



16 July 2012

**Dear Mr. President,**

I would like to thank you for the open discussion we had on Thursday, 12 July 2012. I strongly appreciate the interest for an objective presentation of the current political situation in Romania expressed by the European Commission.

In this respect, in order to respond to the concerns expressed at the level of the European Commission, I would like to present, attached to this letter, the responses to the matters you raised during our meeting. Please consider the clarifications made through this letter as an expression of my personal, as well as Romanian Government's commitment to respect the principles of the rule of law in Romania.

I would like to assure you, Mr. President, that these demarches express Romania's firm commitment towards fully respecting its status, as a member of the European Union.

Both I and the members of the Romanian Government are ready to offer any needed clarifications to the Commission's services, in view of a comprehensive and transparent communication about the developments in Romania. Furthermore, we hope that these informations could consolidate accordingly the upcoming assessments regarding Romania's progress within the Cooperation and Verification Mechanism.

Sincerely yours,

**Victor PONTA**  
**Prime-Minister of Romania**

A handwritten signature in black ink, appearing to read "Ponta", written over a white background.

**H.E. Mr. Jose Manuel BARROSO**  
**President of the European Commission**



1. An extraordinary session of the two Chambers of the Romanian Parliament will be convened on July 17 and 18, in order to repeal the provisions of the Emergency Ordinance no. 38/2012 and to adopt the legislative enforcement of the Constitutional's Court decision, enacting precisely and entirely the provisions the Court has settled for its functioning. The law will be adopted not later than 18 July, for immediately entering into force.
2. At the same extraordinary session of the two Chambers of the Romanian Parliament on July 17 and 18, provisions of the Emergency Ordinance no. 41/2012 will be repealed to ensure full compliance with the Constitutional Court's decision on the referendum. On 16 July the draft law on the amendment of the referendum law, previously adopted by the two Chambers, has been promulgated by the president ad-interim. This law has been declared consistent with the Constitution by the Decision no. 731/2012 of the Constitutional Court, by ensuring „participation to the referendum of at least half plus one of the persons inscribed in permanent voting lists”, which is fully respected. As a result of the two actions, the referendum of 29 July will be organized and validated based on the provisions set by the Constitutional Court which are generally binding.
3. The Government of Romania is committed and reasserts its commitment to respect the provisions on the use of Emergency Ordinances strictly for those situations provided for in the Constitution. The Government reaffirms its commitment not to use emergency ordinances for decisions affecting the status of the fundamental institutions of the state or the Constitution or in non-emergency situations.
4. The Government of Romania commits itself to ensure the immediate publication of all acts in the Monitorul Oficial, considering that as a current practice.
5. The Government of Romania is committed to implement all the decisions of the Constitutional Court. This was repeatedly and publicly stated by the Prime Minister and represents a fundamental commitment of the current Government.
6. The Government of Romania has committed to fully respect the independence of the judiciary and this was clearly stated by the Prime Minister in his public declarations of July 6. The same commitment was also expressed by the Interim President of Romania on July 10. In the same spirit, the Prime Minister asked in a letter sent to the political parties on July 13, to assume the same conduct of respect for the activity and the independence of the judiciary and to abstain from criticizing judicial decisions. Actions will be taken against any violation of this commitment.
7. The appointment of the Ombudsman is within the competence of the Parliament. In a letter addressed to the leadership of the Parliament on July 13, the Prime Minister asked for an objective and transparent procedure for the rapid appointment of an Ombudsman enjoying cross-party support.
8. The Minister of Justice will not make any proposals for the destitution or appointment of the General Prosecutor and the National Anticorruption Directorate's director, during the interim presidency. The Prime Minister also publicly reaffirmed this commitment on July 6, and stated that the heads of the two institutions will carry out their activity during the full duration of their mandates. The Interim President of Romania has publicly committed on July 10, that he will not make any changes regarding the leadership of these two institutions. The Government of Romania reaffirms its clear commitment to maintain the leadership of the two institutions for the duration of their mandates. At the end of their mandates, the Minister of Justice will draft in cooperation with the Superior Council of the Magistracy a transparent and public procedure of selection of the future leadership of these institutions, with open applications based on integrity criteria and a track record of anti-corruption action. The Prime Minister will totally support this position.



9. The Interim President of Romania has clearly and publicly affirmed on July 10 his commitment not to grant any pardon during his interim mandate.
10. The Government reaffirms its commitment not to appoint and to replace Ministers with integrity rulings against them, and to respect the legal provisions applicable in integrity cases.
11. The Government of Romania officially asked the Parliament of Romania to require the resignation of the Members of the Parliament with final decisions in court on incompatibility, conflict of interests or corruption. In this respect, the Prime Minister sent on July 13 a letter to the leadership of the Parliament. The Government will use all the legal means at its disposal to achieve this end.