

Brussels, 30th of January 2024

TO: Mme Věra Jourová, Commissioner for Values and Transparency

Honourable Commissioner,

As a European Commissioner, you have demonstrated the highest competence and willpower in protecting the European values and principles. I therefore bring to your attention a dangerous undemocratic slide by the Romanian Government, which intends to amend the electoral legislation less than 6 months before the elections for the European Parliament, with the intention of merging them with the local elections. The recent developments in Romania underscore a troubling disregard for the rule of law, vital in upholding democratic integrity and ensuring a fair electoral process.

A first issue would be that merging the elections could potentially complicate the exercise of voting rights and create confusion for the voters, especially when done on such short notice. These challenges might ultimately result in a restriction of the right to vote, a situation that stands in opposition to the principles outlined in the Venice Commission's Code of Good Practice in Electoral Matters.

The fundamental principle of the non-retroactivity of law is being violated, altering the ongoing term lengths of elected local officials. With their mandates having been validated on the 27th of October 2020, voting again for local elections on the 9th of June would determine either a reduction of former elected officials' mandates, or a period of 5 months in which newly elected officials would have to wait to take up their mandate. Both cases are blatantly unconstitutional and pose a great risk to the principle of legal certainty and the stability of the electoral process.

Yet another worrisome aspect of this proposal pertains to the constitutional right to be elected concerning candidates who want and have the right to participate in both local and European parliamentary elections. Article 39 of the EU Charter of Fundamental Rights enshrines the right to stand as a candidate at elections to the European Parliament, but the Government's proposal prevents local elections' candidates from doing so. This proposal not only infringes upon fundamental democratic principles, but also significantly narrows the electoral landscape, potentially depriving voters of a diverse and representative choice of candidates.

Furthermore, the proposed change to limit voters to casting their ballots only at designated polling stations in areas where they are registered during European parliamentary elections raises significant issues. Nonetheless, this abusive limitation will impede voter engagement and turnout, particularly affecting individuals who are not residing at their permanent addresses, including students, mobile workers, and people traveling.

These proposals pose a substantial threat to the integrity of the electoral process, the rule of law, and the democratic values that are foundational to the European Union. I urge you, honourable Commissioner, to closely scrutinize these developments in Romania. Your intervention and oversight in this matter are essential in upholding the principles of democracy, fairness, and legal certainty that are at the heart of the European Union.

Yours sincerely,

Eugen Tomac
Member of the European Parliament

Vlad Botoș
Member of the European Parliament