

**Question for written answer E-010828/2012  
to the Commission**  
Rule 117  
**Adrian Severin (NI)**

**Subject:** Second request for clarification of the Commission's answer concerning the blocking of certain prerogatives of the interim President of Romania

On 26 November, I received a second letter from the President of the Commission, Jose Manuel Barroso, concerning the questions for written answer I had submitted on 9 September and 11 October 2012 respectively.

This new letter faithfully follows the line adopted in the previous one, and steers clear of giving a firm answer to my questions, which sought a clear definition of the political reasoning and specific legal basis for requesting the interim President of Romania not to exercise certain of his constitutional prerogatives. My questions took as their starting point the position adopted by the Commission, which was well known but controversial in terms of grounds and legality. I was hence asking the Commission to justify its position in fact and in law, rather than to confirm it.

The answer received maintains that in requesting the interim President of Romania not to exercise certain of his prerogatives, the Commission was seeking to preserve the rule of law, the role of the Constitutional Court and the independence of Romania's judicial system.

This presupposes either that Romanian law grants the President prerogatives that threaten the rule of law and independence of the judiciary, or abuse by the interim President of his prerogatives. If the latter were the case, the correct legal response would be to end that abuse, rather than to prevent the President exercising the prerogatives attached to his post.

I would therefore ask the Commission, for a third time, to provide precise, honest and firm answers to the following questions:

1. What actual actions was it that the interim President took that undermined the rule of law, the role of the Constitutional Court and the independence of the judicial system?
2. In which exact period was it that the democratic balance was lost in Romania and what hard evidence is there (political decisions, violations of legal provisions) to show that this balance was broken and the independence of the judiciary imperilled?
3. What was the legal basis (relevant clauses of EU treaties) that allowed the Commission to call imperatively on the interim President of Romania not to exercise his constitutional prerogatives?

Should I again not receive a clear answer, I will take it that the Commission acknowledges that it had no grounds in fact or in law to adopt the position it did.