



**COUNCIL OF
THE EUROPEAN UNION**

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"I/A" ITEM NOTE

from:	Ad Hoc Working Party on the Cooperation and Verification Mechanism for Bulgaria and Romania
on:	7 September 2012
to:	COREPER/COUNCIL

No Cion doc.:	12827/12 + ADD 1, 12828/12 + ADD 1
Subject:	The Mechanism on Cooperation and Verification for Bulgaria and Romania - Draft Council conclusions

1. In the light of the Council's 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) and of 28 February 2012 (doc. 6648/12), the Commission presented reports on progress in Bulgaria and Romania under the Co-operation and Verification Mechanism (docs 12827/12 COVEME 4 + ADD 1 and 12828/12 COVEME 5 + ADD 1).

2. Following the examination of the reports, the Working Party reached agreement on the text of draft Council conclusions on this subject, as set out in the Annex.
 3. It is therefore suggested to the Council, subject to confirmation by Coreper, to adopt the attached draft conclusions.
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**Cooperation and Verification Mechanism for Bulgaria and Romania -
Draft Council conclusions**

Reaffirming its earlier conclusions, the Council welcomes the reports by the Commission on progress in Bulgaria and Romania under the Cooperation and Verification Mechanism since the accession of Bulgaria and Romania to the EU on 1 January 2007. 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 those reports. In this context, the Council appreciates the continued good co-operation of Bulgaria and Romania with the Commission and the other Member States.

The Council reiterates the importance of an unequivocal and sustained 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, is indispensable for EU policies to function properly and for citizens to benefit fully from all the opportunities offered by membership of the Union.

The Council welcomes the efforts made by Bulgaria and Romania under the Co-operation and Verification Mechanism over the past five years, and considers that the necessary legal framework is largely in place in both Member States. Emphasis should now be given to sustained implementation of existing legislation and further reforms. The Council strongly encourages both Member States to take further determined, appropriate and urgent measures to meet all the objectives under the Mechanism. In this context, the Council recalls that the necessary sustainable and lasting improvements of the legal and judicial systems will require a committed and coherent approach by all relevant state actors, and broad-based political support and resolve.

The Council takes good note of Bulgaria's wide public support to pursue the reform strategy. The Council also notes positively that Bulgaria has made important progress in developing the basic legislative framework over the past five years, including major steps to improve the legal framework for asset forfeiture, and has put many of the tools for further reform in place. The Council acknowledges that at key moments the Bulgarian government has shown strong political will to achieve deep and lasting reform. Bulgaria is on its way to attain the objectives of the Mechanism, provided it steps up the reform process.

However, the Commission's assessment also points to important remaining challenges. Bulgaria needs to make further determined efforts, focusing on dedicated and effective implementation. Building on results already achieved, Bulgaria should intensify its efforts and secure convincing and sustainable results in the fight against organised crime and high level corruption. The Council calls on Bulgaria to step up its efforts with regard to thorough reform of the judicial system, and to demonstrate effective and sustained commitment by the authorities on all levels and in all relevant fields. The forthcoming elections to the Supreme Judicial Council provide an important opportunity to put in place a leadership to support an independent, professional and effective judicial system. The Council welcomes the Commission's intention to continue monitoring the situation closely, and looks forward to the Commission's report to be tabled at the end of 2013.

The Council takes good note of Romania's wide public support to pursue the reform strategy. The Council also notes positively that Romania over the past five years has put many important building blocks required for attaining the objectives of the Mechanism in place, such as the adoption of new Civil and Criminal Codes, and the new National Anti-Corruption Strategy, as well as the positive record of the National Anti-Corruption Directorate (DNA) and the National Integrity Agency (ANI). Determined, effective implementation and sustained political commitment to reforms by all state actors remain essential, and needs to be addressed without delay. The Council considers that in the future, Romania could attain the objectives of the Mechanism, provided it takes swift action to guarantee the rule of law, maintains the direction and steps up the implementation of reforms. In particular, it will be important to ensure that the advances made by the prosecution and the DNA are continued and consolidated under their future leadership.

In light of recent events in Romania, the Council recalls the fundamental values on which the EU is founded, and welcomes the commitment of the Romanian government to act swiftly to ensure respect for the rule of law and the independence of the judiciary in line with the recommendations of the Commission, as well as the steps already taken in this regard. The Council welcomes the Commission's intention to continue monitoring the situation closely, and looks forward to further concrete steps ahead of the Commission's report later this year.

In line with the Commission's analysis and overall assessment of the progress made by Bulgaria and Romania since 1 January 2007, notably with regard to the outstanding challenges that need to be addressed, the Council notes that the Cooperation and Verification Mechanism has been instrumental for progress, and that it remains an appropriate tool to assist Bulgaria and Romania 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 Bulgaria and Romania to further accelerate their efforts in order to address all the recommendations set out in the Commission's reports.