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### OUTCOME OF PROCEEDINGS

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From: General Secretariat of the Council

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To: Delegations

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Subject: Council conclusions on the Cooperation and Verification Mechanism

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Delegations will find attached Council conclusions on the Cooperation and Verification Mechanism as adopted by the Council (General Affairs) on 11 December 2018.

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

1. Reaffirming its previous conclusions, the Council welcomes the reports from the Commission on progress achieved in Bulgaria and Romania under the Cooperation and Verification Mechanism. The Council commends the Commission on its work, on the methodology followed, and overall shares the objective and balanced analysis of the progress made.
2. The Council reiterates its adherence to the values and principles of the EU, including the rule of law and the independence of the judiciary. In this context, the Council recalls the need for progress made under the Mechanism to be irreversible so that Bulgaria and Romania satisfactorily fulfil their respective benchmarks and meet the ultimate objectives. This would ensure the proper functioning of EU policies and institutions so that all citizens can benefit fully from the opportunities offered by membership of the Union. To that end, convincing track records, effective implementation, and broad, sustained and unequivocal political support for reforms continue to be of critical importance.
3. The Council welcomes the positive steps taken by Bulgaria in the reporting period and the determination and ambition shown by its government to pursue the reform process with a view to fulfilling all the benchmarks under the Mechanism. The Council takes note of the Commission's assessment that three out of the six benchmarks now can be considered provisionally closed and its expectation that, if the positive trend continues, the Mechanism will be concluded, and encourages Bulgaria to build upon the positive momentum and further its reform efforts, consolidating progress in a conclusive and irreversible manner.

4. The Council welcomes the positive report on the activities of the Supreme Judicial Council (SJC), and notes the importance of a continued establishment of a track-record of impartial and professional decision-making, notably on high-level judicial positions. The amendments to the criminal laws now in force have improved the legal framework, in line with the Commission's key recommendations. The Council notes that careful consideration and consultations of stakeholders will be important when deliberating further possible amendments, notably those with potential consequences for the overall system of criminal investigations and for the balance between key institutions. The integrity and independence of magistrates must be guaranteed, including through effective means for redress in all appropriate domains. Workload imbalances between courts should continue to be addressed.

The Council recalls the importance of continued reform of the judiciary to further strengthen professionalism, accountability and efficiency, in line with the recommendations of the Commission.

5. The Council welcomes the adoption of the comprehensive reform of Bulgaria's anti-corruption legislation, including the establishment of the new unified anti-corruption agency which now is fully operational. It will be important for the agency to demonstrate its independence and impartiality, and to effectively manage the broad remit of its responsibilities. Consolidating a solid track record on the fight against corruption, particularly at high-level, remains a key priority.

As regards combating organised crime, Bulgaria has made significant progress, and the Council encourages the further consolidation of the track record in this field, including on the effective seizure and confiscation of illicit assets.

6. Recalling the significant positive performance of Romania under the Mechanism in previous years, the Council stresses the absolute importance of safeguarding and further consolidating the progress already achieved. The Council notes that the Commission's report highlights a number of serious concerns and negative steps which have called into question the irreversibility and sustainability of reforms. In order to pave the way for a successful conclusion of the Mechanism for Romania in the near future, the negative steps and the concerns set out in the report need to be fully and decisively addressed, including through the adherence to the recommendations of the Council of Europe Venice Commission and GRECO, and the fulfilment of all the key recommendations set out by the Commission.
7. Romania needs to restore the positive momentum on reforms and take prompt action, notably on the additional key recommendations set out by the Commission related to the independence of the judiciary and judicial reform, to the fight against corruption at all levels, as well as on other integrity issues highlighted in the report. In this context, the Council reiterates the importance of an unequivocal, sustained and broad-based political commitment to meet the objectives set out by the Mechanism, notably including a political consensus to respect the independence of judiciary in line with the key recommendations set out by the Commission. In this context, the Council also emphasises the importance of the National Anti-Corruption Directorate (DNA).
8. The Council continues to expect Bulgaria and Romania to fully meet all their respective remaining key recommendations set out in the Commission reports, the fulfilment of which will lead to the provisional closing of individual benchmarks, except if developments in the respective countries clearly put in question or reverse the course of progress. Recalling that the speed of the process will solely depend on the respective progress made by Bulgaria and Romania, the Council notes that, provided all the respective benchmarks are fully met in an irreversible and sustainable way in the near future, the Mechanism should subsequently be concluded. In this context, the Council emphasises that all related key recommendations by the Commission should be fulfilled in order for benchmarks to be closed.

9. The Council reiterates that the Cooperation and Verification Mechanism continues to be instrumental for progress. It remains an appropriate tool to assist Bulgaria and Romania in their respective reform efforts, in order for each of them to achieve a record of concrete and lasting results required to fulfil the objectives of the Mechanism. The Council recalls its continued readiness to support efforts of Bulgaria and Romania in this regard through EU and bilateral assistance. Pending the satisfactory fulfilment of all respective benchmarks through a substantial and lasting reform process, which the Council expects in this framework, the Mechanism stays in place. Until then, the Council invites the Commission to continue its reporting and looks forward to its next reports on Bulgaria and Romania foreseen in the second half of 2019. The Council welcomes the Commission's intention to continue monitoring the situation in Bulgaria and Romania closely and to keep the Council regularly informed.

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