



A Charter of Digital Fundamental Rights of the EU

State of Romania

Position Paper

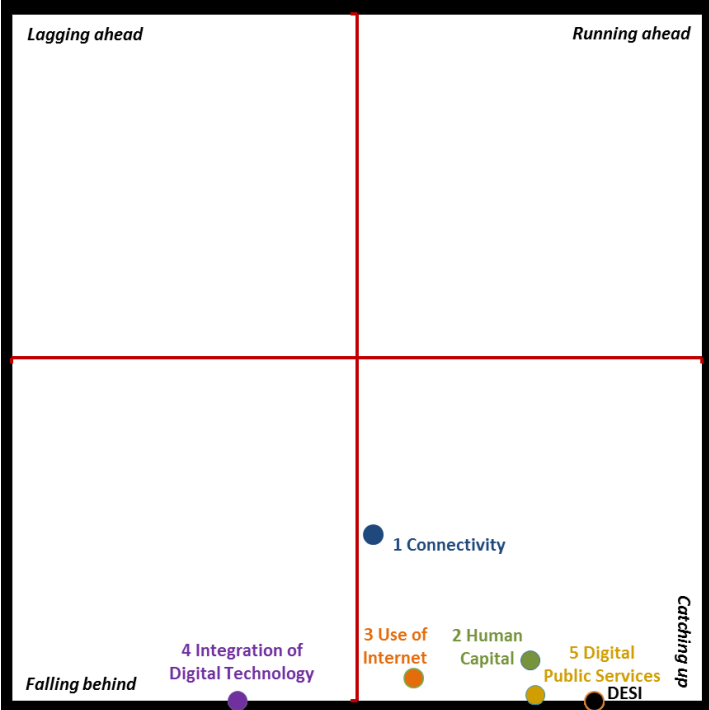
Introductory Remarks

In light of the ever-growing importance of digitization and continuous progress in the digital sector, the State of Romania acknowledges the grave importance of a regulatory body regarding the cybersphere. We believe that the state, the citizens and the private sector alike should be bound and protected by most fundamental law on a grander, EU-wide scale.

Background

Emerging from an era of socialism and communism, Romania is now trying to gain access to international digital markets, goods and services. In full acknowledgement of the transnational character and nature of the internet, Romania was restless in setting up co-operations with other countries and transnational entities alike. Especially by recognizing the great potential of European partnerships and the EU, Romania's Ministry of Communications and Information Society set up multiple EU supported and funded projects like OIPSI, a structural fund aimed to increase activities and investment

of the private sector into Romania’s infrastructure, the Horizon 2020 project or the Startup Europe Initiative. This stems from a deep conviction that optimal digitization can only be achieved by, with, and through a strong private sector. While our overall rate of internet users and usage of digital services lacks behind that of many other



European countries, companies have now identified the great potential of the Romanian market, leading to astonishing growth rates surpassing the majority of our neighbors. Apart from these growth rates, we achieved a national coverage of fast broadband connections far beyond the EU average.

However, we are aware of the great challenges of the years to come. We have thus set out to

create the National Strategy for Romanian Digital Agenda 2020. We vowed to increase high speed broadband coverage to at least 80%, the rate of regular internet usage amongst Romanians rising to 35%, that of citizens trading online to 30 %, and that of Romanians using e-Government tools and systems to 35%, as well. Our efforts have even been recognized by the European Union, attesting Romania “significant unexplored potential for growth” but also and especially progress “faster than average over the last year”.

Bearing in mind the background of Romania and the special relationship between our country and digitization, we fully support the efforts made by the committee in drafting this charter. We would now like to postulate our own stances on the topic and some of the charter’s most important articles.

The Charter

Article 4 (Internal and external security)

From foreign mass surveillance and intelligence gathering to industrial espionage: the dangers for democracies in the 21st century are not only novel, but have risen

considerably in multitude and diversity. It is thus of highest importance to guarantee holistic legal coverage and protection. As the conflicts in our time are not defined and confined anymore by state borders and national allegiances, we want to highlight the chances, but also the obligations of inter- and transnational security collaboration. That this needs to extent to the rule of law is only logical.

Article 9 (Transparency)

Considering Romania's troubled past with intransparency, inconsistencies and even corruption, we cannot but welcome this article. We would like to point out that with the help of our European partners, Eastern European countries have made great progress in the struggle against corruption in recent years and we are convinced that this provision will reflect our efforts on a grander scale.

Article 14 (Elections)

32% of all Romanians do not use the internet. And while we fully support eGovernment, digitization and the like, we do believe that participation in democracy should not come with a threshold. While the threshold for digital elections might not seem like much to many of our fellow delegations – access to the internet is all that is required –, we want to make sure that every voice is heard in a democratic discourse, also those that cannot make their voice heard via the internet.

Furthermore, we want to stress the dangers that come with the rise of eGovernment. The most recent elections in the United States proofed to us once more the vulnerability of computers and digital means used in polling, voting and balloting. As a stronghold of democracy in Europe, Romania will stay committed to doing her utmost in order to prevent election fraud and preserve trust in our democracy.

Article 15 (Free access)

We are deeply convinced that the internet is not a lawless space. Especially the free and unrestricted access to the internet is one of the most basic freedoms our citizens can and shall enjoy. Yet, we think there are limits to the extent of this liberty. Especially when it comes to corporate internet access points or devices, we think that there are limitations to rights like freedom of speech and privacy. This position has been clarified by our government in the case of *Barbulescu v Romania*, heard by the ECHR (Application no. 61496/08), and shall hereby be reiterated. The freedom of the internet

is most important to us. Yet, one's individual liberties end where they infringe the rights of others. This command needs to find application in cyberspace as much as it does in the analog world.

Article 17 (Pluralism and competition)

The State of Romania is not convinced of the necessity of this provision. While one part, the harmonization and standardization of the European single market, is already covered by current EU-law and practice, the other part appears to be problematic. The overly excessive interference of governments with the private sector is to be condemned. Having emerged from so called "communist" and "socialist" dictatorships, we have seen the tremendous damage that can be done by this kind of government intervention to both the economy and the people.

Article 20 (Education)

This article finds our wholehearted support and we would like to stress that since her vow to democracy in 1990, Romania has gone to great lengths to protect the right to information, education and access to culture, covered by articles 31-33 of the Romanian constitution. This provision of the charter has a strong ally in the State of Romania.

Conclusion

In conclusion, we would like to stress the importance this charter holds to the State of Romania. In recognizing that the internet does not abide to the borders of our country, we believe that this convention is an ideal forum to nourish a new, European sense of digital governance and rule of law. However, we need to stay alert about the potential downsides this bill holds. We do believe in a charter that is made for better of the people. For us, that means protection, preservation and development. Protection of our citizen's rights. Preservation of the great achievements of our country. Development of our infrastructure and without hesitation to call out flaws and the willingness to fix them.

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