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Subject: Council conclusions on the Cooperation and Verification Mechanism

Delegations will find attached Council conclusions on the Cooperation and Verification Mechanism as adopted by the Council (General Affairs) on 15 March 2016.

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 Council commends the Commission on its work, on the methodology followed, and it fully shares the objective and balanced analysis and recommendations contained in the reports. In this context, the Council appreciates the continued good co-operation of Bulgaria and Romania with the Commission and with the other Member States under the Mechanism.
2. The Council reiterates its adherence to the values and principles of the EU. Effective implementation of reforms focusing on sustainable results and on convincing and verifiable track records remains essential for ensuring that citizens are enabled to benefit fully from all the opportunities offered by membership of the Union. In these regards, the Council also reiterates the need for broad and unequivocal political support for such reforms, in order to meet the objectives under the Mechanism.
3. The Council acknowledges that encouraging steps have been taken to put the reform process back on track although overall progress in Bulgaria needs to be accelerated urgently. The senior appointments made in the judiciary are noteworthy. A number of commendable initiatives, notably the amendment of the Constitution adopted by a broad majority of Parliament in December 2015, which is a step towards the reform of the Supreme Judicial Council (SJC), should now be followed up. Ensuring implementation of the important comprehensive reform strategies on judicial reform and on anti-corruption, and the monitoring of concrete results will now be key.

4. While the Council welcomes the political commitment to reforms expressed by the government, a broader and unequivocal political consensus in support of the reform process is required to ensure a stronger boost to concrete and sustainable reform efforts. The Commission's overall assessment reiterates a number of concerns that still need to be addressed. Bulgaria should focus its efforts on removing controversy about political influence on the judicial system and integrity issues regarding appointments, as well as the need to improve on the monitoring and the addressing of deficiencies, and the effective implementation of court judgements. Pursuing reforms of the Supreme Judicial Council (SJC) and the prosecution office, and strengthening the powers of the Judicial Inspectorate (ISJC) remain of key importance. The Council also notes the difficulties with establishing track records in the areas of combating corruption and organised crime.
5. Building on progress already achieved and existing strategic planning prepared by Bulgaria, the Council urges a decisive acceleration of efforts to address all the recommendations set out by the Commission in its report and looks forward to concrete steps and tangible progress ahead of the next Commission report.

Bulgaria should consolidate and reinforce its overall political resolve to bring about reforms and make tangible progress, inter alia, by improving and safeguarding the independence, accountability and integrity of the judiciary, and to pursue the reform of the judicial system, including an independent analysis of the prosecutor's office taking into account the reform measures already implemented. In this regard, particular efforts should be made to implement the reform of the SJC, to strengthen the ISJC, and to modernise the criminal legislation. The fight against corruption, in particular at high level, needs to be intensified, to bring about concrete and sustained results, including in improving the transparency of public tender procedures. An urgent priority should be to adopt a new anti-corruption law, which consolidates the intentions set out in the anti-corruption strategy. This includes the swift establishment of an appropriately funded, unified anti-corruption authority with a strong independent mandate to fight high-level corruption. As regards combating organised crime, the efforts should be accelerated, notably through increased professionalism of law enforcement, and sustained, effective and successful investigations followed by dissuasive sanctioning, including cooperating with other EU Member States where appropriate. The Council also notes the importance of swiftly addressing the issues currently hampering the work of the organised crime directorate (CDCOC) within the Ministry of Interior, and the Commission for Illegal Assets Forfeiture (CIAF).

6. The Council commends the continued trend of significant progress demonstrated by Romania in many areas, which heralds an increasing sustainability of reforms. Action taken by the key judicial and integrity institutions to address high-level corruption has maintained an impressive momentum. The professionalism within the Romanian judicial system as a whole has continued to increase. Overall, the Council considers that Romania, by maintaining the current positive trends of reform and consolidation of progress and by internalizing the CVM objectives with national policies and strategies, is on its way to ensuring the necessary sustainability and irreversibility of reforms which would allow Romania to attain the objectives of the Mechanism.

The Council also reiterates the importance of a broad and unequivocal political commitment to the reforms by all public institutions and political actors. This is particularly relevant with regard to the fight against corruption at all levels, to the respect for the independence of the judiciary, and to other integrity issues highlighted in the report. The Council notes that open and merit-based appointments to senior positions within the judiciary, and the scrutiny of candidates for forthcoming elections are a key opportunity to make further progress in these regards. The Council encourages Romania to swiftly finalise and adopt the Action Plan 2015-2020 for the implementation of the Strategy for the Development of the Judiciary 2015-2020 and the development of a new National Anti-Corruption Strategy.

7. Building on substantial progress already achieved, the Council encourages Romania to focus its efforts on further consolidating progress made, and to sustain the current positive momentum by addressing all the recommendations set out by the Commission in its report. This would further build towards demonstrating the sustainability of reforms which will pave the way to satisfactorily fulfil all the benchmarks of the Mechanism in the near future.

Romania should further consolidate progress on ensuring solid respect for, and defence of, judicial independence. Transparent, robust and merit-based appointments to senior positions in the magistracy will be a key opportunity to demonstrate further progress. Pursuit of the judicial reform, including swift adoption of the amendments to the Criminal code and the Criminal procedure code, in line with what has been presented by the government, is also of key importance. Court decisions, including those confirming integrity rulings, should be applied and implemented by all institutions and instances without delay, including the Romanian parliament. Further sustained efforts to prevent and tackle corruption, including addressing it effectively and dissuasively at all levels and within all institutions, remain a top priority.

8. The Council reiterates that the Cooperation and Verification Mechanism continues to be instrumental for progress. It remains an appropriate tool to assist both Member States in their respective reform efforts, in order for each of them to achieve a record of concrete and lasting results to reach the objectives of the Mechanism. The Council recalls its readiness to support efforts of Bulgaria and Romania in this regard through EU and bilateral assistance. Pending the results expected from each of the two Member States in this framework, the Mechanism stays in place. In this context, the Council looks forward to the next Commission reports on Bulgaria and Romania foreseen within a year's time and welcomes the Commission's intention to continue monitoring the situation in Bulgaria and Romania closely and to keep the Council regularly informed.
