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FLASH REPORT

Country:	Romania
Title:	Emergency Ordinance extending the mandate of the Steering Board members of the national equality body
Date:	7 May 2020
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<u>Context</u>	
Issue at stake:	In the context of the state of emergency the Government extends the mandate of the NCCD Steering Board members by means of Emergency Ordinance
Grounds of discrimination:	All grounds
Field of application:	All fields
Source:	Legislation
Applicable law:	Anti-discrimination Law. Emergency Ordinance 45/2020

Content

Law development: On 9 April 2020, the Government adopted an Emergency Ordinance no. 45/2000 amending the Governmental Ordinance no. 137/2000. The new norm entered into force on 13 April 2020. The Emergency Ordinance introduces a new Article 24¹ which states in the first paragraph that the mandate of the members of the Steering Board is exercised beginning with the date when the decision of the Parliament nominating them is published in the Official Gazette. The second paragraph provides that the mandate of the members of the Steering Board lasts until the publication in the Official Gazette of the nomination of the new members, but not more than six months after the date provided in Article 25 (2) which established the mandate of the members at five years. The third paragraph of the Emergency Ordinance no. 45/2020 provides that the mandate of the president and of the vice-president of the Council lasts until the publication in the Official Gazette of the decision of the Steering Board electing a new president and a new vice-president, but not more than six months after the date established in Article 22 (1) of the Governmental Ordinance no. 137/2000 which provides for a 5-year mandate for the president of the NCCD and a mandate of 2 years and a half for the vice-president of the NCCD.

The rationale of these provisions is triggered by the need to ensure continuity in the activity of the NCCD given that on 22 April 2020, the mandates of seven out of the nine members of the Steering Board were supposed to expire, including the mandate of the president and of the vice-president of the institution. In order to assess a complaint and issue a finding of discrimination, a minimum of five members is needed according to the GO no. 137/2000, so the institutional paralysis was also supposed to have a negative impact on issuing a solution to the petitions received and ensuring effective redress mechanisms for victims of discrimination.

On 22 January 2020, the president of the NCCD notified the Chamber of Deputies and the Senate that the mandates will expire in April and asked the two chambers to initiate the

procedures for nominating new members. No hearings were organized. In the context of the Covid-19 related state of emergency, the activity of the Parliament was modified and the joint committees which were supposed to carry out the hearings could not be convened. Six parliamentary committees have to be involved in the hearings leading to proposals presented to the plenary of the Parliament which is supposed to vote the nominations.

Key points of analysis: The adopted provisions complete the existing legal framework and allow avoiding the institutional paralysis of the NCCD given the expiration of the mandates of seven out of nine members and the failure of the Parliament to carry out the nomination procedures.

Internet link source: Text of the Emergency Ordinance in Romanian available at: <https://lege5.ro/Gratuit/gm3donjuguzq/ordonanta-de-urgenta-nr-45-2020-pentru-completarea-ordonantei-guvernului-nr-137-2000-privind-prevenirea-si-sanctionarea-tuturor-formelor-de-discriminare>.