

**Question for written answer P-009213/2012
to the Commission**
Rule 117
Adrian Severin (NI)

Subject: Request for clarification of Commission answer with regard to withholding certain prerogatives from the interim President of Romania

On 10 October 2012, I received from the Commission a letter referring to my question for written answer of 22 September 2012.

The answer forwarded on behalf of the Commission President, Jose Manuel Barroso, in fact avoids the question and instead gives a general and unsubstantiated outline of the situation which is totally beside the point. I was seeking to establish the specific political reasons (not the Commission's general concerns regarding consolidation of the rule of law and judicial independence in Romania) and the legal basis (the precise articles of the EU Treaties) for the Commission's formal request that the interim President of Romania refrain from exercising all his constitutional prerogatives.

This non-answer is effectively an infringement of the Commission's obligation to respond in good faith to questions from MEPs. It also seeks to disguise the fact that the political arguments (including those referred to in the documents forwarded sent in lieu of a proper answer) are spurious and unfounded and that the Commission's request was illegal. There is no link at all between the report on Romania's progress under the Cooperation and Verification Mechanism (CVM) and letters from the Prime Minister to the Commission, on the one hand, and the attempt by the Commission to prevent the President of Romania from exercising his prerogatives, on the other.

In view of this, I shall repeat my previous questions and ask that the Commission provide precise, honest and specific answers thereto:

1. What were the political justifications for the peremptory request that the interim President of Romania refrain from exercising all his constitutional prerogatives (e.g. appointment of Chief Public Prosecutors, exercising the right of pardon, replacement of the heads of the state's military institutions, etc)?
2. What is the legal basis for the request that the interim President of Romania should not exercise all his constitutional prerogatives (i.e. under which articles of the EU Treaties is the Commission empowered to limit the constitutional powers of the Heads of Member States)?