 **FRANS TIMMERMANS** First Vice-President

 *Brussels, 22 February 2019*

*Dear Prime Minister,*

*I am writing to you for clarification about the two Government Emergency Ordinances on the nomination procedures for the European Public Prosecutor Office national prosecutors and on the justice laws adopted by the government on 19 February 2019.*

*When we met on 7 February, I underlined that a full and open dialogue was the way to progress on rule of law issues in general and the Cooperation and Verification Mechanism in particular.*

*It comes therefore as a surprise and somewhat of a disappointment that the issue of the new Government Emergency Ordinances was not raised. These issues are of direct relevance to long-standing concerns raised under the Cooperation and Verification Mechanism and endorsed by the Council of Ministers. The first recommendation of the January 2017 report was “Put in place a robust and independent system of appointing top prosecutors, based on clear and transparent criteria, drawing on the support of the Venice Commission”. The Commission has also recommended that the Justice Laws are revised in line with recommendations under the Cooperation and Verification Mechanism, and from the Venice Commission and Europe's Group of States Against Corruption (GRECO). In addition, the report highlighted concerns about the Section for the Investigation of Infractions in the Judiciary from the standpoint of judicial independence. The Ordinances therefore seem to directly contradict the Cooperation and Verification Mechanism report in substance, as well as in terms of the lack of consultation and suddenness of their adoption.*

*It is now becoming really urgent for Romania to put the reform process back on track. This means going forward, not backwards, and abstaining from any steps which reverse the progress accomplished over the past years. The best starting point remains the approach set out by the Commission in November, to call a halt to the changes and start afresh on the basis of proper consultation and the input of external expertise. In contrast, the current situation is raising new concerns.*

*Yours sincerely,*

*Frans Timmermans*

*H.E.
Mr Viorica Dăncilă*

*Prime Minister*

*Romania*