

*Brussels, 14 October 2008  
D(08 2048- A(08)3954*

*Your Excellency,*

*Thank you for your reply of 23 September 2008 concerning the restructuring of the Romanian Regulatory Authority for Communications by means of an emergency ordinance*

*I have taken due account of the information provided. I am glad that we share the view that the independence of the national regulatory authorities is one of the core principles of the EU regulatory framework on electronic communications and no EU regulatory policy for the Telecom market can function unless the Member States themselves ensure that the national regulatory authorities can function independently.*

*However, the concerns I have raised with you will not be lifted until the Commission has examined in detail all the facts and documents put forward, to establish whether the independence of the Romanian Regulatory Authority is affected by the recent measures taken to reorganize it.*

*To this end, I need additional information and clarifications to enable my services to assess the measures taken by the Romanian Government as well as their compliance with the EU Regulatory framework for electronic communications.*

*I have therefore to insist that you send us a copy of the Decision taken by the Prime Minister on 18 August 2008 to dismiss the previous President of the Regulatory Authority and a copy of the full original audit report (in Romanian) which substantiated this decision, as well as a copy of the court ruling issued in September suspending the above-mentioned decision of the Prime Minister.*

*In addition, I repeat my original request for information relating to this court ruling and its effects. In particular, I ask you to inform us whether the court decision has been subject to judicial review and of the status of the court proceedings concerning the merits of this case.*

*His Excellency*

*Mr. Karoly BORBÉLY*

*Minister*

*Ministry of Communications and Information Technology*

*Bd. Libertății No 14 Sector 5, Cod 050706*


*Bucharest - Romania*

*Furthermore, I would be grateful if you could inform me on how you intend to proceed with the adoption of the draft law which is before the Romanian Parliament. I am particularly interested in this draft law as I believe it was in line with the EU regulatory framework, following consultations of your Ministry with the Commission's services over the last months.*

*As regards the purpose of the restructuring you stressed that it was to allow the new authority to fight more effectively against internet fraud and to improve the coherence in the management of internet resources in Romania. In this respect I ask your services to explain which were the difficulties encountered.*

*I look forward to receiving your response by 24 October and count on your cooperation on this very important issue.*

*Yours sincerely,*

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke at the end.