



Civil participation in the decision-making process

Follow-up fact finding visit to Romania

3-5 December 2018

Report

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Introduction

The Conference of INGOs of the Council of Europe visits Member States in order to better understand cooperation between NGOs (foundations and associations) and decision makers. Discussions and exchanges during the visits are part of a wider Council of Europe analysis of the effectiveness of various forms of civil society participation in decision-making and of the enabling environment for NGOs in the member States.

The Conference of INGOs uses the definition of NGOs from Recommendation 2007(14) of the Committee of Ministers of the Council of Europe to the Member States: “NGOs are voluntary self-governing bodies or organisations established to pursue the essentially non-profit-making objectives of their founders or members. They do not include political parties” (Art I.1).

In this context, the right to participation in public affairs is inherent of the ECHR system, directly associated with the right to freedom of association (art 11 of ECHR). The references regarding international standards and best practices used during each fact-finding visit are as follows:

- European Convention for the Protection of Human Rights and Fundamental Freedoms
- Recommendation CM/Rec (2007)14 of the Committee of Ministers to member states on the legal status of non-governmental organisations in Europe
- OSCE/ODIHR-Venice Commission Guidelines on Freedom of Association
- Recommendation Rec (2001)19 of the Committee of Ministers to member States on the participation of citizens in local public life
- Report on funding of association, adopted by the Venice Commission at its 118th Plenary Session (Venice, 15-16 March 2019)
- Guidelines for civil participation in political decision-making, adopted by the Committee of Ministers of the Council of Europe on 27 September 2017
- Code of Good Practice for Civil Participation in the Decision-Making Process (2009)
- UN International Covenant on Civil and Political Rights, signed on 16 December 1966, entry into force 23 March 1976.

Since the first visit of the Conference of INGOs in Romania in 2016, the Conference of INGOs has been following closely the dynamics of the Romanian NGO sector and the evolution of its legal, political, economic and social environment. To follow up on its first report, the delegation of the Conference of INGOs visited Bucharest from 3 to 5 December 2018. The delegation was composed of Anna Rurka (President of the Conference of INGOs), Rares-Augustin Craiut (Member of the Bureau), Luminita Petrescu (Vice-Chair of the Democracy Committee, Social Cohesion and Global Challenges), Simona Constantinescu (Member of the Expert Council on NGO Law), Jane Crozier (Civil Society Division, CoE Secretariat).

During the visit, special attention was paid to the evolution of the legal environment in which NGOs are operating in Romania and on the interactions between NGOs and public authorities.

The hosting organisation, Civil Society Development Foundation (CSDF) (Fundatia pentru Dezvoltarea Societatii Civile, FDSC) organised the meeting with more than 30 NGOs: advocacy-oriented organisations, umbrella organisations representing social workers and teachers, grassroots NGOs from outside Bucharest, women and a children's rights umbrella organisation. The first meeting was completed by the second smaller one which was hosted by FDSC too.

The Permanent Representation of Romania to the Council of Europe helped the delegation to set the agenda with public authorities. The delegation of the Conference of INGOs proceeded to the exchanges of views with representatives of the Parliament: Chair of the Committee for Legal Matters, Discipline, and Immunities, Vice-Chairman of the Chamber of Deputies and an MP, at that time, in charge of relations with the Venice Commission.

The meetings were held with the representatives of the Directorate for Open Governance and Civil Society Relation under the General Secretariat of the Government and the representative of the Ministry for Cooperation with the Parliament.

The delegation also exchanged views with the Presidential Advisor. The exchanges were completed by the meeting between the President of the Conference of INGOs and the representative of the National Office for the Prevention and Combating of Money Laundering, accompanied by the representative of the Ministry of Justice during their visit to Strasbourg.

This report focuses on the specific topic discussed during the visit. For more information about the general legal framework related to the freedom of association and enabling environment for NGOs, readers are invited to consult the report on the first visit which took place in 2016.

Evolution of the Legal Framework Applicable to the Functioning of NGOs

According to the data collected by our partner, the National Non-Governmental Organization Register included 107,774 registered CSOs at the start of 2019, an increase of 6,093 from the previous year. However, organizations registered in 2018 cannot be represented on the Register until later in 2019, as courts are not subject to a deadline for updating the registry. Most registered CSOs are associations (87,183) and foundations (18,456). It is estimated that only half of registered CSOs are active¹.

In 2017 and 2018 there were some initiatives to change legislation governing CSOs, which would have seriously diminished CSO's operations and discouraged registration.

The President of the Conference of INGOs was informed about it by Romanian NGOs and in 2017, she started a dialogue with the Permanent Representation about this worrying

¹ For more information, please refer to CSO Sustainability Index for Central and Eastern Europe and Eurasia

development². In order to help Romanian public authorities to comply with the Council of Europe's standards, the Expert Council on NGO Law produced the legal Opinion on Romanian draft law 140/2017 on associations and foundations, as it was adopted by the Senate on 20 November 2017³. The Expert Council observed a “number of serious shortcomings as regards compliance with international standards and best practices”.

In March 2018, the Venice Commission / ODHHR published its Joint Opinion on Draft Law No. 140/2017 on amending Governmental Ordinance No. 26/2000 on Associations and Foundations⁴.

The meeting with the representatives of the Parliament was focused on this draft law and on the follow-up to the Expert Council on NGO Law and Venice Commission Opinions. The Conference of INGOs' delegation has learned that the Expert Council and Venice Commission Opinions on the new draft law No.140/2017 aimed to modify and complete the Government Ordinance no. 26/2000 on associations and foundations, were transmitted by the government to the Parliament's Committee. There were no filed amendments to Plesoianu's bill since December 2017, when the draft was presented. Although put on the agenda of the Parliament's extraordinary session in June 2018, it was mentioned that this draft law does not represent a legislative priority for the SDP (ruling party) and it will be analyzed as any regular draft law. The draft law No 140/2017 was said to be a personal initiative, introduced without the political support of the SDP holding the majority of seats in parliament. The Chair of the Legal Affairs Committee emphasized “the full openness of the Legal Affairs Committee's members to find the best solution by taking into account the respect of international treaties and the guarantee of rights.” In this draft law case, several NGOs reported that they were present at several meetings of the Legal Affairs Committee sessions and expressed their concerns against the draft law, even if it cannot be counted as amendments in procedural law-making terms. No progress has been registered to the Parliamentary process of this draft law; it was neither amended according to the above mentioned opinions nor rejected by the lawmakers. That generates uncertainty for NGOs, with a risk that the draft law could be revived at any time.

During the meeting with the Directorate for Open Governance and Civil Society Relations, the delegation learned that the Ministry of Justice had the intention to introduce another draft law that would impact the regulation of associations and foundations but at that stage no information was provided about its scope and content.

As part of the context, in 2017, new tax policies limiting CSOs' ability to access private funds were established. “New tax policies introduced as part of a larger tax reform also negatively affected CSOs in 2017. A corporate donor is eligible for a deduction for its sponsorships up to

² In addition to the draft Law 140/2017, there was also very worrying initiative from the Ministry for Public Consultation and Social Dialogue which obliged the NGOs to report their sources of income (only incomes over 1000 EUR shall be reported to the Ministry of Justice, rather than in the Official Gazette) and proposing too strict criteria for the NGO if they wish to participate in the consultative structures established by the public authorities. This initiative was circulated for consultation in the public arena but in the end, it was not formalised in a draft law.

³ <https://rm.coe.int/expert-council-conf-exp-2017-3-opinion-on-the-romanian-draft-law-140-2/168076fc9d>

⁴ [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2018\)004-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2018)004-e)

20 percent of its owed income tax, or up to 0.5⁵ percent of its annual turnover, whichever is lower. However, an emergency ordinance passed in January dramatically increased the number of companies that no longer owe income tax, but only a turnover tax, and thus can no longer take advantage of this deduction. The Association for Community Relations (ARC) estimated that 40 percent of Romanian companies registering profit are no longer eligible for this incentive, accounting for 8 percent of the sponsorships that were previously eligible for deductions⁶. A partial remedy was introduced at the beginning of 2018 and turnover tax payers were allowed deductibility up to 20% of the due tax only if the sponsorship was made for authorized social services providers with at least a licensed service (no official figures are available, but the estimation is that they counted for less than 5% of the total number of active NPOs). However, in April 2019, this discriminatory regime was repealed and any non-profit entity, regardless of its social service provider label, can be recipient of sponsorship.

From 1 April 2019, the rule for company tax deductions for sponsorship contracts has changed. Companies are able to deduct sponsorships granted to NPOs that are registered in a special registry of entities entitled to receive fiscal benefits (Law 30/2019). Additionally, individuals should be able to designate 3.5 percent of their annual income tax to provide sponsorship to lawfully established non-profit entities.

One of the most explicit initiative “discouraging NGO sustainability was directed towards the social service sector. In 2017, all tax incentives for purchasing products from protected units, most of them established by NGOs to employ people with disabilities, were cut off⁷. That actually leaves the possibility for public authorities to use the mechanism of reserved contracts as explicitly permitted by EU Directive 2014/24 whose particular purpose was to create a positive discriminatory regime favouring sheltered workshops (often run by NGOs).

Access to funding became a challenge for NGOs considering that some international funds ended their program in Romania. NGOs stress the importance of the times when direct subsidies were delivered by the EU. With the deterioration of their situation, some see the need to return to this “modus operandi”. However, the launching of the Active Citizens Fund 2019-2024 at the beginning of June 2019, can fill in part of this deficiency. It is a real great opportunity to reinforce the sustainability of the NGO Sector in Romania⁸.

Transposition of the European Union Fourth Anti-Money Laundering Directive.

The draft law transposing the European Union Fourth Anti-Money Laundering Directive in Romania was and remains a serious concern for the Conference of INGOs. 40 Romanian NGOs have signed the alarming letter on its harmful consequences for the sector⁹. Among

⁵ The percent was increased to 0.75 in July 2019.

⁶ 2017 CIVIL SOCIETY ORGANIZATION SUSTAINABILITY INDEX FOR CENTRAL AND EASTERN EUROPE AND EURASIA 21st EDITION - SEPTEMBER 2018
file:///C:/Users/Anna%20Rurka/OneDrive/Documents/conference_ONG/fact%20finding%20visit/roumanie/2017_CSOSustainability_Index_for_Central_and_Eastern_Europe_and_Eurasia.pdf

⁷ <https://civicspacewatch.eu/romania-limited-options-arise-while-civil-society-is-steadily-being-incapacitated/>

⁸ <https://activecitizensfund.ro/>

⁹ <http://www.fdsc.ro/transpunerea-directivei-4-aml-pentru-pre>, <https://expertforum.ro/scrisoare-deschisa-sub-pretextul-transpunerii-directivei-europene-privind-spalarea-banilor-parlamentul-va-bloca-activitatea-ong-urilor/>

others, the EU directive imposes to create the register of beneficial owners (legal and natural persons). The Romanian government took a restrictive NGOs option in the transposing law, exceeding the directive's requirements. "The amendments proposed would require NGOs to disclose to the Ministry of Justice full information on the identity of their "real beneficiaries"¹⁰. Such reports are to be made at least once a year, or every time the real beneficiaries change. While it is unclear how NGOs with large numbers of beneficiaries would report all this information, the failure to do so is sanctioned with a 1000 EUR fine or more, and in case of non-compliance within a 15-day period since the sanctioning, dissolution will follow"¹¹. The EU Directive does not mention associations at all as "obliged entities" and it is clearly not concerned with the activities of either associations or foundations in pursuing the objectives of those who have established them. Furthermore, the proposed definition of "beneficial owner" as covering individuals or the class of individuals in whose main interest the association or foundation was established or operates introduces something that is not found in any of the provisions of the directive. Its effect will create an obligation for associations and foundations to report to the level of the final beneficiary, i.e., the physical person that receives training, information, services, assistance, humanitarian aid, etc. from them. Such an obligation is not only unnecessary to comply with the directive but will result in associations and foundations devoting their energies to the excessive reporting requirements.

At the end of October 2018, the draft Law for the implementation of the EU Directive 2015/849/UE was submitted for promulgation to the President, supposedly to replace Law 656 in full. In early November 2018, an Appeal for unconstitutionality was submitted to the Constitutional Court of Romania. The Constitutional Court partially validated the objections of unconstitutionality. In this regard Decision No. 790/05/12/2018 was published in the Official Gazette. The Draft law returned to the Parliament in order to change the aspects considered unconstitutional.

In the proposed draft law, the specific provisions proposed not to include associations representing minorities within the scope of the law. During the exchange with public authorities, the delegation has learned that this was a political decision of the parliament. One wonders what motivated this choice and why all types of associations have not had the same consideration by policy-makers.

According to the exchange of views with the representative of the Ministry of Justice, as well as with the representative of the National Office for the Prevention and Combating of Money Laundering, the Romanian draft law translates two different documents into law: the EU Directive¹² and Moneyval Recommendations regarding the risk of terrorist abuse in non-profit organisations¹³. In this context, the officials underlined the obligation to merely implement

¹⁰ UBO disclosure requirements within the EU Global Legal Services. 1 January 2019 KPMG International <https://assets.kpmg/content/dam/kpmg/xx/pdf/2018/07/gls-transparency-register-web.pdf>

¹¹ <https://civicspacewatch.eu/romania-limited-options-arise-while-civil-society-is-steadily-being-incapacitated>

¹² Romania is under infringement procedure. The European Commission referred Romania to the European Court of Justice in August 2018, for failing to implement this directive.

¹³ MONEYVAL (2011)14. Progress report and written analysis by the Secretariat of Core Recommendations. Second 3rd Round Written Progress Report Submitted to MONEYVAL <https://rm.coe.int/romania-progress-report-and-written-analysis-by-the-secretariat-of-cor/168071647b>

the requirement arising from these two international bodies. However, it is also be suitable that any future legislation takes into account the findings and analyses made by the NPO sector on the impact of the anti-money-laundering and combatting terrorism financing measures¹⁴.

Beneficial ownership transparency has become one of the leading tools to tackle illicit financial flows related to tax evasion, money laundering, corruption and terrorism finance. However, the issue is to maintain the balance between control and freedoms and respect the proportionality of the undertaken measures. Some States chose not to include associations, foundations, and umbrella CSOs organisations in the list of the reporting entities, while others focused on the legal owner of the private foundation and trust. Other governments take as criteria the level of the public subsidies received (in France, the obligation is for associations to be registered in the register of commerce and companies [Registre du Commerce et des Sociétés] and receive public grants with a threshold of 153 000 €, in which case they are obliged to carry out a specific legal audit)¹⁵. In the diverse regulations related to this topic, there is also a difference between the level of information related to the beneficiary owners, accessible or not to public opinion¹⁶.

During the meeting with NGOs, all participants agreed that associations should not be viewed as a risk factor, but as entities which are exposed to diverse risks and as such they should be protected by public authorities. Protection imposes understandable requirements and control practises adapted to the reality of the sector. The information required regarding beneficiary owners should be accurate and requirements should be feasible to carry out by NGOs.

It is unquestionable that beneficial owner transparency rules increase transparency that makes it easier for investigative journalists and anti-corruption watchdogs to track down illegal activity, organised crime, money laundering and large-scale tax evasion. The European Union Directive gives a sufficient margin of freedom to each government to respect the balance between necessary control and right to freedom of association and right to privacy. The importance of implementing the Directive is fully appreciated, but it is vital that further steps are taken following the adopted law in July not to undermine the right to freedom of association¹⁷. At national level, the legal regulations impacting all sectors should be preceded

¹⁴ More info <http://fatfplatform.org/>

¹⁵ <https://www.petitesaffiches.fr/actualites,069/finance,043/tracfin-le-gendarme-financier-veut,14799.html>

¹⁶ Andres Knobel, Moran Harari, Markus Meinzer (June 27, 2018). The state of play of beneficial ownership registration: A visual overview <https://www.taxjustice.net/wp-content/uploads/2018/06/TJN2018-BeneficialOwnershipRegistration-StateOfPlay-FSI.pdf>

¹⁷ After a new round of debates in its both chambers, in July 2019, the Romanian Parliament adopted the law and excluded associations, foundations and federations from the list of obliged entities. Beneficial owner definition was slightly changed, but most likely still requiring secondary legislation to be clarified in terms of meaning and reporting obligations. Both associations and foundations are obliged to report on their beneficial owners to the Ministry of Justice with the penalties mentioned above in case of non-compliance. In case of foundations, the definition refers to physical persons who fulfil positions similar or equivalent to those defined in case of fiducie. It is still not clear if the final beneficiary of a foundation activity falls under this umbrella. Associations are not explicitly mentioned in the article defining the beneficial owners, but they do have an explicit obligation to report them; in this case, further efforts are to be made by the Ministry of Justice and the National Office for the Prevention and Combating of Money Laundering in order to clarify who are the beneficial owners of the associations. These considerations, as well as the other concerns expressed by the NGOs during the meetings, are vital to struck a proper balance between the need to mitigate risks of money laundering or terrorist financing and the need to uphold the right to freedom of association.

by an impact assessment. The Government of Romania should ask the European Commission for specific guidelines regarding the full transposition of the EU Directive on money laundering and terrorist financing in order to guarantee the compliance of the national practices with the CoE standards and the EU Charter of Fundamental Rights.

Faced with these challenges, civil society in Romania shows its resilience. NGOs continue to reinforce their engagement with citizens, encouraging them to interact openly with their local or central decision makers. Secondly, service provider NGOs as well as watchdog organisations focused on human rights advocacy, anticorruption and electoral observance work together in order to save the democratic role of NGOs that is sometimes undermined by misunderstandings and other times intentionally those in power.

Participation and Interactions

The Law n°52/2003 allows civil society to participate in the decision-making process conducted by public administration. In 2016, the government at the time established a specific Ministry for Public Consultations and Civic Dialogue. The new government first replaced Civic Dialogue for Social Dialogue in the name of the Ministry and later the Ministry itself disappeared, being transformed to Directorate for Open Governance and Civil Society Relations under the General Secretariat of the Government.

In the opinion of NGOs, the standards of public consultations conducted by the public administration have decreased. The same finding is mentioned several times in the Government 2018-2020 Open Government Partnership Action Plan.

The general rhetoric used during and after the December 2016 parliamentary elections, was unfavourable and hostile towards CSOs, portraying them, especially, watchdog NGOs, as foreign agents working against national interests. The 2017-2018 governmental promoted legislation in the justice and anticorruption areas provoked the largest protests in Romania's recent history, observed worldwide. Some anticorruption NGOs were publicly shamed in official discourses or threatened to be placed under investigation. In such a context and taking into account the rhetoric used by the public officials towards CSOs, public trust in the NGO sector decreased. The trust between the NGO sector and the government also decreased, including relations with socially oriented NGOs, even though service provider NGOs are dealing with issues that in most of the cases are left aside by the state. According to the NGO representatives met, there is a part of the population which is receptive to populist rhetoric and which believes that NGOs are a threat to the independence of Romania. This underscores the severe lack of understanding of what the democratic role of NGOs is. In the NGOs' view, the state is too preoccupied by money, from where the money comes from, how it is spent and used and fiscal reporting rather than by the community benefits and contribution to democracy that the work of NGOs brings about. They feel that they are viewed as a threat and not as an asset, and that the conditions in which they operate are more difficult than those of their colleagues in other European countries.

During the meeting with the representative of the Parliament, the Chairperson of the Committee of Legal Affairs, Discipline and Immunities mentioned the sessions of the plenary and commissions, which are broadcast live and available on the Parliament's website so that

everybody has the possibility to follow them. Even more, any person has the possibility to present her/his opinions to the Legal Affairs Committee, but according to the public officials, there was no NGO that submitted any amendment to Plesoianu's bill (draft law n°140/2017 on associations and foundations discussed above). During the same meeting, the representatives of the Parliament explained Romanian legislation and regulations according to which only the Government is required to organize public consultations before submitting a draft law. Members of Parliament get information themselves or through their advisers. They do not make impact assessments and translating a bill into law is a long-term process that may take even a year or more. NGOs have no official quality in initiating amendments during the law-making process and they have to rely on MPs to formally initiate such amendments to any draft law that would further be taken into consideration during the legislative debate.

Romania is currently implementing 18 commitments from their 4th OGP Action Plan. The current situation highlights a series of deficiencies in the working practices of public authorities to ensure a participative/representative decision-making process in the implementation of the legal framework for public consultation: lack of uniformity of public authority's practices, insufficient use and poor, non-standardized communication on recommendations received from civil society. Among others, the Directorate for Open Governance and Civil Society Relation under the General Secretariat of the Government commits itself to monitor the public consultation process within the whole government bodies and plans to establish the additional functionalities of the e-consultation platform through the interactions between public authorities and the partner non-governmental sector. An improved version of the <http://e-consultare.gov.ro> platform for consultations is supposed to be available in 2019.

All NGOs met during the visit underlined the deterioration of the interactions with public authorities. Some of them choose not to apply for public money under this government. They pointed out that their role now is to sort out problems that have been created by the authorities. They feel that in addition to the lack of support, the strong positions taken by the state aim to limit NGOs' actions and turn them against each other. The replacement of the representatives of the civil society in the Economic and Social Council, one of the most important advisory bodies in Romania, was mentioned as an example. The Romanian Government changed 13 of the 15 representatives of civil society before the end of their mandate. The critics said that the NGOs replaced were too vocal and too critical towards government's projects and the appointments of the new members were made without a transparent selection process. Some appointed NGOs underlined that they were not involved in non-transparent negotiation and remain independent.

As mentioned in the OGP Action Plan, at the level of the local public administration authorities, there is a low degree of transparency and of the opening of access to information of public interest. To that, NGOs underlined the impact of bureaucratic boundaries which discourage NGOs to contribute effectively to public policies.

The right to information and data protection has also an important impact on participation in public affairs. During the meeting, NGOs raised their concerns about the lack of capacity

(knowledge and digital infrastructure) of the sector to implement the EU GDPR¹⁸ regulations. The NGOs complained that Romanian legislation is based on the “simplistic approach”, allowing for example the Romanian, “political parties and NGOs to process all categories of personal data without the explicit consent of the data subject, who is merely informed that the processing is taking place”¹⁹. NGOs, including service provider organisations need only to inform the “client” that the data will be given to the authorities.

The right to participation also includes the right to campaigning and the right to freedom of assembly. The whole Europe followed the mobilisation of the Romanian society against corruption. “Freedom of assembly, as reported in the media outlets at national and international levels, seemed drastically discouraged by the disproportionate and violent reaction of the riot police to a peaceful protest on August 10th. Judiciary investigations were started on this matter and no official data was available on the date of the fact-finding visit to Romania. The mobilisation against the referendum proposing the prohibition of same-sex marriage at the level of the Constitution, which eventually led to its failure, is another example of the dynamism and reliance of the Romanian civil society. The first Court of Justice of the European Union’s case on non-discrimination on the ground of sexual orientation regarding recruitment in employment introduced by ACCEPT (ACCEPT v. CNCD (C-81/12). The decision of the European Court of Justice recognizing same-sex marriages for the purpose of freedom of movement in the EU (case was brought by Adrian Coman and ACCEPT) is also a successful result developing human rights case law in Romania and at the international level.

Conclusion

This follow-up visit was very instructive for the delegation in order to understand the tensions that underlie the interactions, or even oppose, the NGO sector and the representatives of the democratic institutions on certain themes set out in this report. The reinforcement of democratic mechanisms and the fight against corruption is necessary to increase citizens’ trust in democratic institutions. This process cannot be achieved without a strong NGO sector.

The Conference of INGOs is grateful to the FDSC for their support and longstanding partnership. The delegation warmly thanks the Permanent Representation of Romania to the Council of Europe for their help in the preparation of the visit and all representatives of NGOs and public authorities for the open discussions and exchanges. We strongly hope that this report, as well the following recommendations, will contribute to the common understanding and policy respectful of the Council of Europe norms and standards.

¹⁸ The General Data Protection Regulation 2016/679 (“GDPR”), which took effect and became directly applicable also in Romania as of May 25, 2018.

¹⁹ <https://globaldatareview.com/article/1180481/romanian-data-protection-law-“problematic”-says-ngo>

Recommendations

To public authorities:

- Promote the contribution of civil society to the Romanian public policies and the international agenda and by the same order to restore public trust in the NGO sector and in the democratic institutions;
- Engage a positive campaign about the democratic role played by NGOs and contributions to society;
- Ask the European Commission for specific guidelines regarding the transposition of the EU Directive on money laundering and terrorist financing in order to guarantee the compliance of the national practices with the CoE standards and EU Charter of Fundamental Rights;
- Adopt a need-based approach in answer to the needs expressed by the NGO sector;
- Provide support for training of NGO staff in areas such as communication, advocacy, leadership, organizational development, digitalisation, impact evaluation, outreach and fundraising efforts of NGOs;
- Increase responsiveness in the framework of the public consultation and encourage civil society to participate in the decision-making process, by sending proposals/observations on draft normative acts;
- Ensure the independence of justice which has an impact on the national remedy used to protect civic space;
- Implement the CoE Guidelines on civil participation in the decision-making process and in this way respect the standards of public consultation.

To NGOs:

- Engage with the FATF and Moneyval evaluation process in order to speak out about unexpected, non-desirable effects and potential restrictions of the measures undertaken by the government to comply with the findings of the evaluation reports;
- Carry out a risk assessment and have a response mechanism for emergency situations within the NGO sector;
- Fight CSO stereotypes and negative image by being transparent and creating public campaigns with a focus on success stories and impact;
- Build inter-sectorial national and international coalitions;
- Reinforce the direct interactions with citizens, focusing more specifically on youth and vulnerable groups.

To the Conference of INGOs:

- Follow-up the situation and facilitate the exchange and cooperation between Romanian NGOs and the Conference of INGOs, as well as other Council of Europe sectors;
- Engage the work on the impact of money laundering regulations and terrorism financing on NGO sector;
- Reinforce the exchanges of views between the Expert Council on NGO Law and Moneyval, as well with the public authorities in Romania;
- Set up training on sensitive NGO issues (data protection, security of operation and activist safety, etc.).

References

Andres Knobel, Moran Harari, Markus Meinzer (June 27, 2018). The state of play of beneficial ownership registration: A visual overview <https://www.taxjustice.net/wp-content/uploads/2018/06/TJN2018-BeneficialOwnershipRegistration-StateOfPlay-FSI.pdf>

Expert Council on NGO Law, Conference of INGOs (2017). Legal Opinion on Romanian draft law 140/2017 on associations and foundations, as it was adopted by the Senate on 20 November 2017.

European Union. Directive 95/46/EC (“GDPR”).

KPMG International (1/01/2019). BO disclosure requirements within the EU Global Legal Services.

MONEYVAL (2011)14. Progress report and written analysis by the Secretariat of Core Recommendations. Second 3rd Round Written Progress Report Submitted to MONEYVAL <https://rm.coe.int/romania-progress-report-and-written-analysis-by-the-secretariat-of-cor/168071647b>

President of Romania, Mr. Klaus Iohannis, at the International Civic Society Forum 11:00 | 04 June 2019 <https://www.presidency.ro/en/media/speeches/address-by-president-of-romania-mr-klaus-iohannis-at-the-international-civic-society-forum>

Romania: Law for the prevention and control of money laundering and financing of terrorism <https://bit.ly/2KprSvZ>

USAID 2017 (September 2018). Civil Society Organization Sustainability Index for Central and Eastern Europe and Eurasia 21st edition.

Venice Commission / ODHHR (2017). Joint Opinion on Draft Law No. 140/2017 on amending Governmental Ordinance No. 26/2000 on Associations and Foundations