

**Question for written answer E-003913/2011
to the Commission**

Rule 117

Cristian Silviu Buşoi (ALDE), Norica Nicolai (ALDE), Adina-Ioana Vălean (ALDE) and Ramona Nicole Mănescu (ALDE)

Subject: Romanian justice system

The Cooperation and Verification Mechanism (CVM) for Romania was created to ensure the correct functioning of the justice system there and hence to remove doubts over Romania's ability to implement European laws and facilitate the mutual recognition of civil and criminal law rulings, which were undertakings made by Romania in the accession treaty.

The shortcomings of the Romanian justice system have been highlighted on several occasions in the Commission's monitoring reports. The Commission has pointed in particular to the problems deriving from the Romanian Parliament and the Higher Council of Magistrates, but there are also other institutions which require closer monitoring in order to obtain as objective and realistic a picture as possible of the Romanian justice system.

There have been increasing complaints from the Romanian press and civil society of leaks concerning cases under examination by public prosecutors. Recently, in the case of the owner of a Romanian press corporation, charges not yet in the public domain were sent to a journalist close to power directly from the e-mail address of the Romanian Public Prosecutor. This is unlawful and breaches the rights of the parties in the trial. More than that, the fact that these documents are finding their way to the press at the same time as being sent to the competent courts, without the procedures for obtaining access to files being respected, is liable to fuel the media circus and undermine the correct conduct of the judicial proceedings. Leaks to the press from the higher reaches of the justice system are a threat to the sound administration of justice and are not normal in a country governed by the rule of law based on equality before the law. However, this aspect was not addressed in the monitoring report under the CVM.

To what extent does the Commission intend to investigate these leaks of confidential information by the Romanian authorities and how will those investigations be reflected in the next progress monitoring report under the Cooperation and Verification Mechanism?