

To:

PSD President, President of the Romanian Chamber of Deputies, Mr. Liviu Dragnea

President of the Romanian Senate, Mr. Călin Popescu Tăriceanu

The Romanian Prime Minister, Mr. Sorin Grindeanu

The Minister for Public Consultation and Social Dialogue, Mr. Gabriel Petrea

CC: PSD Deputy, Mr. Liviu Pleșoianu

Ref: L140 / 2017 of 21.03.2017 - Legislative proposal for amending and supplementing the Government Ordinance no.26/2000 regarding associations and foundations

Esteemed Representatives,

We are deeply concerned that the discourse on non-governmental organizations from the 2016 electoral campaigns begins to materialize in a persecution of civil society in Romania. We have noted that, under the pretext of increasing transparency, deputy Pleșoianu's proposal to amend the essential legislation for the functioning of Romanian NGOs imposes unnecessary administrative burdens and levers of political control of non-governmental organizations. The only clear effects of this proposal are an increased state control over NGOs operating legally in Romania and a deterrence of citizens from associating in non-governmental organizations. We should mention that the proposed changes at least:

- Impose on organizations a profoundly discriminatory treatment compared to the rest of the private entities in the country, through the obligation to report all sources of income and expenses twice a year under the threat of dissolution within 30 days. Non-governmental organizations are already subject to the same reporting obligations and the same verification criteria from the tax authorities as other private entities;
- For the first time, they set up censorship tools for criticisms that organizations sometimes bring to politicians and public elected officials, prohibiting public utility organizations from engaging in "campaigns of [...] opposition to a political party or candidate for a public office, in which he/she can be nominated or chosen ", an unfortunate phrasing that can lead to abusive interpretations;

On the other hand, it is regrettable that the initiator's explanatory statement is based on an inaccurate statement, which is more and more common in the public discourse, namely that public utility associations or foundations have access to budgetary financial resources based on this public utility status. We remind you that Article 41, letter b) of GO 26/2000 was abrogated by Law 246/2005, at the initiative of a part of the current letter's signatory organizations. Our argument underlying this repeal

was that public funds must be awarded based on open competition for projects and not by virtue of a specific status.

Since the proposal for these amendments claims to be based on transparency, we ask you to hold a real public debate on this legislative proposal, rather than debate it through an urgent procedure, as requested in the Senate. We consider ironic and counterproductive the meaning of the public debate used by the Ministry of Public Consultation and Social Dialogue, which organized no less than six meetings with NGOs (only in Bucharest, in addition to others organized in the country) about their desires related to the modifications of OG 26, during April 11 - May 19, 2017. However, in none of these meetings, the ministry asked for the opinion of the participants regarding the amendments proposed by PSD, through Mr. Pleșoianu, although the Senate requested the Government's opinion on these Changes since March 28, 2017.

Dear Officials/Representatives,

We stand at a turning point. The Romanian authorities have to decide whether, in relation to civil society, they are joining the principles that have underpinned and maintained the functioning of the European Union, or, on the contrary, they belong to Russian or Hungarian style of government, through which NGOs are thrown into a situation of dissidence.

We are awaiting your decision with genuine interest,

Fundația pentru Dezvoltarea Societății Civile/Civil Society Development Foundation

ActiveWatch

APADOR-CH, Asociația pentru Apărarea Drepturilor Omului în România, Comitetul Helsinki/ The Association for the Defence of Human Rights in Romania – the Helsinki Committee (APADOR-CH)

Asociația pentru Relații Comunitare/Association for Community Relations

Centrul de Resurse Juridice/ Centre for Legal Resources

Centrul de Resurse pentru Comunitățile de Romi/Resource Center for Roma Communities

Centrul pentru Inovare Publică/ Center for Public Innovation

Centrul pentru Jurnalism Independent/Center for Independent Journalism

Centrul pentru Legislație Non-Profit/Center for Non-Profit Legislation

CeRe – Centrul de Resurse pentru participare publică/ The Resource Center for public participation

Expert Forum

Federația Asociațiilor de Părinți care au Copii cu Dizabilități (10 organizații membre)/ Federation of Parent Associations with Children with Disabilities (19 member organizations)

FONSS - Federația Organizațiilor Neguvernamentale pentru Servicii Sociale (27 organizații membre)/ The Federation of Social Service NGOs (27 member organizations)

Fundația Alături de Voi România

Fundația pentru Parteneriat/Romanian Environmental Partnership Foundation

Funky Citizens

Institutul pentru Politici Publice/Institute for Public Policies