

**The Lifescape Project**  
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16 March 2026

Commission for Agriculture, Food Industry and Rural  
Development of the Romanian Senate

Dear Mr President, Senators and Members of the Commission

**Subject: Urgent request to oppose the proposed legislative project L327/2025 to modify Law No. 407/2006 on Hunting and Protection of Hunting Stock**

We are a UK charity whose work involves the protection of the global ecosystem by monitoring and promoting compliance with EU law and international obligations concerning the protection of the environment, biodiversity, and the rule of law.

We are aware that the Parliament of Romania (the "**Parliament**") is currently debating the legislative project L327/2025, which proposes to amend Law No. 407/2006 on the Hunting and Protection of Hunting Stock (the "**Legislative Project**"). It is our considered view that the Legislative Project if passed into law, would constitute a clear and serious breach of European, and international laws, treaties, and conventions.

Currently, court-ordered suspensions of Ministerial Hunting Quota Orders take immediate effect. The Legislative Project seeks to postpone such effect until *after* all possible appeals have been exhausted.

This change would render suspensions of Orders effectively meaningless, as they would come too late to prevent irreversible harm, due to:

1. the annual term of the Orders, which means that by the time all appeals are exhausted, the Order will likely have expired, making it practically impossible to challenge such Orders within their short lifetime; and
2. the irreversible nature of the harm in question, as animals will already have been killed under the contested quotas, even in cases where such killings constitute illegal infringements of EU law on protected species.

In short, the Legislative Project would empty suspensions of all practical effect, undermining judicial review and depriving interested parties of an effective remedy.

On this basis, we respectfully but firmly urge you to oppose the Legislative Project on the following legal grounds:

3. **Violation of Romanian constitutional law** (see Section 2 of the Annex to this letter)

The Romanian Constitution requires that national law comply with EU law, or otherwise be disappplied. In its current form, the legislative project is in direct conflict with binding provisions under various EU laws and, therefore would not only infringe EU law but would breach fundamental constitutional principles as well.

4. **Violation of EU Directives** (see Section 3 of the Annex to this letter)

As an EU Member State, Romania must implement and uphold EU environmental law, including the Habitats Directive. By removing access to effective injunctive remedies, the Legislative Project undermines the very mechanism through which unlawful administrative acts can be challenged, placing Romania in breach of its binding obligations as a Member State.

5. **Violation of the Aarhus Convention** (see Section 4 of the Annex to this letter)

Following its ratification of the Aarhus Convention, the Romanian State is obligated to ensure public access to environmental justice. The Legislative Project would directly contravene these obligations by removing effective injunctive remedies against the Orders – the only mechanism capable of preventing irreversible environmental harm, leading to a manifest breach of Articles 9(3)-(5) of the Convention.

6. **Violation of EU Treaties and Conventions** (see Section 5 of the Annex to this letter)

The Legislative Project is incompatible with core provisions of the Charter of Fundamental Rights, the Treaty on European Union, and the European Convention of Human Rights. Should the pass into national law, the Romanian State would be in breach of its obligations under these instruments, particularly those relating to access to justice and the rule of law.

The Annex to this letter provides a detailed analysis of why the Legislative Project breaches these various legal obligations.

We flag to your attention that grounds 3 and 4 have also been raised as criticisms of the Legislative Project by the *Consiliul Economic și Social* (Economic and Social Council).

Given the significant breaches of EU law that would occur if the Legislative Project were passed into law, we are sharing a copy of this letter with relevant EU institutions. If the Legislative Project becomes law, we will work with other organisations to bring this to the attention of the EU Commission and the Aarhus Convention Compliance Committee by way of formal infringement proceedings.

Should the Legislative Project be passed, we also reserve the right to pursue further legal and policy action to ensure access to environmental justice is preserved in Romania.

We urge you to carefully consider the legal ramifications of approving the Legislative Project. We shall continue to monitor its progression through Parliament, and assess our further steps accordingly.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Elsie Blackshaw', with a stylized, cursive script.

**Elsie Blackshaw**

**Director of Legal**

**THE LIFESCAPE PROJECT**

**ANNEX**  
**DETAILED SUMMARY OF HOW THE AMENDMENT BREACHES EU LAW**

**1. OUR UNDERSTANDING OF THE PROPOSED AMENDMENT**

- 1.1 Under Article 14 of Law no. 554/2004, a party injured by an administrative act may request the court to suspend the execution of the administrative act where there is risk of imminent damage. The suspension would be effective immediately upon the first-instance court ruling to grant this injunctive remedy.
- 1.2 The Legislative Project seeks to introduce a new paragraph to Article 6 of Law no. 407/2006 (Law on Hunting and Protection of Hunting Stock) which would provide for derogation from Article 14 of Law no. 554/2004. The effect of this derogation would be to delay the enforceability of court-ordered suspensions of a Ministerial Hunting Quota Order (an "**Order**") until *after* all appeals have been exhausted.
- 1.3 The main purpose of injunctive relief is to act fast and prevent serious damage. The ability to suspend these Orders with immediate effect is essential to stopping irreversible environmental harm while the courts examine whether the Orders comply with environmental laws.
- 1.4 However, if injunctive relief takes effect only *after* all appeals have been exhausted, it will be too late to stop harm. This is particularly true in the context of the Legislative Project, due to:
- 1.4.1 the annual term of the Orders. Under Article 6(1)(f) of Law No. 407/2006, the Orders must be adopted annually and taken out of force by 15 May each year. By the time all appeals are exhausted, the challenged Order is likely to have already lost force. This renders practically impossible any effective challenge to the legality of Orders within their lifetime.
- 1.4.2 the irreversible nature of the harm in question. By the time any final appeal may have been heard and an injunction theoretically issued, animals will already have been shot under the quota set by the challenged Order. Such killing – which, as set out in section 3 below, may constitute illegal infringement of EU Directives regarding protected species – would be an irreversible and unchallengeable form of damage in the absence of any immediately effective suspension.

**2. VIOLATION OF THE ROMANIAN CONSTITUTION**

- 2.1 Article 148(2) of the Romanian Constitution (the "**Constitution**") states the following:

*"As a result of the accession [of Romania to the EU], the provisions of the constituent treaties of the European Union, as well as the other mandatory community regulations*

*shall take precedence over the opposite provisions of the national laws, in compliance with the provisions of the accession act."*

- 2.2 EU law supremacy is, therefore, a core principle of Romanian constitutional law.
- 2.3 As detailed in sections 3 to 5 below, the Legislative Project would infringe various EU Directives, treaties and conventions. Such incompatibility with EU law would be in direct contravention of the Constitution, undermining the stability and comprehensiveness of Romanian constitutional law.

### 3. VIOLATION OF EU DIRECTIVES

- 3.1 Upon joining the EU in 2007, the Romanian State formally committed to implementing EU treaties and legislation. This includes environmental laws such as Directive 92/43/EEC (the "**Habitats Directive**").
- 3.2 Pursuant to the Habitats Directive, the Romanian State is under a binding obligation to "*take the requisite measures to establish a system of strict protection for the animal species listed in Annex IV(a) in their natural range*" (Article 12(1)), which includes "*prohibiting all forms of deliberate capture or killing of specimens of these species in the wild*" (Article 12(1)(a)) unless a derogation applies under Article 16. The animal species listed in Annex IV(a) include the brown bear and the jackal (together with species listed in Annex IV(a), the "**Protected Species**").
- 3.3 Both the brown bear and the jackal may be the subject of hunting quotas set by an Order. Therefore, any Order made under Law No. 407/2006 which relates to the hunting of these animals, or any other Protected Species, must be compliant with the Habitats Directive.
- 3.4 Should the Legislative Project be passed, there will be no way to prevent unlawful capture/killing of Protected Species whilst the EU-law compliance of an Order is assessed by the courts. This is a clear breach of the obligation under Article 12 to '*establish a system of strict protection*' for Protected Species, as there will be no way to legally challenge or enforce '*strict protection*' before any significant harm to biodiversity is caused. In other words, there will be no way to block the effect of an Order whose content is in breach of the Habitats Directive, or any other binding EU environmental directives.
- 3.5 Therefore, there is a clear risk that the Romanian State would breach its obligations under EU law should the Legislative Project pass into national law.

### 4. VIOLATION OF THE AARHUS CONVENTION

- 4.1 The Aarhus Convention is an international treaty which obliges its Contracting Parties to guarantee public rights of access to information, public participation in decision-making, and access to justice in environmental matters. Its principal aim is to ensure that environmental governance is transparent, participatory, and subject to effective judicial remedies, thereby safeguarding both environmental protection and the rule of law.
- 4.2 Romania ratified the Aarhus Convention (the "**Convention**") on 11 July 2000, with the Convention entering into force in Romania on 30 October 2001. As a treaty ratified by Romania,

the Convention forms part of the Romanian legal system and is directly applicable, including by the courts.

4.3 It is our firm belief that, should the Legislative Project become national law, the Romanian State would be in breach of its obligations under the Convention. More specifically, our view is that the legislative project breaches obligations set out under Article 9 of the Convention, which establishes the third pillar of access to justice.

4.4 Under Article 9 of the Convention, the Romanian State is bound by the following obligations:

4.4.1 *"each Party shall ensure that, where they meet the criteria, if any, laid down in its national law, members of the public have access to administrative or judicial procedures to challenge acts and omissions by private persons and public authorities which contravene provisions of its national law relating to the environment"* (Article 9(3));

4.4.2 *"the procedures referred to in paragraphs 1, 2 and 3 above shall provide adequate and effective remedies, including injunctive relief as appropriate, and be fair, equitable, timely and not prohibitively expensive"* (Article 9(4)); and

4.4.3 *"in order to further the effectiveness of the provisions of this article, each Party shall ensure that information is provided to the public on access to administrative and judicial review procedures and shall consider the establishment of appropriate assistance mechanisms to remove or reduce financial and other barriers to access to justice"* (Article 9(5)).

4.5 Decisions issued by the Aarhus Convention Compliance Committee regarding non-compliance of Contracting Parties have repeatedly confirmed these obligations. This Committee has emphasised that remedies must be capable of real and efficient enforcement, and that *"access to justice must indeed be provided when it is effectively possible to challenge the decision permitting the activity in question"* (i.e. prior to the activity already having been carried out).<sup>1</sup>

4.6 As outlined at 1.4 above, the Legislative Project would make any Order suspension completely ineffective in practice, thereby removing the only immediate legal challenge available against these Ministerial decisions. By doing so, the Legislative Project:

4.6.1 infringes the requirement to provide access to judicial review procedures of acts and omissions of public authorities concerning national law relating to the environment (see .4.1);

4.6.2 infringes the minimum standards which apply to all relevant review procedures, decisions and remedies, including that injunctive relief remedies are adequate, effective, fair, equitable, timely, and capable of real and efficient enforcement (see .4.2); and

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<sup>1</sup> ECE/MP.PP/2008/5/Add.10, para. 56.

- 4.6.3 infringes the requirement to facilitate effective access to justice in general, including appropriate assistance mechanisms to remove or reduce barriers to access to justice (see .4.3).
- 4.7 Therefore, should the Legislative Project become national law, the Romanian State would be in manifest and continuing breach of its obligations as a Contracting Party to the Convention. The removal of effective, urgent injunctive relief would not only breach the express requirements of Article 9 set out above, but would also undermine the Convention's core objective of ensuring that environmental governance is subject to timely and effective judicial oversight.
- 4.8 As a result of the gravity of the infringements detailed in this section 4, we will support the filing of a complaint to the Aarhus Convention Compliance Committee should the legislative project be passed. This complaint will detail the numerous ways in which the Romanian State will have breached its binding obligations under the Convention, and will urge the Committee to take urgent action in investigating these infringements and pursuing further action at the international policy level to rectify these breaches.
5. **VIOLATION OF THE CHARTER OF FUNDAMENTAL RIGHTS AND THE TREATY ON EUROPEAN UNION**
- 5.1 As a Member State of the EU, the Romanian State is bound by the Charter of Fundamental Rights (the "**Charter**") and the Treaty on European Union (the "**TEU**") when implementing EU law. The legislative project falls within the scope of EU environmental law as the amended Law concerns the hunting of Protected Species, as detailed in section 3 above. Therefore, Member States' obligations under the Charter and the TEU must be considered in relation to the proposed Amendment.
- 5.2 We urge the Parliament to consider, in particular, the following Member State obligations under the Charter and the TEU:
- 5.2.1 *"Everyone whose rights and freedoms guaranteed by the law of the Union are violated has the right to an effective remedy before a tribunal in compliance with the conditions laid down in this Article" (Article 47, the Charter);*
- 5.2.2 *"Member States shall provide remedies sufficient to ensure effective legal protection in the fields covered by Union law" (Article 19(1), the TEU);*
- 5.2.3 *"The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail" (Article 2, the TEU).*
- 5.3 In contravention of these obligations, the Legislative Project will:
- 5.3.1 infringe upon the right to an effective remedy and effective legal protection guaranteed under Article 47 of the Charter and Article 19(1) of the TEU. The Legislative Project may

give rise to a situation where no effective legal remedy nor protection is available in relation to the urgent context of irreversible harm to Protected Species under these annual Orders.

- 5.3.2 risk undermining the rule of law, which is one of the values common to all Member States under Article 2 of the TEU. In the absence of an *effective* suspension mechanism - which, for the reasons stated at 1.4, the postponed suspension *cannot* be considered to constitute - Ministerial decisions regarding hunting quotas would go unreviewed and unchallenged. This is in clear contravention of the fundamental principle of the rule of law.
- 5.3.3 breach the EU law principle of non-regression, due to these lowered standards of judicial independence. Member States may set the rules on how their national judiciaries are to be organised. However, following their treaty obligations stemming from Articles 2, 19 and 49 TEU and from Article 47 of the Charter, States must *not* lower their standards of judicial independence after accession to the EU. The Legislative Project may breach this principle by undermining the rule of law (as per 5.3.2 above), resulting in significant regression on standards of judicial independence.
- 5.4 In summary, the Legislative Project would place the Romanian State in direct contravention of the binding obligations upon which the EU is founded. We therefore urge the Romanian Parliament *not* to adopt the Legislative Project, and to ensure that any amendment fully respects Romania's binding commitments under EU law.

## 6. VIOLATION OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS

- 6.1 The European Convention on Human Rights (the "**ECHR**") is an international treaty which establishes fundamental rights and freedoms for individuals within the jurisdiction of its Contracting States, including Romania. As a State Party, Romania is legally bound to ensure that its domestic legislation and administrative practices comply with the Convention's requirements, as interpreted by the European Court of Human Rights ("**ECtHR**").
- 6.2 Fundamental rights and freedoms which the Romanian State is obliged to ensure under the ECHR include the following:
- 6.2.1 *"In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law"* (Article 6(1)); and
- 6.2.2 *"Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority"* (Article 13).

- 6.3 The ECtHR has consistently held that access to courts and effective remedies are essential, particularly where environmental harm is at stake. Furthermore, remedies must be practical and effective, not theoretical or illusory.
- 6.4 The Legislative Project would infringe these fundamental rights and freedoms by:
- 6.4.1 denying an effective remedy before a national authority *before* irreversible harm to biodiversity is invoked;
  - 6.4.2 removing the ability to access within a reasonable time - and, specifically, at a time *before* irreparable harm is enacted - a fair hearing before an independent and impartial tribunal; and
  - 6.4.3 blocking the full effect of judicial independence and effect by removing the ability of the courts to effectively challenge Ministerial decisions before the term of such decisions expires.
- 6.5 Any legislative measure that blocks access to effective judicial remedies or undermines the independence and authority of the courts strikes at the very heart of the ECHR's purpose. We strongly believe that the Legislative Project would block access to justice and place the Romanian State in direct contravention of the obligations with which it must comply.

## 7. **CONCLUSION**

- 7.1 We respectfully urge the Parliament *not* to pass the Legislative Project, and to ensure full compliance with Romania's obligations under constitutional, EU and international law in any eventual amendment which may instead be approved.
- 7.2 We further note that, should the Legislative Project be passed, we reserve the right to pursue legal and policy action to ensure access to environmental justice is preserved in Romania.
- 7.3 We trust that the Parliament will act to uphold the rule of law, judicial independence, and the fundamental rights of all citizens by *opposing* this Legislative Project.