judicial police.

APADOR-CH considers that any legislative amendment in this area should reduce the role of the Minister of Justice and of the President of Romania in appointing prosecutors to leadership positions and at the same time strengthen the role of the Superior Council of Magistracy. In practical terms, this would mean that proposals for senior prosecutorial appointments should no longer come from the Minister of Justice, but from the Superior Council of Magistracy instead.

**Commission’s 2025 assessment: Some progress**

**APADOR-CH’s current assessment: No progress**

8 *Ramona Ciobanu, The government has formed a working group to amend the justice laws. What are its powers and who is part of it? The government has formed a working group to amend the justice laws. What are its powers and who is part of it? (Guvernul a format grupul de lucru pentru modificarea legilor justiției: ce atribuții are și cine face parte), HotNews.ro, 20 December 2025 [in Romanian] <https://hotnews.ro/guvernul-a-format-grupul-de-lucru-pentru-modificarea-legilor-justitiei-ce-atributii-are-si-cine-face-parte-2135202> [in Romanian]*

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## Gaps in the Commission's Report

### Shortage of judges and judicial staff

A major issue that warranted a specific recommendation but was not addressed by the Commission is the severe and worsening shortage of judges and the structural failure to ensure adequate judicial staffing. According to the Superior Council of Magistracy (*Consiliului Superior al Magistraturii - CMS*), at the beginning of 2026, the judiciary faced a deficit of approximately 15% of judges,<sup>9</sup> with 751 vacant posts nationwide, a situation aggravated by legal provisions blocking the organisation of entry competitions into the profession. This has coincided with an exponential increase in caseload, with Romanian courts handling around 3.6 million cases in 2025, placing them in first place in the European Union in terms of workload. In many courts, staffing levels have fallen to crisis levels, with some operating with only one to three judges out of an approved four or five, seriously undermining efficiency and the quality of justice.

## New Issues that Emerged in 2025

### Investigation into the justice system

In December 2025, the investigative outlet Recorder published an investigation about the Romanian justice system.<sup>10</sup> The investigation presented serious allegations, including frequent changes in the composition of judicial panels, repeated adjournments in criminal proceedings, and the recurring issue of prescription of criminal liability in numerous cases, all contributing to significant delays in the administration of justice. The investigation was released against the backdrop of intense public debate surrounding the government's proposal to amend the law on the retirement of magistrates.

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9 *Superior Council of Magistracy (Consiliul Superior al Magistraturii)*, PRESS RELEASE regarding the public request addressed to the Romanian Government to adopt measures to unblock the admission competitions to the magistracy (Comunicat de presă privind solicitarea publică adresată Guvernului României de a adopta măsuri pentru deblocarea concursurilor de admitere în magistratură), *Consiliul Superior al Magistraturii*, 13 January 2026, [https://www.csm1909.ro/PageDetails.aspx?PageId=299&FolderId=12508&FolderTitle=COMUNICAT%20DE%20PRES%C4%82%20privind%20solicitarea%20public%C4%83%20adresat%C4%83%20Guvernului%20Rom%C3%A2niei%20de%20a%20adopta%20m%C4%83suri%20pentru%20deblocarea%20concursurilor%20de%20admitere%20%C3%AEn%20magistratur%C4%83-\(2026-01-13\) \[in Romanian\]](https://www.csm1909.ro/PageDetails.aspx?PageId=299&FolderId=12508&FolderTitle=COMUNICAT%20DE%20PRES%C4%82%20privind%20solicitarea%20public%C4%83%20adresat%C4%83%20Guvernului%20Rom%C3%A2niei%20de%20a%20adopta%20m%C4%83suri%20pentru%20deblocarea%20concursurilor%20de%20admitere%20%C3%AEn%20magistratur%C4%83-(2026-01-13) [in Romanian])

10 *Andreea Pocotilă, Mihai Voinea*, Documentary Investigation. Captured Justice (Documentar recorder, Justiție capturată), *Recorder*, 15 January 2025, [https://recorder.ro/documentar-recorder-justitie-capturata/ \[in Romanian\]](https://recorder.ro/documentar-recorder-justitie-capturata/ [in Romanian])

The investigation rapidly gained national attention and was broadcast by the public television service. Following its publication, the President of Romania initiated consultations with magistrates<sup>11</sup> and announced the intention to organise an internal ‘referendum’, inviting judges and prosecutors to express their views on whether the Superior Council of Magistracy (CSM) serves the public interest or particular groups’ interests.<sup>12</sup> Public statements referring to the possible ‘urgent departure’ of the CMS raised concerns regarding the principle of the separation of powers, given that the CSM is a constitutional authority under the Constitution. Its members may be dismissed only by the general assemblies of magistrates, in accordance with the rules governing their appointment and not through political or executive intervention.

The Bucharest Court of Appeal, one of the institutions targeted by the investigation, responded through official statements, saying that changes in the composition of judicial panels over recent years had been based on objective and lawful grounds.<sup>13</sup> The Court further indicated that more than 86% of the examined cases had already reached prescription when they reached the court, pointing to systemic shortcomings at the stage of criminal investigation rather than in the adjudication phase.<sup>14</sup>

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- 11 *Presidency of Romania*, Summary of observations submitted by magistrates and other actors in the judicial system regarding the functioning of justice, the independence of magistrates and the mechanisms regarding the career of magistrates (Sinteza observațiilor transmise de magistrați și alți actori din sistemul judiciar privind funcționarea justiției, independența magistraților și mecanismele privind cariera magistraților), 21 December 2025, <https://www.presidency.ro/ro/media/comunicate-de-presa/sinteza-observatiilor-transmise-de-magistrati-si-alti-actori-din-sistemul-judiciar-privind-functionarea-justitiei-independenta-magistratilor-si-mecanismele-privind-cariera-magistratilor> [in Romanian]
- 12 Ioana Câmpean, Can the members of the Supreme Administrative Court (SCM) leave “urgently” if the majority answer in the referendum initiated by President Nicușor Dan is that they do not represent the public interest? / The law clearly establishes that the revocation can only be initiated by magistrates (Pot pleca de urgență membrii CSM dacă la referendumul inițiat de președintele Nicușor Dan răspunsul majoritar va fi că nu reprezintă interesul public? / *Legea stabilește clar că revocarea poate fi inițiată doar de magistrați*), *G4Media.ro*, 21 December 2025, <https://www.g4media.ro/pot-pleca-de-urgenta-membrii-csm-daca-la-referendumul-initiat-de-presedintele-nicusor-dan-raspunsul-majoritar-va-fi-ca-nu-reprezinta-interesul-public-legea-stabileste-clar-ca-rev.html> [in Romanian]
- 13 *Bucharest Court of Appeal*, Public information note regarding the Recorder investigation, official communication, CABINETUL PREȘEDINTELUI, 5 January 2026, <https://www.cab1864.eu/wp-content/uploads/2026/01/Informare-publica-Recorder-5012026-.pdf> [in Romanian]
- 14 *Bucharest Court of Appeal*, Status of corruption cases prescribed in the period 2022-2025 (Situția dosarelor de corupție prescrise în perioada 2022-2025, official analysis document), 5 January 2026, <https://www.cab1864.eu/wp-content/uploads/2026/01/Situatie-dosare-de-coruptie-in-perioada-2022-2025.pdf>

At the same time, the scale of prescription in criminal cases highlights the major responsibility of the parliament. Following the Constitutional Court Decision No. 297/2018,<sup>15</sup> which declared unconstitutional the legal provisions on the interruption of limitation periods, the parliament failed to amend the legislation within the constitutional deadline of 45 days. This prolonged inaction, which continued until 2022, created a legislative vacuum that allowed a substantial number of criminal cases to become time-barred. This failure to act has played a decisive role in the current crisis of public confidence in the justice system.

## **Implications and Recommendations for 2026**

Regarding the unaddressed shortage of judges and court staff, the Commission should address this issue through a new recommendation in its upcoming report:

**Suggested recommendation:** Urgently unblock, at government level, the organisation of competitions for admission to the magistracy. This measure is essential to address the current shortage of judges, with approximately 15% of posts vacant, and to ensure the effective and timely functioning of the justice system.

To address the new issues that arose during 2025, the Commission should issue two new recommendations for the government.

**Suggested recommendation:** Initiate an inquiry into the prolonged parliamentary inaction following the Constitutional Court Decision No. 297/2018, which resulted in a significant legislative gap affecting the criminal justice system.

**Suggested recommendation:** Begin a comprehensive follow-up to the findings of the Recorder investigation, ensuring that the relevant judicial and oversight bodies examine the identified concerns and take appropriate action.

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15 *Portal legislativ, Decizia CCR 297/2018: <https://legislatie.just.ro/Public/DetaliiDocumentAfis/201821>*

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## Implementation of Judgments

As evidenced by Democracy Reporting International's 2025 assessment of the non-implementation of European court judgments, Romania is identified as facing a very serious problem in relation to compliance with both European Court of Human Rights (ECtHR) and CJEU case law,<sup>16</sup> alongside Bulgaria, Hungary, Poland, and Italy.

In terms of ECtHR cases, according to the latest available report of the Committee of Ministers (Annual Report 2024), as of 31 December 2024, Romania had 411 cases pending before the Committee of Ministers, of which 111 were leading cases, and 300 were repetitive.<sup>17</sup> In December 2025, the Committee of Ministers welcomed the consolidation of the preventive remedy aimed at effectively addressing complaints related to overcrowding and material conditions of detention, noting the progress achieved through a wide range of measures, in particular infrastructure works and a shift in penal policy towards rehabilitation.<sup>18</sup> However, the 2025 Council of Europe report<sup>19</sup> emphasizes that Romania continues to face serious unresolved structural problems in the execution of ECtHR judgments, despite legislative and policy reforms. Among the most persistent shortcomings are the ineffective investigation of ill-treatment, including police violence, excessive length of judicial proceedings, and the failure to enforce final domestic court decisions. Further unresolved problems affect the protection of private life and fundamental freedoms. Romania still lacks a clear and foreseeable legal framework governing secret surveillance, while safeguards for whistleblowers and journalistic sources remain insufficient.

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16 Democracy Reporting International (2025), Justice Delayed, Justice Denied: Non-implementation of European Courts' Judgments and the Rule of Law, European Implementation Network, [https://democracyreporting.s3.eu-central-1.amazonaws.com/images/6926c1cd17bd5.pdf?utm\\_source=chatgpt.com](https://democracyreporting.s3.eu-central-1.amazonaws.com/images/6926c1cd17bd5.pdf?utm_source=chatgpt.com)

17 Committee of Ministers of the Council of Europe, *18th Annual Report on the Supervision of the Execution of Judgments and Decisions of the European Court of Human Rights, CM/Inf/DH(2025), Annual Report, 31 December 2024*, <https://www.coe.int/en/web/execution/annual-report-2024>

18 Committee of Ministers of the Council of Europe, *Romania: Committee of Ministers confirms effectiveness of preventive remedy concerning conditions of detention, Department for the Execution of Judgments of the European Court of Human Rights, Strasbourg, 5 December 2025* <https://www.coe.int/el/web/execution/-/romania-committee-of-ministers-confirms-effectiveness-of-preventive-remedy-concerning-conditions-of-detention>

19 *Committee of Ministers of the Council of Europe*, Romania, Country Factsheet on the Supervision of the Execution of Judgments and Decisions of the European Court of Human Rights, last updated 18 December 2025, <https://rm.coe.int/romania-eng/488029df7f>

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A persistent issue in 2025 has been the conflict between Romania's High Court of Cassation and Justice and the Romanian Constitutional Court regarding the primacy of EU law.<sup>20</sup> In decision No. 390/2021,<sup>21</sup> the Romanian Constitutional Court held that national constitutional identity sets a limit on the primacy of EU law, requiring Romanian courts to respect its rulings on constitutional compatibility. The CJEU's position was contrary to this, insisting that EU law's primacy is absolute, with the obligation to the national courts to set aside any conflicting national law, including the Constitutional norms, to ensure uniform EU law application. However, in practice, some Romanian courts<sup>22</sup> pronounced decisions in 2024 and 2025, challenging the CJEU's authority to disapply national laws in cases such as those concerning the statute of limitations for fraud against EU financial interests, leading to legal uncertainty and divergent practices within national courts. Hence, Romanian courts and judges are caught between the Constitutional Court's decision, and the CJEU's role of ensuring and enforcing the EU's law application and effectiveness. Another layer of complexity is added by the fact that Article 148(2) of the Constitution provides for the supremacy of European law only over national legislation, not over the Constitution itself. Consequently, until Article 148(2) is amended to expressly establish the supremacy of European law also over the Constitution, both theoretical and practical disputes on this issue will continue to arise.

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20 *Constitutional Discourse (2024), Judicial Review and the Constraints of the Primacy of EU Law Part 2, Poland and Romania, 31 July 2024, <https://constitutionaldiscourse.com/judicial-review-and-the-constraints-of-the-primacy-of-eu-law-part-2-poland-and-romania/>*

21 *Portal Legislativ, Decizia CCR 390/2021: <https://legislatie.just.ro/Public/DetaliiDocument/243370>*

22 *Norel Neagu, Primacy of EU Law – Constitutional Principle and Its Limits in Romania, Revista de Drept Constituțional / Constitutional Law Review, no. 1/2022, Editura Universul Juridic, 17 August 2022 [https://revistade-dreptconstitucional.ro/wp-content/uploads/nr\\_revista/2022\\_1/Art\\_02\\_Revista\\_de\\_drept\\_constitucional\\_nr\\_1\\_2022\\_Neagu.pdf](https://revistade-dreptconstitucional.ro/wp-content/uploads/nr_revista/2022_1/Art_02_Revista_de_drept_constitucional_nr_1_2022_Neagu.pdf)*

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## ANTI-CORRUPTION FRAMEWORK

### General assessment

Romania's trajectory in this area reflects a pattern of stagnation rather than progress. While the Commission has noted some steps to improve the investigation and prosecution of offences in the judiciary, including corruption cases, these efforts have yet to produce durable results. The repeated reshaping of the framework for handling offences committed by magistrates, from ordinary prosecutors, to a special section - the Section for the Investigation of Offences in the Judiciary (SIIJ), and back again, has generated instability instead of reform. Current debates about reviving a special section risk reopening old conflicts that originally prompted the creation of the SIIJ in 2018. At the same time, long-standing problems linked to prescription rules, the absence of accountability for prolonged legislative inaction, and the defensive stance of some judicial bodies in the face of public scrutiny remain largely unaddressed.

The 2025 Constitutional Court decision<sup>23</sup> narrowing the scope of asset declarations is a sign of backsliding. Although the Court cannot be faulted for applying General Data Protection Regulation (GDPR) standards, the practical effect has been a reduction in public access to information that is vital for accountability. Without corrective action, the balance between data protection and transparency risks tilting permanently toward secrecy. The way forward lies in redesigning the asset declaration system so that personal data is protected without undermining its core function of public oversight. If approached seriously, this moment could still mark a turning point toward reform, rather than the entrenchment of opacity.

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23 Curtea Constituțională a României, Decizia 297/29 Mai 2025: [https://www.ccr.ro/wp-content/uploads/2025/06/Decizie\\_297\\_2025.pdf](https://www.ccr.ro/wp-content/uploads/2025/06/Decizie_297_2025.pdf)

## Implementation of 2025 Commission recommendations

### Recommendation: Take measures to ensure efficient investigation and prosecution of criminal offences in the judiciary, including as regards corruption offences (first made in 2023)

Until 2018, offences committed within the judiciary were investigated by the ordinary prosecution offices within the Public Prosecutor's Office (Ministerul Public). Judicial Inspection Report No. 5488/IJ/1365/DIP of 2018 revealed that one of these prosecution offices (the National Anti-Corruption Directorate-DNA) had opened a large number of cases against judges, mainly on the basis of ex officio notifications, with these cases being kept open for long periods of time. The Superior Council of Magistracy accused this practice of the anti-corruption prosecutor's office of constituting a form of pressure on judges.

For this reason, in 2018, the Section for the Investigation of Offences in the Judiciary (SIIJ) was established, as an independent structure operating within the Prosecutor's Office attached to the High Court of Cassation and Justice. The prosecutors in this section were appointed through a competitive examination organised by the Superior Council of Magistracy. The section functioned until 2022, when it was abolished (a controversial decision), and the system returned to having offences committed within the judiciary investigated by the ordinary prosecution offices within the Public Prosecutor's Office. The novelty introduced in 2022 was that, within the ordinary prosecution offices, not just any prosecutor may investigate offences in the judiciary, but only specially designated prosecutors, namely prosecutors with extensive seniority (at least 15 years), no disciplinary sanctions, top professional evaluations, impeccable moral conduct, and significant professional experience.

At the end of 2025 a working group was set up by the government to advance reforms in the field of justice; this issue is also on the agenda.<sup>24</sup> One of the ideas currently circulating in the public debate is the re-establishment of a special section for investigating offences in the judiciary, this time to operate within the DNA rather than within the Prosecutor's Office attached to the High Court of Cassation and Justice. It is very difficult to assume that judges or the Superior Council of Magistracy would agree to this option given that the special section for investigating offences in the judiciary (SIIJ) was created in 2018 precisely because judges were accusing the DNA of exerting pressure on them.

24 Gabriel Pecheanu, 'The working group for justice laws, officially established by the Bologna Government (Grupul de lucru pentru legile justiției, constituit oficial de Guvernul Bolojan)', *Mediafax*, 20 December 2025, <https://www.mediafax.ro/politic/grupul-de-lucru-pentru-legile-justitiei-constituit-oficial-de-guvernul-bolojan-23661450> [in Romanian]

If the current system needs to be improved, it is essential that those advocating for change also present the possible options for improvement, together with the necessary arguments. Otherwise, it is difficult to chart a new and sound course for regulating the investigation of offences in the judiciary, after this regulation has already shifted from the ordinary prosecution offices to a special section and, after a relatively short time, back again to the ordinary prosecution offices.

APADOR-CH considers that the recommendation is too vague and should be changed to:

*Grant a longer period of stability to the system for investigating offences in the judiciary, by abandoning the idea of constant changes, unless major problems are identified, especially in light of the relatively short experience of the special section (SIIJ) within the Prosecutor's Office attached to the High Court of Cassation and Justice.*

**Commission's 2025 assessment: Limited progress**

**APADOR-CH's current assessment: No progress**

**Recommendation: Introduce rules on lobbying for Members of Parliament and ensure the effectiveness of the asset declaration system (first made in 2022 with a focus on lobbying rules for Members of Parliament; expanded in 2025 to include ensuring effectiveness of asset declaration system)**

Currently, there are no rules on lobbying in Romania and the Constitutional Court ruled on 25 May 2025 that there is no need to have the politician declarations of assets made public, as it infringes on their rights to protect their privacy (GDPR) and private life.<sup>25</sup> This decision was saluted as beneficial by many corrupt leaders and their business partners.<sup>26</sup> Also, the obligation to list the assets and interests of their spouses was removed.

25 *Constitutional Court of Romania*), Decision No. 297/2025, 29 May 2025: [https://www.ccr.ro/wp-content/uploads/2025/06/Decizie\\_297\\_2025.pdf](https://www.ccr.ro/wp-content/uploads/2025/06/Decizie_297_2025.pdf) [in Romanian]

26 Dragoş Anastasiu resigned after the ANAF bribery scandal. The path from doctor to deputy prime minister (Dragoş Anastasiu – medic, antreprenor vizionar în turism și transporturi, vicepremier și scheleți din dulap), Radio Europa Liberă România, 27 July 2025, <https://romania.europalibera.org/a/dragos-anastasiu-medic-antreprenor-vizionar-in-turism-si-transporturi-vicepremier-si-scheletii-din-dulap/33483981.html> [in Romanian]

The adoption of a lobbying law is difficult because, at the level of society, lobbying is often equated with corruption (in the Criminal Code there is the offence of influence peddling, which criminalises acts that are very similar to lobbying, at least at the level of public perception). For this reason, a lobbying law is seen, in public opinion, as a legalisation of influence peddling and is likely to encounter obstacles and reluctance stemming from public perception, which is rather difficult to change.

The restriction of obligations regarding asset declarations, following the 2025 Constitutional Court decision, could be considered a step backwards in terms of the transparency of public office. At the same time, however, the Constitutional Court cannot be blamed for applying the provisions of the GDPR in its decisions. There needs to be harmony and balance between the two values at issue: the transparency of public office and the protection of personal data. For the moment, this is how the balance found by the Constitutional Court looks.

The recommendation is clear on the need to introduce rules on lobbying, but vague with regard to ensuring the effectiveness of asset declarations, as it does not specify what concrete measures should be taken to achieve this. Instead, the Commission should recommend that Romania: *Redesign the asset declaration system to ensure that it remains an effective tool for transparency and accountability while fully complying with data protection standards.*

**Commission's 2025 assessment: No progress**

**APADOR-CH's current assessment: No progress**

## **Gaps in the Commission's Report**

### **Statute of limitations in criminal cases**

The Commission missed the opportunity to make a clear recommendation on the systemic impact of the prescription (statute of limitations) crisis in criminal cases and the prolonged legislative inaction that followed Constitutional Court Decision No. 297/2018. The failure of the parliament to act in time after the Constitutional Court declared unconstitutional the rules on interrupting limitation periods created a long-lasting legal vacuum. This allowed a significant number of serious criminal cases, including corruption cases, to become time-barred, with lasting effects on accountability and public trust in the justice system. In 2025, the consequences of this legislative failure became even more visible. High-profile cases continued to be closed because of the prescription, reinforcing public perceptions of impunity. The Recorder investigation further highlighted how procedural delays and institutional dysfunctions deepened the crisis of confidence in the justice system. Despite the scale of the problem, the issue was not addressed in a targeted way through the Commission's recommendations.

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## New Issues that Emerged in 2025

### Whistleblowing legislation

Following the Recorder investigation, the President organised consultations with magistrates and other actors from the judicial system to discuss the functioning of justice and institutional vulnerabilities. The summary of these consultations mentions some magistrates' concerns about the uncertain application of whistleblower protection within the judiciary. Participants reported that an institutional interpretation attributed to the Superior Council of Magistracy in 2025 suggested that the Law No. 361/2022<sup>27</sup> might not apply to courts, a view perceived as a source of pressure and legal insecurity.<sup>28</sup> At the same time, an internal whistleblowing channel in line with the Law No. 361/2022 has been set up within the National Institute of Magistracy.<sup>29</sup>

While the existence of a decision of the Superior Council of Magistracy suggesting that whistleblowing legislation does not apply to courts is yet to be confirmed, the consultations also revealed a climate of fear within the system. Magistrates repeatedly referred to anonymity as a form of self-protection against possible reprisals, including disciplinary action and negative career consequences. Oversight and evaluation mechanisms were described as being used informally to discourage criticism, while internal messages were said to deter solidarity and reporting.

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27 *Portal Legislativ, Legea 361/2022 privind protecția avertizorilor în interes public: <https://legislatie.just.ro/Public/DetaliiDocument/262872>*

28 *Presidency of Romania, Summary of observations submitted by magistrates and other actors in the judicial system on the functioning of justice, the independence of magistrates and the mechanisms regarding the career of magistrates (Sinteza observațiilor transmise de magistrați și alți actori din sistemul judiciar privind funcționarea justiției, independența magistraților și mecanismele privind cariera magistraților), 21 December 2025, <https://www.presidency.ro/ro/media/comunicate-de-presa/sinteza-observatiilor-transmise-de-magistrati-si-alti-actori-din-sistemul-judiciar-privind-functionarea-justitiei-independenta-magistratilor-si-mecanismele-privind-cariera-magistratilor> [in Romanian]*

29 *National Institute of Magistracy, Information regarding the establishment of the internal reporting channel at the level of the National Institute of Magistracy, according to Law no. 361/2022 on the protection of whistleblowers in the public interest (Informare privind instituirea canalului intern de raportare la nivelul Institutului Național al Magistraturii, conform Legii nr. 361/2022 privind protecția avertizorilor în interes public), August 2025, [https://inm-lex.ro/wp-content/uploads/2025/08/INFORMARE\\_instituire-canalul-intern-de-raportare.pdf](https://inm-lex.ro/wp-content/uploads/2025/08/INFORMARE_instituire-canalul-intern-de-raportare.pdf) [in Romanian]*

## ***Implications and Recommendations for 2026***

To address the crisis around the statute of limitations for criminal cases, the Commission should issue a new recommendation to set up an official inquiry into the matter.

**Suggested recommendation:** Initiate an independent inquiry into the prolonged parliamentary inaction following Constitutional Court Decision No. 297/2018 and assess responsibility for the resulting legislative gap.

With regard to developments related to whistleblowing legislation, the Commission should issue one new recommendation.

**Suggested recommendation:** Ensure the effective application of whistleblower protection within the judiciary and include a dedicated section in the anti-corruption chapter of the Rule of Law Report to assess how whistleblowing legislation is applied in the justice system.

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## MEDIA ENVIRONMENT AND MEDIA FREEDOM -

### General assessment

The trajectory of the mass media environment in Romania 2025 is characterised by stagnation and systemic vulnerabilities. While the legal architecture for media regulation exists, the implementation remains the primary weakness, leading to a landscape defined by opaque ownership, political influence, and declining public trust. Romania has not yet implemented any provision of the European Media Freedom Act (EMFA) into its national legislation. Despite the Regulation entering into force in August 2025 and official declarations of intent from the Ministry of Culture to harmonise laws in 2026, no concrete legislative progress was achieved by the end of 2025. Non-transparent political financing and politicisation of regulators continue to impact the media environment. In terms of backsliding in media freedom, hostility towards journalists persists. Journalists face frequent verbal intimidation and physical obstruction from political actors. In 2025, incidents included the head of the Prime Minister's press office physically pushing journalists and a mayor threatening a local reporter with physical violence.

The leadership of the national public radio (SRR) and television (TVR) remains subject to political appointments, with management often changing alongside shifts in political majorities. Both institutions suffer from 'historically embedded obedience' and a lack of critical journalism. Encouragingly, the law adopted by the Ministry of Justice to transpose the Anti-SLAPP Directive also extends to domestic cases. The appointment of the Ombudsperson as a national focal point for these cases is likewise regarded as a positive step. At the end of 2025, the new Director General of TVR authorised the broadcast of an investigation by the independent outlet Recorder into high-level corruption within the judiciary, a decision widely seen as a welcome and rare assertion of independence within the public broadcasting system. In addition, the Ministry of Culture has announced plans to align national legislation with the EMFA by the first half of 2026, although no concrete progress had been achieved by the end of 2025.

## Implementation of 2025 Commission recommendations

### **Recommendation: Step up efforts to strengthen the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account European standards on public service media (first made in 2022)**

Both the national public radio (SRR) and television (TVR) continue to have the image of politicized institutions, suspected of (self) censorship and poor financial management. The leaders of these institutions are politically appointed, and their dismissal is carried out through the simple non-approval of the activity reports submitted to the parliament. At the end of 2025, a new leadership of TVR and SRR was voted in parliament on the proposals of the parties in government. Although both individuals have a journalistic background, they were proposed and supported politically for occupying these positions.

According to the Media Capture Monitoring Report,<sup>30</sup> the performance of the TVR is below expectations, with an audience share of under 5%. Although it continues to offer quality content, with a “reasonable balance and impartiality”, the overall performance remains weak. The SRR is in a more advantageous position, with content aligned with its public mission, but it still lacks critical journalism.

In addition, Romania has not yet implemented any provision of the EMFA. The implementation of the Regulation in Romanian legislation was announced<sup>31</sup> as early as August 2025 by the Ministry of Culture, which is designated as the coordinator of the process of harmonising national legislation with the requirements of the EMFA. The Ministry announced that it was already collaborating with the parliament, the National Audiovisual Council (CNA), the National Authority for Management and Regulation in Communications (ANCOM), SRR and SRTV, civil society as well as with professional press associations, but by December 2025 no concrete progress had been made in this regard.

30 The International Press Institute (IPI) and the Media and Journalism Research Center (MJRC), Media capture monitoring report: Romania Measuring EMFA Compliance, November 2025, <https://ipi.media/wp-content/uploads/2025/11/ROMANIA-Media-Capture-Monitoring-Report-Overview-5.pdf>

31 Ministry of Culture, *The Ministry of Culture adapts national legislation to implement the European Regulation on Freedom of the Media (EMFA)* (Ministerul Culturii adaptează legislația națională pentru aplicarea Regulamentului european privind libertatea mass-mediei (EMFA)), 13 August 2025, [www.cultura.ro/ministerul-culturii-adapt-eaza-legislatia-nationala-pentru-aplicarea-regulamentului-european-privind/](http://www.cultura.ro/ministerul-culturii-adapt-eaza-legislatia-nationala-pentru-aplicarea-regulamentului-european-privind/) [in Romanian]

In an interview<sup>32</sup> given in December 2025, the Minister of Culture stated that for the application of the Regulation “extensive legislative amendments will be necessary”, because “Romanian legislation regarding the press is dispersed across numerous normative acts, without coherence between them, and this is one of the reasons why a single law or even a code on freedom of expression, creation and press freedom would be necessary. This should integrate Law No. 41/1994,<sup>33</sup> the Audiovisual Law, the Law on written culture, digital legislation and other relevant norms, in order to create a coherent legislative structure”. The Minister also stated that he aims for the amendments necessary for the implementation of the EMFA to be finalized by the first half of 2026.

The Commission’s recommendation is not only very vague but refers only to one issue: public media services. It failed to make concrete recommendations on the systemic lack of transparency in political financing of the media, the weak independence of the media regulator and the insufficient protection of journalists, despite these problems being repeatedly documented in previous reports. This single recommendation should be split into two in the Commission’s upcoming report:

*(1) Further develop and implement of the provisions of the EMFA in national legislation, taking into account national institutional specificities, in particular as regards media financing, where full transparency should be ensured, and the establishment of a register of media owners.*

*(2) Any initiative, expressed at the ministerial level, to merge existing legislation into a single freedom of expression code be preceded by a thorough impact assessment and broad stakeholder consultation, to prevent the adoption of overly complex and bulky normative acts that would undermine legal clarity and practical enforcement.*

**Commission’s 2025 assessment: No progress**

**APADOR-CH’s current assessment: No progress**

32 “EMFA’s goal is not to impose itself over national legislation, but to allow for coherent harmonization and alignment with European standards regarding media freedom and pluralism.” Exclusive interview with András István Demeter, Minister of Culture („Scopul EMFA nu este să se impună peste legislația națională, ci să permită o armonizare coerentă și o aliniere la standardele europene privind libertatea și pluralismul media” Interviu în exclusivitate cu András István Demeter, ministru al Culturii), *Union of Professional Journalists of Romania*, 18 December 2025, <https://uzpr.ro/18/12/2025/scopul-emfa-nu-este-sa-se-impuna-pest-legislatia-nationala-ci-sa-permita-o-armonizare-coerenta-si-o-aliniere-la-standardele-europene-privind-libertatea-si-pluralismul-media-interv/> [in Romanian]

33 *Portal Legislativ, Legea 41/1994, privind organizarea SRR și TVR: <https://legislatie.just.ro/Public/DetaliiDocument/20381>*

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## Gaps in the Commission's Report

### Political financing of private media

In Romania, political parties and public authorities continue to finance private media in a non-transparent manner, while oversight institutions remain politicised and ineffective. At the same time, access to public information is increasingly restricted, media ownership outside the audiovisual sector remains opaque, and journalists are still exposed to harassment through abusive lawsuits, in the absence of effective Anti-SLAPP protection. In 2025, political parties continued to direct substantial public subsidies towards media and propaganda. According to Expert Forum,<sup>34</sup> 53% of state subsidies, around 93.000.000 lei, were spent on press and propaganda. Despite repeated requests from the civil society, parties refused to publish contracts, invoking commercial secrecy, and there is still no legal obligation to ensure transparency when funds are channeled through private intermediaries such as PR agencies. At the same time, the National Audiovisual Council (CNA) remained politicised<sup>35</sup> and under-resourced. During the 2025 electoral campaign, it ordered the removal of online content, including material critical of those in power, actions widely criticized as exceeding<sup>36</sup> its mandate. Plans announced by the Government to merge the CNA with the National Authority for Management and Regulation in Communications (ANCOM) added further uncertainty about the future of media regulation. Transparency of media ownership remained insufficient outside the audiovisual sector, highlighted by politically connected acquisitions in 2025. Access to public information deteriorated further, while journalists<sup>37</sup> continued to face intimidation through SLAPP-type lawsuits.

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34 *Septimius Pârâu*, *Subsidies to political parties January-August 2025* (Subvențiile partidelor politice Ianuarie - august 2025), September 2025, EFOR, <https://expertforum.ro/wp-content/uploads/2025/09/PB225-subvsept2025.pdf> [in Romanian]

35 *The International Press Institute (IPI) and the Media and Journalism Research Center (MJRC)*, *Media capture monitoring report: Romania Measuring EMFA Compliance*, November 2025, <https://ipi.media/wp-content/uploads/2025/11/ROMANIA-Media-Capture-Monitoring-Report-Overview-5.pdf>

36 *ActiveWatch*, *The CNA must not abusively censor citizens' constitutional right to freedom of opinion (CNA nu trebuie să cenzureze abuziv dreptul constituțional al cetățenilor la libertatea de opinie)*, 28 March 2025, : <https://activewatch.ro/articole/cna-nu-trebuie-s%C4%83-cenzureze-abuziv-dreptul-constitu%C8%9Bional-al-cet%C4%83%C5%A3enilor-la-libertatea-de-opinie/> [in Romanian]

37 *APADOR-CH*, *How much does freedom of expression cost in Gorj?* (Cât mai costă libertatea de exprimare în Gorj?), 7 November 2025, : <https://apador.org/en/cat-mai-costa-libertatea-de-exprimare-in-gorj/> [in Romanian]

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## New Issues that Emerged in 2025

### **Disinformation**

In 2025, the issue of disinformation and the state's response to it became a new concern, following the annulment of the 2024 presidential elections, officially justified by allegations of large-scale foreign online disinformation. While combating disinformation has gained political urgency, the absence of a clear legal definition and of a coherent legislative framework creates a serious risk that anti-disinformation policies may evolve into state censorship rather than democratic protection.

The core problem is the gap between political intent and legal safeguards. Romania still lacks a law on combating disinformation, and despite public commitments, the subject appears to have stalled in terms of concrete measures. Meanwhile, the President has announced<sup>38</sup> the creation of a dedicated anti-disinformation department within the Presidential Administration in early 2026, intended to strengthen institutional capacity to counter misinformation, especially online. Without clear definitions, procedures, or accountability mechanisms, this initiative risks reinforcing executive power in a sensitive area affecting freedom of expression, without adequate democratic oversight.

Throughout 2025, APADOR-CH sought<sup>39</sup> clarification from the Presidency and the Supreme Council of National Defense (CSAT) regarding the concrete strategy, procedures, and safeguards for combating disinformation. These efforts followed repeated statements by the new President elected in spring 2025, who emphasised the urgency of rapid intervention. Access to the National Strategy for Strategic Communication and Combating Disinformation (drafted in 2021 but kept classified) was obtained only with difficulty, and it remains unclear whether or how it has been implemented. Authorities failed to respond to key questions, including who decides what constitutes disinformation and what remedies will exist for those affected. In parallel, several incidents in 2025 involved citizens being contacted by police and pressured through fines, warnings, or informal requests to delete social

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38 Cristian Pantazi, SOURCES President Nicușor Dan will establish a special department against disinformation in the Presidential Administration (SURSE Președintele Nicușor Dan va înființa un departament special împotriva dezinformării în Administrația Prezidențială), *G4Media.ro*, 7 January 2026, [www.g4media.ro/surse-presedintele-nicusor-dan-va-infiinta-un-departament-special-impotriva-dezinformarii-in-administratia-prezidentiala.html](http://www.g4media.ro/surse-presedintele-nicusor-dan-va-infiinta-un-departament-special-impotriva-dezinformarii-in-administratia-prezidentiala.html) [in Romanian]

39 APADOR-CH, Combating disinformation must not become a tool of censorship (Combaterea dezinformării nu trebuie să devină instrument de cenzură), 13 June 2025, <https://apador.org/combaterea-dezinformarii-nu-trebuie-sa-devina-instrument-de-cenzura/> [in Romanian]

media posts critical of authorities.<sup>40</sup> A partial definition of disinformation appeared only in the new Audiovisual Code<sup>41</sup> adopted by the CNA in 2025. However, this is an administrative act, not a law, and applies only to audiovisual media providers, leaving the broader online and civic space largely unregulated but increasingly policed<sup>42</sup> in practice.

## Implications and Recommendations for 2026

The developments around political financing of media undermine editorial independence, distort the public information space, and erode public trust in both the media and state institutions. Non-transparent political financing blurs the line between journalism and propaganda, weak regulation enables arbitrary interference, and the lack of protection for journalists chills critical reporting. Together, these trends deepen media capture and weaken democratic accountability.

**Suggested recommendation:** Adopt binding transparency rules for all political and public funding of media, including mandatory disclosure of contracts, intermediaries, and final beneficiaries, the swift and effective implementation of the European Media Freedom Act, accompanied by reforms to strengthen the independence and resources of the CNA.

**Suggested recommendation:** Extend media ownership transparency obligations to online media and the urgent transposition of the Anti-SLAPP Directive into national law.

On the issue of disinformation and the government's response to it, the following recommendation should be issued.

**Suggested recommendation:** Public authorities should adopt anti-disinformation measures that do not suppress free expression or impose an official version of truth. Any framework must strictly respect legality, proportionality, and judicial oversight, in line with the rule of law standards. Authorities should also carry out genuine public debates involving communication experts, digital platform specialists, civil society, and the judiciary.

40 *APADOR-CH*, Cătălin Predoiu is a militiaman! (Cătălin Predoiu e un milițian!), 12 February 2025, <https://apador.org/catalin-predoiu-e-un-militian/> [in Romanian]

41 *National Audiovisual Council*, *DECISION No. 573 of June 25, 2025 on the Audiovisual Content Regulatory Code (DECIZIE nr. 573 din 25 iunie 2025 privind Codul de reglementare a conținutului audiovizual)*, CNA, 4 July 2025, [www.cna.ro/a-decizie-nr-573-din-25-iunie-2025-privind-codul-de-reglementare-a-continutului-audiovizual-jw3bdxt4gnjecm25skt7d6jy/](http://www.cna.ro/a-decizie-nr-573-din-25-iunie-2025-privind-codul-de-reglementare-a-continutului-audiovizual-jw3bdxt4gnjecm25skt7d6jy/) [in Romanian]

42 *APADOR-CH*, Cătălin Predoiu is a militiaman! (Cătălin Predoiu e un milițian!), 12 February 2025, <https://apador.org/catalin-predoiu-e-un-militian/> [in Romanian]

## CHECKS AND BALANCES

### General assessment

The developments of 2025 point to a worrying consolidation of executive dominance over democratic safeguards. One of the clearest warning signals is the routine use of exceptional legislative mechanisms such as emergency ordinances and the procedure of assuming governmental responsibility in order to bypass parliamentary debate and meaningful public consultation. For example, the regulation of a new electoral cycle through emergency legislation, despite strong criticism from civil society,<sup>43</sup> reinforced the perception that urgency is being used as a pretext to avoid debate on matters of fundamental rights. This reflects a deeper shift in political culture, in which transparency, accountability, and participation are increasingly treated as obstacles to efficiency rather than as democratic essentials.

Pressure on civic space adds another layer of concern. Proposals to extend public-law transparency obligations to NGOs would fundamentally alter the relationship between the state and civil society, transforming accountability rules into potential instruments of control. Even if not yet adopted, such initiatives already create a chilling effect, particularly for watchdog organisations. Recent decisions of the Constitutional Court further amplify these risks. Excluding presidential candidates on the basis of their political speech, without due process and beyond the limits set by law, raises serious questions about freedom of expression and the role of constitutional justice.

It is increasingly clear that current trends point in a concerning direction. The warning signs are evident, and once exceptional practices are becoming routine. Re-establishing respect for parliamentary scrutiny, meaningful public consultation, effective oversight, and a supportive environment for civil society, therefore, remains essential for the proper functioning of democratic institutions.

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43 APADOR-CH, *Cerem AVP să atace la CCR ordonanța de comasare a alegerilor*, <https://apador.org/cerem-avp-sa-atace-la-ccr-ordonanta-de-comasare-a-alegerilor/>

## Implementation of 2025 Commission recommendations

### Recommendation: Step up efforts to address the frequent use of government emergency ordinances and to ensure effective public consultations before the adoption of legislation (first made in 2023)

In 2025, the government did not advance the implementation of the recommendation to reduce the frequent use of emergency ordinances and to ensure effective public consultation before adopting legislation.

On the contrary, the year consolidated a pattern of executive dominance over the legislative process, marked by systematic circumvention of the parliament and marginalisation of consultative mechanisms. Out of 248 laws adopted in 2025, 124 merely approved prior government decisions, while four were adopted through the procedure of assuming governmental responsibility.<sup>44</sup> As a result, only half of the laws were genuinely debated and adopted by the parliament, while the government became the main driver of legislation. In parallel, the executive issued 1,253 normative acts in a single year, including 95 emergency ordinances and 1,158 government decisions.

A key example of this approach was the reform of magistrates' pensions. Instead of submitting a draft law to the parliament for debate, the government used the procedure of assuming responsibility, which drastically limits parliamentary scrutiny and public input. The Constitutional Court declared the law unconstitutional due to the failure to consult the Superior Council of Magistracy.<sup>45</sup> The second law on the same issue was later adopted in 2025 through the same expedited procedure and is again pending constitutional review. These developments reveal a persistent refusal to engage in genuine institutional dialogue on reforms that directly affect the functioning and independence of the justice system.

44 *Lege5 (2025)*, Legislative database, statistical data source, <https://lege5.ro/>

45 Emilian Isailă, A long and complicated road to reducing special pensions: CSM attacks Bolojan, CCR will have the final say, Spotmedia, [https://spotmedia.ro/en/news/opinions-and-analyses/a-long-and-complicated-road-to-reducing-special-pensions-csm-attacks-bolojan-ccr-will-have-the-final-say?utm\\_source=chatgpt.com](https://spotmedia.ro/en/news/opinions-and-analyses/a-long-and-complicated-road-to-reducing-special-pensions-csm-attacks-bolojan-ccr-will-have-the-final-say?utm_source=chatgpt.com)

This pattern extended beyond justice reform. After the annulment of the presidential elections in December 2024, Romania entered a new electoral cycle in spring 2025. The process was regulated once again through an emergency ordinance, OUG No. 1/2025, adopted without real public consultation and in the absence of decision-making transparency.<sup>46</sup> Civil society explicitly criticized this approach, stressing that changes to electoral law must be made transparently and without undermining fundamental rights. These concerns were, however, ignored, reinforcing the perception that emergency legislation is used not only to bypass the parliament, but also to silence societal input on matters of democratic importance.

The recommendation is clear, and the main obstacles to implementing it in 2025 were political and institutional. The government prioritised speed and control over transparency and participation, treating consultation as optional rather than essential. Moreover, the vague constitutional regulation of the procedure for assuming governmental responsibility enabled repeated use of this mechanism, transforming an exceptional tool into a routine shortcut that bypasses parliamentary debate and weakens democratic oversight at a time when public trust in institutions is already fragile.

**Commission's 2025 assessment: Some progress**

**APADOR-CH's current assessment: Backsliding**

**Recommendation: Take forward the process for obtaining accreditation for the National Human Rights Institutions, taking into account the UN Paris Principles (first made in 2023)**

During 2025, no concrete developments were recorded regarding the implementation of the recommendation on the accreditation of national human rights institutions. The situation remains unchanged from that described in the previous report. The main obstacles identified persist, these include the lack of compliance of the Romanian Institute for Human Rights with the Paris Principles, in particular, with regard to its independence from the executive, the procedures for appointing its leadership, and the adequacy of its financial and human resources. The issue raised concerning the accreditation of more than one national institution with the same geographic mandate also remains unresolved.

**Commission's 2025 assessment: No progress**

**APADOR-CH's current assessment: No progress**

<sup>46</sup> APADOR-CH, *The government establishes political control of online communication in the electoral campaign* (Guvernul instituie controlul politic al comunicării online în campania electorală), 21 January 2025, <https://apador.org/en/guvernul-instituie-controlul-politic-al-comunicarii-online-in-campania-electoralala> [in Romanian]

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## **Gaps in the Commission's Report**

An important issue on which the Commission should have made a clear recommendation concerns the protection of civic space from regulatory overreach, illustrated by the attempt to extend public law transparency obligations to NGOs through the draft Administrative Procedure Code.<sup>47</sup> Although the Commission briefly mentioned this development in the report, it did so only in passing despite the serious implications for civil society.

The draft classifies NGOs as “holders of public interest information” simply because they act in the public interest or manage public funds. As a result, they would fall under the full scope of Law no. 544/2001, being required not only to ensure transparency in relation to funding, but to respond to requests concerning any information deemed to be of public interest, meaning any information that “results from or concerns” their activity. This goes far beyond the legitimate objective of ensuring financial accountability. It would subject private, non-profit organizations to a regime designed for public authorities, exposing them to broad disclosure obligations, constant administrative pressure, and potential litigation. In practice, this transforms a transparency law into a tool of generalized control over civil society.

The proposal relies on vague and unpredictable legal concepts, such as “acting in the public interest,” without clear criteria, creating legal uncertainty and allowing arbitrary or selective application. Should it pass, it would impose a disproportionate administrative and financial burden on NGOs, many of which lack the staff and resources to comply with obligations intended for public institutions. Moreover, it produces a chilling effect on civic space, particularly on watchdog organizations, which become more vulnerable to harassment through excessive information requests and litigation. This is all the more problematic given that adequate mechanisms for ensuring transparency already exist. NGOs receiving public or EU funds are subject to financial reporting obligations, audits, donor requirements, and controls by public authorities. Extending Law no. 544/2001 to cover the entirety of their activity does not strengthen accountability; it merely adds unnecessary bureaucracy and pressure.

Although the draft of the Administrative Procedure Code has not yet been adopted, there is a real risk that it could be passed through the Government assuming responsibility procedure. In this context, the Commission should recommend that Romania refrain from treating NGOs as public authorities and ensure that any transparency obligations imposed on private entities are narrowly defined and proportionate.

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47 Ministry of Development, Public Works and Administration (2025), *Proiect lege aprobare Cod de procedură administrativă*, 19 February 2025, <https://www.mdpa.ro/pages/proiectlegeaprobarecodproceduraadministrativa19022025>.

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## **New Issues that Emerged in 2025**

### **Parliamentary elections and freedom of expression**

In the context of the parliamentary elections initially held in 2024 and repeated in 2025 following their annulment, the Constitutional Court of Romania excluded two candidates from the presidential race. The Court justified its decision because the candidates were insufficiently committed to European and democratic values.

The Constitutional Court based this conclusion on the candidates' public statements and conduct, noting that they had repeatedly expressed negative views on the functioning of the EU and NATO. These statements had not been sanctioned by any court of law. Nevertheless, the Constitutional Court held that such criticism amounted to an erosion of constitutional values and guarantees, equivalent to rejecting Romania's fundamental democratic choices. As stated in the Court's reasoning: "Membership of the EU and NATO represents fundamental constitutional options and, under these conditions, constitutes guarantees of the values enshrined in the Constitution. Undermining these values and guarantees is equivalent to rejecting fundamental democratic choices."<sup>48</sup> The Court's decision raised both procedural and substantive concerns. From a procedural perspective, although the Court acted in a quasi-judicial capacity, the candidates were denied the right to defense: they were unable to submit evidence, were not represented by legal counsel, and had no right of appeal, as the Court's decisions are final. From a substantive point of view, the law does not list loyalty to European or Euro-Atlantic institutions as a requirement for presidential candidacy. Statutory conditions are formal and limited: age, citizenship, and the collection of a minimum number of supporting signatures. By introducing an additional, unwritten condition, namely, refraining from criticising certain institutions or values, the Constitutional Court effectively amended the law, although no court had ruled such statements unlawful.

The core issue raised by this case concerns freedom of expression. Criticism of the European or Euro-Atlantic institutions clearly falls within the scope of protected speech. Public debate on Romania's membership of these structures should not be treated as a serious offence warranting exclusion from the presidential race. Such an approach inevitably suppresses open and honest discussion on matters of undeniable public interest. APADOR-CH has therefore reiterated its recommendation that the powers currently exercised by the Constitutional Court be transferred to professional judges within a specialised chamber of the High Court of Cassation and Justice. These responsibilities should not remain with politically appointed members nominated by the parliament and the President. Although

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48 *Constitutional Court of Romania*, CCR Ruling No. 2/2024, para. 39, 5 October 2024, <https://www.ccr.ro/wp-content/uploads/2024/10/HOTARAREA-nr.2.pdf> [in Romanian]

judges of the Constitutional Court hold legal qualifications, their independence and impartiality cannot be equated with those of career judges. The institutional history of the Court provides sufficient grounds for this concern. In this context, the European Commission should also be encouraged to address issues relating to the functioning of the Constitutional Court.

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### **The Association for the Defense of Human Rights in Romania – the Helsinki Committee**

APADOR-CH (the Association for the Defense of Human Rights in Romania – Helsinki Committee) is a non-governmental, non-profit organization established in 1990. For more than three decades, the association has played a pivotal role in promoting human rights, transparency, and the rule of law in Romania. Its work consistently focuses on shaping the human rights agenda and maintaining a watchdog role in areas where accountability is weak. The organisation's objectives include the development of effective legal and institutional mechanisms to ensure respect for human rights and the advancement of transparency and good governance through institutional reform. Legislative improvement remains a key priority, particularly in relation to freedom of expression, assembly, association, and the right to privacy. The association's methods are grounded in ongoing legal analysis, strategic litigation that informs and strengthens advocacy, human rights monitoring, and public campaigns.

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### **The Civil Liberties Union for Europe**

The Civil Liberties Union for Europe (Liberties) is a non-governmental organisation promoting the civil liberties of everyone in the European Union. We are headquartered in Berlin and have a presence in Brussels. Liberties is built on a network of 24 national civil liberties NGOs from across the EU.

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