



Mr. Frans Timmermans
First Vice-President of the European Commission
Better Regulation, Interinstitutional Relations,
the Rule of Law and the Charter of Fundamental Rights

Brussels, 7 December 2017

Dear First Vice-President Timmermans,

We would like to draw your attention to the debate surrounding the pending changes to the laws of the justice system in Romania.

We are concerned that the progress shown by Romania in achieving a system of rule of law that complies with the values of the European Union is slowing down and could be on the verge of being reversed.

At the beginning of the year, the Romanian government caused concern with their attempt to hastily pass changes to penal legislation. We are now witnessing the continuation of that process, albeit in a seemingly more complex framework of modifications to laws no. 303/2004 on the statute of judges and prosecutors, no. 304/2004 on the organisation of the judiciary and no. 317/2004 on the Superior Council of Magistrates. This work, which is being undertaken through the Romanian Parliament Joint Special Committee of the Chamber of Deputies and the Senate for Systematization, Unification and Ensuring Legislative Stability in the Field of Justice, is expected to end in February 2018.

As the actors of the process remain largely the same and the public reactions are a sign of alarm, the European Union needs to ensure that the decisions on changes to the functioning of the justice system will be taken by the Romanian Parliament in full compliance with the principles and values of the Union.

To that regard, the Venice Commission opinion needs to be taken into account before the end of the parliamentary procedure, and the eventual legislative changes should be in the direction of ensuring more self-governance in the judiciary and removing any political influence from the process, as correctly pointed out in the 2017 CVM report on Romania.

The intent of the Romanian legislators has generated protest movements that revealed another issue about democracy in the age of the internet. Citizens trying to organise protests have found themselves locked out of Facebook due to automatic limitations applied by the algorithms that turned the platform from an enabler into a gatekeeper of freedom of speech. A targeted reporting campaign, using spam and fake account reporting tools, can be used by a political organisation or state to stifle dissent and limit freedom of speech anywhere in the world.



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As we have a concrete example in Romania, further analysis needs to be done in order to identify the measures that can be enacted to prevent such abuses.

The current evolution in Romania can either be a chance for improvement or to backtrack on the progress already made, especially in the area of anti-corruption. We therefore kindly request that you, as First Vice-President of the European Commission in charge of the Better Regulation, Rule of Law and the Charter of Fundamental Rights, monitor the situation and are proactive in providing the support Romania needs to ensure the quality of the legislative process and compliance with the fundamental values.

In relation to the same fundamental values, the fact that the fundamental right to freedom of speech has been put into question by automated algorithms offers a real case that needs to be investigated by the European Commission.

We are very interested in following up on these topics and the measures you will take to address them and we look forward to your answer to us and to the European Parliament.

Kind regards,

Ska Keller

Philippe Lamberts

Co-Presidents
Greens/EFA Group in the European Parliament

Cc: Mr Jean-Claude Juncker
President of the European Commission