

Open letter of the organized civil society to the leadership of The Social Democratic Party (PSD)

More than 70 non-governmental organizations from all over Romania reunite and address an open letter to the PSD leadership, the party with the highest weight in the Parliament and in the Governing coalition, demanding to communicate clearly and assume a transparent position in relation to amendments on Ordinance 26/2000, tacitly adopted in the Romanian Senate on November 21, due to a sudden lack of quorum.

Open letter to the leadership of PSD

To the President of PSD , Mr. Liviu Dragnea

To the National Permanent Bureau of PSD

Mr. President Liviu Dragnea, PSD Leaders,

The Romanian Senate adopted on November 21st, 2017, following an emergency procedure, a legislative proposal on amendments to Ordinance 26/2000 regarding associations and foundations. In the name of transparency, the text of the proposal stipulates that any NGO must publish twice a year in the Official Gazette a statement of incomes and expenditures, that includes separately for each income, the person or activity that generated that income and its value. The sanction of not publishing this statement is the dissolution of the association or foundation.

We draw your attention to the fact that, in the name of a fair principle of transparency, which we believe in, we are in fact witnessing a crooked construction, dangerous for the functioning of the non-governmental sector, through:

- Moving the responsibility to transparently manage public funds, from public authorities and institutions to private entities: the authorities already have, at this time and according to the current legal framework, all the necessary tools to ensure that public resources are managed responsibly. Doesn't the information on access to public resources already exist in the registers of public authorities and institutions? What is the obstacle for not using this information?
- Collecting personal information about donor individuals: beyond the uncertainty of how this data might be used, it is an excessive measure, through the associated costs and bureaucracy and, most importantly, a measure to discourage the philanthropic behavior of citizens. How could an organization that raises funds for children with cancer and their parents, which can hardly provide services that are

totally absent from the public institutions, publish the names of thousands or tens of thousands of donor individuals?

- Creating discrimination between the legal persons paying taxes in this country: Associations and foundations, like any other legal person, are still subject to the accounting laws, submit declarations and financial statements, are subject to the same reporting laws and control mechanisms as all other legal entities in Romania.
- Introducing an unexplained penalty of dissolution for the NGOs failing to submit such statements: there is an enormous disproportion between the deed and the sanction. To whom is this dissolution useful?

The same legislative proposal introduces and limits the freedom of expression of public utility organizations. Under the fair reason to prohibit these organizations from engaging in political activities, the ambiguous wording of the text creates the possibility of revocation of the quality of "public utility" if the organization carries out "campaigns of ... opposition to a political party or candidate for a public office in which the candidate can be named or chosen". Such a provision can block, for example, the criticism of an organization for a legislative initiative like the one we are discussing here. Would such an organization still have the courage to sign this letter?

The Government of Romania issued a negative opinion on this legislative proposal. Is the exit of PSD and ALDE senators from the plenary session of the Senate when this legislative proposal had to be debated a sign that the two parties do not support it?

We are hereby asking you, Mr. Dragnea, that instead of a tacit approval with dangerous effects on the functioning of the civil society, to take a clear position on this legislative proposal and communicate it publicly.

We trust that the immediate modification of the amendments to GO 26/2000, as well as the assumption of a clear and favorable position regarding the role of independent civil society in Romania, including that of critical organizations, are going to be useful for drawing the line between present Romania and pre-1989 Romania.

[1] Legislative proposal for amending and supplementing the Government Ordinance no. 26/2000 on associations and foundations, Senate registration L140/2017, initiated by Șerban Nicolae - Senator PSD; Liviu Ioan Adrian Pleșoianu - deputy PSD.

Signed by:

Federatia Organizatiilor Neguvernamentale pentru Servicii Sociale (FONSS) // Federatia Fundatiilor Comunitare // Organizatia Salvati Copiii Romania // RISE Romania - Reteaua romana a intreprinderilor sociale de insertie // Federatia Organizatiilor Neguvernamentale pentru Dezvoltare (FOND) // Dizabnet – Federația prestatorilor de servicii pentru persoane cu dizabilități // Federatia Organizatiilor Neguvernamentale pentru Copil (FONPC) // Fundatia pentru Dezvoltarea Societatii Civile (FDSC) // Fundatia pentru SMURD // Centrul pentru Resurse Juridice // Fundatia Comunitara Oradea // Fundatia Estuar // TERRA Mileniul III // Asociatia pentru Relatii Comunitare // Centrul pentru Inovare Publica // Centrul pentru Jurnalism Independent // ActiveWatch // Fundatia Dezvoltarea Popoarelor // Organizatia Umanitara Concordia // CARITAS Campulung // Fundatia Comunitara Brasov // Fundatia Comunitara Sibiu // Fundatia Comunitara Bucuresti // Fundatia Comunitara Oradea // Asociația Greeninitiative // APADOR – CH // Centrul pentru Politici // Durabile Ecopolis // Fundatia Comunitara Prahova // Centru de Resurse pentru Participare Publica // Fundația Agenția Impreuna // Fundatia Comunitara Alba // Asociatia Pro Democratia // Fundatia PACT // Centrul de Resurse pentru Comunitatile de Romi // Let's Do It, Romania! / MagiCAMP // Institutul pentru Politici Publice // Fundatia pentru Parteneriat // Fundatia Comunitara Galati // HOSPICE Casa Sperantei // Fundația Comunitară Iași // Fundația Regen // Fundatia Comunitara Țara Făgărășului // Opportunity Associates Romania // Greenpeace CEE Romania // Asociația Help Autism // Fundatia United Way // Asociația Funky Citizens // Asociatia MaiMultVerde // Fundatia Alaturi de Voi // Militia Spirituala // Techsoup // Young Initiative // Fundatia Comunitara Cluj // Fundatia Comunitara Timisoara // Organizatia Suedeza pentru Ajutor Umanitar Individual // Roma Education Fund Romania // Fundatia Comunitara Odorheiul Secuiesc // Expert Forum // Fundației Interat TRIADE // Societatea Academica din Romania (SAR) // Reteaua Nationala a Muzeelor din Romania // Asociația pentru Promovarea Artelor Contemporane // CENTRAS // Fundația Gala Societății Civile // Asociația VALEX // Asociația De Ajutor Amurtel România // Federatia ONG MUNTENIA // Inițiativa România // Fundația Comunitară Mureș // Fundatia Gabriela Tudor // Asociatia One World Romania // Platforma Respect // Asociația Culturală Replika

(source: <https://www.stiri.org/ong/civic-si-campanii/scrisoare-deschisa-a-societatii-civile-organizate-catre-conducerea-psd>)