

**Ref: Scrisoarea secretarului general al Comisiei Europene către ministrul român al
justitiei**

Transmitem, anexat, varianta electronică a scrisorii adresate ministrului justitiei, doamnei Mona Pivniceru, de secretarul general al Comisiei Catherine Day, referitoare la misiunea de evaluare pe care COM o va întreprinde în RO, în perioada 7-9 noiembrie a.c, în vederea elaborării viitorului raport din cadrul Mecanismului de Cooperare și Verificare.

Pentru pregătirea misiunii, COM solicită părții române întocmirea și transmiterea, până la 26 octombrie a.c, a unui raport privind dezvoltările înregistrate în cadrul celor patru benchmarks-uri, după publicarea raportului de evaluare din luna iulie a.c, precum și un raport de progrese referitor la recomandările incluse la punctul IV din respectivul raport. Suplimentar, COM solicită părții române să răspundă unui număr de 21 întrebări punctuale, prezentate în anexă la scrisoare.

În scrisoare se mai menționează că, pe parcursul misiunii, o atenție specială va fi dată aspectelor privind întârzierea intrării în vigoare a noilor coduri.

Fată de cele arătat, rugăm a dispune măsuri pentru a se da curs solicitărilor COM și a se răspunde în termen acestora.

(I. Serpe)

Cu deosebită considerație,

Mihnea MOTOC

Questionnaire

Benchmark 1

- (1) Please provide a copy of the management strategy of the Ministry of Justice as presented to Parliament and a summary of the main parts as relevant for the CVM.
- (2) What first lessons have to be drawn from the implementation of the Civil Code? What have been the main implementation difficulties?
- (3) What is the timetable of implementation for the Civil Procedure Code? What will be the main challenges for the implementation of this code?
- (4) Please summarize the state of play of the Criminal Code and implementing legislation. Are there any other changes to the Criminal Code considered? What is the implementation timetable for this code? What are the main challenges that are expected in the implementation of the Criminal Code?
- (5) Please summarize the amendments to the Criminal Procedure Code foreseen in the implementing legislation. What is the implementation timetable for this code? What are the main challenges that are expected in the implementation of the Criminal Procedure Code?
- (6) Which concrete steps have been taken to reform the Judicial Inspection since July 2012?
- (7) Please inform about first experience gathered by the judiciary in implementing the reinforced legislation on the disciplinary responsibility of the judiciary.
- (8) Please inform on the status of implementation of the World Bank projects (i) the Functional Review; and (ii) the optimal work-load project.
- (9) Please inform on the status of implementation of legislation on court managers and court clerks.
- (10) Please summarise the state of play on the issue of rationalising by the closure of small courts and prosecution offices.

Benchmark 2

- (11) Please inform about the state of play regarding a working group between ANI and Parliament to establish rules for the dismission of MPs in cases of incompatibility. When are concrete results expected?

- (12) Please summarize Parliamentary discussions regarding the requests for dismissal of MPs Andon and Paslaru, On which legal basis procedures were these discussions carried out? Did Parliament consider the substance of these cases?
- (13) Please inform about actions taken to review the legal basis of ANI in order to improve the dissuasiveness of sanctions concerning conflicts of interest and incompatibilities.

Benchmark 3

- (14) Please summarize Parliamentary discussions in the legal committee and in the Plenary regarding requests to allow the investigation for high-level corruption of MPs Borbely and Dobre. On which legal basis / procedures were these discussions carried out? Did Parliament consider the substance of these cases?
- (15) Provide updated information on important high-level corruption cases sent to trial by DNA.
- (16) Provide information on the progress of investigations regarding fraud in the popular referendum of 29 July 2012 by the Public Ministry and DNA. (Case References: Press Release DNA 629/V111/3 of 16 August 2012 and Press Release DNA 647/V111/3 of 6 September 2012)
- (17) Provide an overview of high-level corruption cases that are pending in court significantly longer than the average such case and set out the next procedural steps as expected by the prosecution.
- (18) Provide an overview of high-level corruption cases pending in court involving members of the judiciary, shortly describe the state of play in each case and set out the next procedural steps as expected by the prosecution.
- (19) Provide an overview of high-level corruption cases regarding public procurement, shortly describe the state of play in each case and set out the next procedural steps as expected by the prosecution.
- (20) Provide a short description of the state of play and set out the next procedural steps as expected by the prosecution for high-level corruption cases pending in court involving the following defendants: Gheorghe Copos (3 cases), Adrian Nastase, Serban Alexandru Bradisteanu, Ion Dumitru, Decebal Traian Remes, Dan Voiculescu, George Becali, Catalin Voicu, Tudor Alexandru Chivariu.

Benchmark 4

- (21) Provide information on the implementation of the National Anti-Corruption Strategy. Set-out results achieved against indicators and specific implementation problems. Provide an assessment of the implementation of the Strategy so far by different departments and agencies of government.