



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 14 February 2014
(OR. en)**

6251/14

LIMITE

COVEME 3

"I/A" ITEM NOTE

From: Ad Hoc Working Party on the Cooperation and Verification Mechanism for Bulgaria and Romania

To: Permanent Representatives Committee/Council

On: 14 February 2014

No. Cion doc.: 5633/14 + ADD 1, 5634/14 + ADD 1

Subject: Draft Council conclusions on the Cooperation and Verification Mechanism

1. In the light of the Council conclusions of 17 October 2006 (doc. 14109/06), of 23 July 2007 (doc. 11904/07), of 10 March 2008 (doc. 7017/08), of 15 September 2008 (doc. 12678/08 + REV 1(en)), of 23 February 2009 (doc. 6694/09), of 14 September 2009 (doc.12938/1/09 REV 1), of 10 May 2010 (doc. 8791/10), of 13 September 2010 (doc. 13105/10), of 21 March 2011 (doc. 7556/11), of 12 September 2011 (doc. 13733/11), of 28 February 2012 (doc. 6648/12), of 24 September 2012 (doc. 13529/12) and of 11 March 2013 (doc. 6269/13), the Commission presented reports on progress in Bulgaria and Romania under the Cooperation and Verification Mechanism (docs 5633/14 COVEME 1 + ADD 1 and 5634/14 COVEME 2 + ADD 1).

2. Following the examination of the reports, the Working Party reached agreement¹ on the text of draft Council conclusions on this subject, as set out in the Annex.

A number of delegations welcomed the readiness of the Commission to report within six months on future developments.

3. It is therefore suggested to the Council, subject to confirmation by Coreper, to adopt the attached draft conclusions.

¹ The Netherlands and United Kingdom delegations maintained parliamentary scrutiny reserves.

**Draft Council conclusions on the
Cooperation and Verification Mechanism**

1. Reaffirming its earlier conclusions, the Council welcomes the reports from the Commission on progress in Bulgaria and Romania under the Cooperation and Verification Mechanism. The reports provide a timely assessment of key developments with regard to the fulfilment of the objectives of the Mechanism. The Council commends the Commission on its work, on the methodology followed and fully shares the objective and balanced analysis and recommendations contained in the report. In this context, the Council appreciates the continued good co-operation of Bulgaria and Romania with the Commission and the other Member States under the mechanism.
2. The Council reiterates its adherence to the values and principles of the EU, as well as the importance of an unequivocal, sustained and broad-based political commitment to meet the objectives set under the Mechanism. The existence of an impartial, independent and effective administrative and judicial system, with sufficient resources, remains indispensable for EU policies to function properly and for citizens to benefit fully from all the opportunities offered by membership of the Union.
3. In general, the Council notes some positive developments in the two Member States. This includes the establishment of legal and institutional frameworks and the commendable operative work carried out by Romania's independent institutions such as the National Integrity Agency (ANI), the National Integrity Council (NIC), the National Anti-Corruption Directorate (DNA), the Superior Council of the Magistracy, and the High Court of Cassation and Justice (HCCJ). However, further efforts are still required in both Member States in order to meet the objectives of the CVM. Unequivocal political support for required reforms, as well as effective implementation of reforms focusing on visible results and convincing track records remain essential. Furthering and consolidating judicial independence also continue to be of utmost importance.

4. The Council acknowledges that Bulgaria has taken a few positive steps during the reporting period including improvements in appointment procedures, and some useful managerial steps by the Prosecutor General and the Supreme Judicial Council to improve efficiency. Public aspiration for reform in Bulgaria should also be acknowledged.

However, the Commission's assessment also highlights concerns, which have affected public confidence, as detailed in its report. These include integrity issues regarding appointments and political influence on the judicial system, as well as the limited number of cases of corruption and organised crime that have been brought to conclusion in court, corruption in the public administration and shortcomings in the legislative framework for public procurement.

5. The Council welcomes the progress that Romania has made in many areas. The track record of the key judicial and integrity institutions has remained positive, and was further consolidated, even under sometimes difficult circumstances. Necessary and long-awaited legislative changes remain on track, subject to the satisfactory implementation of the new Criminal Codes. Managerial issues in the judiciary are being tackled efficiently by the Ministry of Justice in close cooperation with all institutions from the justice sector, and there are signs of a positive trend in public trust towards the judiciary. The Council considers that in the future, Romania could attain the objectives of the Mechanism set in this regard, provided it keeps making positive progress.

The Commission's assessment also points to difficulties in some areas, notably regarding the political commitment to sustained reforms, as demonstrated by the parliamentary procedure to amend the Criminal Code in December 2013, as well as public statements questioning key judicial and anti-corruption institutions. Political consensus to respect the independence of the judiciary is essential to ensure sustainable progress.

6. Bulgaria and Romania are therefore encouraged to take sustained and effective action to address all the recommendations set out in the Commission's reports. The Council stands ready to support their efforts in this regard through EU and bilateral assistance.

Bulgaria should step up its efforts on, *inter alia*, measures to improve and safeguard the independence, accountability and integrity of the judiciary, and pursue the reform of the judicial system with renewed momentum. The fight against corruption, in particular at high level, needs to be intensified, in order to bring about concrete and sustained results. This would also increase the general credibility of anti-corruption action and aid further progress. In a similar vein, focused efforts are required to combat organised crime, notably through sustained, effective and successful investigations followed by dissuasive sanctioning. In this regard, the Council welcomes Bulgaria's intention to develop and implement an action plan in order to address the recommendations in the Commission's report, and encourages it to pursue this in cooperation with the Commission, drawing on best practices and past experience under the Cooperation and Verification Mechanism.

Romania should now focus its efforts on, *inter alia*, further measures consolidating progress made and ensuring a solid respect for, and defence of, judicial independence. This should include appointment procedures centred on integrity and professionalism. Progress on judicial reform should be maintained, to improve all stages of processes and procedures, including proper implementation of rulings and penalties. Integrity and anti-corruption measures should be further consolidated, including broadening ANI's role in *ex ante* checks of public procurement. Both court and ANI decisions should be applied and implemented by all institutions and instances and without delay. Further sustained efforts to tackle corruption as a serious crime, including addressing it effectively and dissuasively at all levels, should remain a priority.

7. The Council considers that the Cooperation and Verification Mechanism continues to be instrumental for progress. It remains an appropriate tool to assist both Member States in their reform efforts, in order to achieve a record of concrete and lasting results to reach the objectives of the Mechanism. Pending the results expected in this framework, the Mechanism stays in place. Building on progress already achieved, the Council urges the further acceleration of efforts to address all the recommendations set out by the Commission in its reports and looks forward to concrete steps ahead of the next Commission reports on Bulgaria and Romania foreseen around the end of the year. In this context, the Council welcomes the Commission's intention to continue monitoring the situation in Bulgaria and Romania closely and to keep the Council regularly informed.
