

WRITTEN QUESTION E-3625/08
by Adrian Severin (PSE)
to the Commission

Subject: Consistency of the Commission concerning reform of the Romanian legal system

Mid-July of 2009 is expected to see the Commission's report on Romania's progress with respect to the cooperation and monitoring mechanism, whose objective is to correct the shortcomings in the reform of the legal system and the fight against corruption in Romania and to monitor progress on the matter. The interim monitoring reports and the information that has appeared in the media suggest that the main objective - or condition - pursued at all moments is to combat high-level corruption, concerning which it is felt that convincing results have yet to be achieved.

1. The Commission asked, prior to the closure of Romania's accession negotiations, for appointments to the post of public prosecutor to be made on a proposal by the Higher Council of the Magistracy rather than by the Ministry of Justice. Subsequently, in 2005, the Commission welcomed the 'Macovei reform', under which appointments were to be made at the ministry's behest. Does this suggest a consistent and clear view on the Commission's part of the reform of the Romanian legal system? Have the legislative changes of 2005 mentioned above led to a politicisation of the acts of justice in the sense that the Minister of Justice, a politician and member of the government, can have the power to appoint and dismiss the public prosecutors? In this connection, have any investigations been carried out to date concerning, in particular, opposition figures?
2. With regard to the second objective in question, i.e. the National Agency for Integrity, does the Commission believe that the failure of that 'sui generis' institution is owing essentially to its character of being unique in Europe, given that no such body has ever existed in other European countries and it appeared to be some kind of experiment on the Romanian guinea-pig?
3. Certain international media reports (e.g. 'Deutsche Welle', 30 May 2008 - <http://www.dw-world.de/dw/article/0,2144,3372436,00.html>) have stated that the Commissioner for enlargement, Olli Rehn, who in late May attended a conference of the Centre for European Policy on 'crime and government: a provocation for the Balkans', has publicly expressed interest in the case of a 'former Romanian prime minister'. Mr Rehn's statements received widespread media coverage in Romania. Are such statements, given their media impact, to be taken as amounting to pressure on the judges concerned? Could these comments end up 'encouraging' public opinion to ignore the principle of innocence, a principle which is fundamental to European and international law? Are Mr Rehn's statements compatible with his position as European commissioner, given that they affect the Commission's credibility and were made only a month before the submission of the report on the Romanian legal system?