

A New Attempt to Control the Bilateral Chambers of Commerce

The American Chamber of Commerce in Romania (AmCham Romania) signals a new attempt to place the chambers of commerce type of associations under the control of the National Chamber and calls for the dismissal of this initiative that distorts and restricts the associative environment in Romania.

A number of provisions in the Draft Legislation for Amending and Completing the Romanian Chambers of Commerce Law no. 335/2007 (PL-x no. 527/2022), unfairly impose all such structures to register in a National Register administered by the National Chamber and to submit an annual activity report proving the fulfillment of their purpose and objectives, under the penalty of dissolution. Such provisions restrict the right to free association guaranteed by the Romanian Constitution, by the European Convention of Human Rights and by the EU Charter of Fundamental Rights.

AmCham Romania considers that this profoundly undemocratic and unfair approach by which a private entity is granted a privileged position and discretionary powers over other private entities, sets a dangerous precedent, and negatively impacts even the stated purpose, that of supporting the business environment and attracting investments.

As the project was approved by the Senate of Romania and is currently analyzed by the Chamber of Deputies Commissions, AmCham Romania, along with 10 other business associations requested the removal of any provisions that impede the functioning of a free associative environment by granting the National Chamber attributions that exceed its scope.

According to the applicable legislation in place, associations already function based on statutes approved by courts, which set clear reporting mechanisms. At the same time, they are subject to authorities' control in various aspects, therefore the proposed provisions do not address an existing need, on the contrary, they lead to an unnecessary over regulation, without a practical use, and to an unhealthy overcontrol.

In the European practice, we have not identified a similar model, where the National Chamber has a supervisory and control role over other business associations. In other countries, Romanian bilateral chambers of commerce are not subordinated in any way to national chambers.

It is regrettably, and in stark contrast to Romania's commitments towards good governance, transparency, cutting bureaucracy that such initiatives recur and reach this level, and we call on all involved decision makers to stop this new attempt to subordinate the associative environment.