



Bucharest, February 6, 2020

Mrs. Ursula von der Leyen
President
European Commission

Ref.: New urgency ordinances affecting the electoral process issued by the Romanian Government

Mrs. President,

It is with great worries, that I am forced to write to you again about **the changes made on Tuesday night (4th of February), by the former Romanian Government on the electoral process**. The **new changes, adopted following an urgency procedure, are heavily impacting the Romanian institutional and legal system and represent an unprecedented break of the democratic, transparency and good practices at European level**.

More exactly, in a Government session that took several hours and went till late at night, **the government forces pushed forward for the adoption of 25 controversial urgency ordonnances**, among which the privatization of the medical system, special benefits to private companies and important changes to the electoral procedures. **The ordonnances have been adopted without public consultation and citizen's scrutiny**, and most of them have been revised in the Government session without the consultation of all the institutions legally involved in the process.

This situation has never happened in Romania in the last 30 years and represents a precedent that needs to be stopped. This is why your involvement and reactions are highly valuable and needed in this moment of time. The successful motion of censorship against the government is not enough and unfortunately, the Parliament, cannot cancel the ordonnances recently adopted. It seems that even the amendments of the Ministry for Justice have not been taking into consideration, despite underlying the fact that such changes should not happen a couple of months before the elections.

Regarding the electoral changes, **the PNL government has decided to change the legal procedures for the initiation of snap elections by severally reducing the time period for their organisation, have doubled the number of parliamentary seats for the diaspora constituency and have increased the risk of electoral fraud by allowing anyone to vote in all polling stations independently of their place of residence for the local and parliamentary elections**. Basically, changes designed to create confusion among the voters, affecting the preparation of the elections and the democratic accountability of elected officials.

These changes are clearly against the recommendations of the Venice Commission (adopted on the 18-19th of November 2002) based on which the frequent changes of the electoral system and their complexity can disturb the voter (point 63 of the recommendations) while their modification, less than one year before the elections, should be avoided in all circumstances, independently of the motivations leading to those changes (point 65 of the recommendations). These recommendations also go against the Romanian Constitution that in article 115, point (4) and (6), article 147, point (4), states clearly why such changes should not be done by emergency procedures. Those elements have also been raised by the Romanian Constitutional Court, rulings 134/2005, 258/2006, 421/2007, 190/2010, and recently 214/2019, underlining again why this contravenes to the Romanian Constitution and how this impacts of the Romanian democracy and the best practices in the field at European level.

By the changes made by PNL, the ruling parties have managed therefore to impose major structural and unprecedented changes of the Romanian electoral system. **Like mentioned in the previous letters, this structural changes of the electoral system directly affect the stability of the electoral process and are designed to favour the governing parties in their attempt to create favourable conditions for their own benefits in the electoral competition.** This is an obvious abuse of power and a flagrant violation of democratic practices and of the standards of good practice in electoral matters, as defined by the Venice Commission and shared by all Member States of the European Union. **This changes done in a rush to influence the results of the elections, jeopardize the Romanian democracy and put the electoral process at risk of a political influence exercised by the governing parties.**

I would like to thank you for your reactions to the previous letters and wish to reassure you again of my full willingness to honestly work together with you, in order to promote European democratic values in Romania.

Sincerely yours,

Marcel Ciolacu

**President
Social Democratic Party**

**CC: Mr. Frans Timmermans,
Executive Vice-President, European Commission**

**Mrs. Věra Jourová,
Vice-President for Values and Transparency**

**Mr. Didier Reynders
Commissioner for Justice**