

EUROPEAN COMMISSION
SECRETARIAT-GENERAL

The Secretary General

Brussels, 21/09/2012
Ares(2012)1094888

Ms Mona PIVNICERU
Minister of Justice
Blvd. Libertatii 16
Bucharest, Romania

Dear Minister,

I would like to return to the question of the procedure for the nomination for General Prosecutor and Chief Prosecutor of DNA. As you know, this is an important issue which has been discussed by President Barroso with Prime Minister Ponta. I understand the procedure was launched on 17 September.

The Commission has set out its position on the nomination procedure in its last report adopted under the Cooperation and Verification Mechanism (CVM) with Romania. This report called for a transparent and objective process within the existing legal framework through an open competition, using clear criteria in order to target the strongest possible leadership and with the goal of continuity in the functioning of these two institutions.

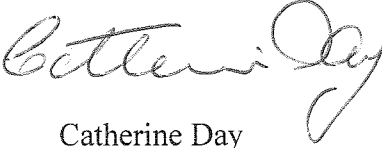
In my letter to you of 11 September, I set out how the report should be understood in the light of the draft procedures you communicated to my colleagues on 7 September. Unfortunately, few if any of these points were reflected in the procedures published this week. I understand that you may still be reflecting on some changes, and would like to encourage you in this direction.

To avoid any misunderstanding, let me reiterate the Commission's recommendations. The Commission believes that the selection procedures must be credible and fully transparent in order to convince the best possible candidates to apply. This means that the selection process must be fully transparent and public. This includes the interviews, the establishment of precise criteria in the call for applications, the involvement of the existing leadership of the Public Ministry and DNA in choosing the selection committee and a reasonable length of time for the process. The Commission also suggested to formalise the process in a ministerial order.

I have also taken note of a recent position set out by the Supreme Council of the Magistracy in this context which provides a number of useful suggestions about the procedure. In general, I consider that a strong role for the SCM at all stages of the process is an important element in giving the process and the final appointee the credibility required.

I hope that these observations will contribute to improving the nomination procedure with a view to inspiring the confidence of the judiciary in line with the Commission's recommendations of July. My services remain at your disposal for any further clarification.

Yours sincerely,



Catherine Day