



**Viviane REDING**

Vice-President of the European Commission  
Justice, Fundamental Rights and Citizenship

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*Brussels, 7 August 2012*  
*Ares(2012)946758*

*Dear President,*

*Thank you for your communication of 3 August 2012 about the latest institutional and political developments in Romania.*

*I am very concerned by the matters you draw to my attention in your letter.*

*Let me assure you that the European Commission is following the situation very closely and is committed to ensuring respect for the rule of law and the independence of the judiciary in Romania.*

*As you are certainly aware, we have decided in July to address the situation through the Romanian Cooperation and Verification Mechanism, which sets out explicit benchmarks on the judiciary and the fight against corruption.*

*The European Commission report<sup>1</sup> adopted on 18 July 2012 under the Cooperation and Verification Mechanism raised concerns for the rule of law and the independence of the judiciary in Romania and it made a number of urgent recommendations.*

*Mr Augustin Zegrean  
President of the Constitutional Court of Romania  
Curtea Constituțională  
Palatul Parlamentului  
Calea 13 Septembrie nr. 2, Intrarea B1, Sectorul 5,  
76112 București 40,  
România*

<sup>1</sup> Available at: [http://ec.europa.eu/dgs/secretariat\\_general/cvm/index\\_en.htm](http://ec.europa.eu/dgs/secretariat_general/cvm/index_en.htm)

*These include notably :*

- *Repeal of Emergency Ordinance no 38/2012 and Emergency Ordinance no 41/2012 and ensure that Constitutional Court rulings on the quorum for a referendum and the scope of the Court's responsibilities are respected;*
- *Implement all the decisions of the Constitutional Court;*
- *Ensure the immediate publication of all acts in the Official Journal, including decisions of the Constitutional Court;*
- *Introduce a transparent process for the nomination of the General Prosecutor and Chief Prosecutor of the National Anti-Corruption Directorate. This should include open applications based on criteria of professional expertise, integrity and a track record of anti-corruption action. No nomination should be made under the acting Presidency.*

*The European Commission's report also explicitly recommends requiring all political parties and government authorities to respect the independence of the judiciary, with a commitment to discipline any government or party member who undermines the credibility of judges or puts pressure on judicial institutions.*

*That is why I am in particular concerned by the final point you draw to my attention, namely the threats you report against a member of the Constitutional Court in relation to the pending decision on the validation of the referendum. Let me recall that politicians must not try to intimidate judges ahead of decisions to be taken, nor attack judges when they take decisions they do not like.*

*In this regard, I would like to fully endorse the following statement of Gianni Buquicchio, the President of the Venice Commission, on 7 August 2012:*

*"It is a general principle of the rule of law that pressure on any court, whether constitutional or ordinary, in order to influence its decisions is inadmissible. In recent years the Venice Commission has sometimes had to intervene in order to protect the independence of a constitutional court in a new democracy. It is for me surprising, and even shocking, that for the second time in a short period of time the constitutional court of a member state of the Council of Europe and the European Union feels obliged to appeal to the Venice Commission in order to protect its independence.*

*I appeal to all state authorities and political parties of Romania to fully respect the independence of the Constitutional Court and to refrain from exercising pressure. As regards threats against individual judges, I expect that the Romanian authorities will protect the judges concerned and their families and take all necessary steps to bring the authors of such threats to justice."*

*Allow me to assure you therefore that the European Commission is very closely monitoring the situation. The European Commission will adopt a further report under the Cooperation and Verification Mechanism at an appropriate moment before the end of the year to assess in detail whether its concerns have been fully addressed.*

*Yours sincerely,*

A handwritten signature in black ink, consisting of a large, stylized initial 'L' followed by a long, horizontal stroke that tapers to the right.