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2007/0072 (CNS)

Recommendation for a

COUNCIL DECISION

**concerning the accession of Bulgaria and Romania to the Convention of 26 May 1997,
drawn up on the basis of Article K.3(2)(c) of the Treaty on European Union, on the fight
against corruption involving officials of the European Communities or officials of
Member States of the European Union**

(presented by the Commission)

EXPLANATORY MEMORANDUM

The 2005 Act of accession of Bulgaria and Romania¹ has introduced a simplified system for the accession of Bulgaria and Romania to the conventions (and protocols) concluded by the Member States on the basis of Art. 34 TEU (previously Art. K.3 TEU) or Art. 293 EC. It is indeed not anymore necessary, as in the past, to negotiate and conclude specific accession protocols to these conventions (which would have implied ratification by 27 States): Article 3(3) of the Act provides simply that Bulgaria and Romania accede to these conventions and protocols by virtue of the Act of Accession.

Article 3(3) and 3(4) of the Act of Accession provide that, to that effect, the Council shall adopt a decision in order to determine the date on which these conventions shall enter into force for Bulgaria and Romania and to make all the necessary adjustments to these conventions required by reason of the accession of the two new Member States (which would include, in any event, the adoption of the conventions in the Bulgarian and Romanian languages, so that these versions can be "equally authentic"). The Council shall act on a recommendation of the Commission, after consulting the European Parliament.

Annex I to the Act of Accession gives the list of the seven conventions and protocols concerned in the Justice and Home Affairs area.

The list includes the Convention of 26 May 1997, drawn up on the basis of Article K.3(2)(c) of the Treaty on European Union, on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union.

This Commission Recommendation for a Council Decision is intended to make the adjustments required by reason of the accession of Bulgaria and Romania to the aforementioned Convention, in accordance with Article 3(4) of the Act of Accession.

¹ OJ 21.6.2005, L 157, p. 203.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union,

Having regard to the Treaty of Accession of Bulgaria and Romania

Having regard to the Act of Accession of Bulgaria and Romania (hereinafter referred to as the "Act of Accession"), and in particular Article 3 (4) thereof,

Having regard to the recommendation from the Commission²,

Having regard to the opinion of the European Parliament³,

Whereas:

- (1) The Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union (hereinafter referred to as "the Convention against officials' corruption") was signed on 26 May 1997 and entered into force on 28 September 2005.
- (2) Following their accession to the European Union, Estonia, Cyprus, Latvia, Lithuania, Hungary, Poland, Slovenia and Slovakia have deposited their instruments of accession to the Convention against officials' corruption.
- (3) Article 3 (3) of the Act of Accession provides that Bulgaria and Romania accede to the conventions and protocols concluded between the Member States, listed in Annex I to the Act of Accession, which comprises, *inter alia*, the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union. They are to enter into force in relation to Bulgaria and Romania on the date determined by the Council.
- (4) In accordance with Article 3 (4) of the Act of Accession the Council is to make all adjustments required by reason of accession to those conventions and protocols,

² OJ C [...], [...], p. [...].

³ OJ C [...], [...], p. [...].

HAS DECIDED AS FOLLOWS:

Article 1

The Convention against officials' corruption shall enter into force for Bulgaria and Romania on the first day of the first month following the date of adoption of this decision.

Article 2

The texts of the Convention against officials' corruption drawn up in the Bulgarian and Romanian languages and annexed to this Decision shall be authentic under the same conditions as the other texts of the Convention against officials' corruption.

Article 3

This Decision shall take effect on the day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, [...]

For the Council
The President

ANNEX

Text of the Convention of 26 May 1997, drawn up on the basis of Article K.3(2)(c) of the Treaty on European Union, on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union in the Bulgarian and Romanian languages