



Brussels, 16 December 2022
(OR. en)

16057/22

LIMITE

COVEME 2

REPORT

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| From: | Presidency |
| To: | Permanent Representatives' Committee |
| No. Cion doc.: | 15137/22 |
| Subject: | Progress in Bulgaria and Romania under the Cooperation and Verification Mechanism – Presidency's report |

I. INTRODUCTION

1. On 22 November 2022, the Commission transmitted its written report on progress in Romania under the Cooperation and Verification Mechanism to the Council.¹ On 28 November 2022, the Commission updated the Ad Hoc Working Party on the Cooperation and Verification Mechanism for Bulgaria and Romania on progress both in Romania and Bulgaria under the Mechanism.
2. In light of the divergent positions expressed by the delegations, the Presidency concluded that it would issue this report, under its responsibility, taking stock of the current state of affairs. While based on the positions expressed by the delegations, it represents the Presidency's assessment of main outcomes of the discussions held on 28 November 2022.

¹ 15137/22.

II. ROMANIA

3. The Commission noted that all the progress made by Romania under the Cooperation and Verification Mechanism are sufficient to meet its commitments at the time of its accession to the EU. The Commission assessed that all the benchmarks were satisfactorily fulfilled.
4. In the area of justice (benchmarks 1 and 2), the Commission assessed that Romania has made decisive progress with the dismantlement of the Special Section for investigating criminal offences within the judiciary (SIIJ), the adoption of the new Justice laws and the development of a Strategy for the Development of the Judiciary 2022-2025.
5. In the fight against corruption (benchmarks 3 and 4), the Commission reported that Romania has made good efforts, including by ensuring the implementation of the National Anti-corruption Strategy, and the positive track record in the effectiveness of the investigation and sanctioning of high-level corruption.
6. In its concluding remarks, the Commission therefore stated that it no longer would monitor or issue any reports on Romania under the Cooperation and Verification Mechanism. Monitoring of remaining commitments would instead continue under its annual rule of law report. The Commission also informed of its intention to repeal the decision establishing the Cooperation and Verification Mechanism for Romania. Before taking a final decision on the matter, the Commission informed that it would take observations by the Council and the European Parliament duly into account.

7. All Member States that took the floor welcomed the progress made by Romania in the reporting period. The majority of those delegations expressed their support for the Commission's intention to terminate the Cooperation and Verification Mechanism and to continue monitoring the implementation of Romania's judicial and anti-corruption policies as part of the Commission's rule of law report. However, one delegation stressed the need for all benchmarks to be fully met in an irreversible and sustainable manner before ending the reporting under Cooperation and Verification Mechanism, while another delegation underlined that the Mechanism serves a different purpose than the Commission's rule of law report and Romania's Recovery and Resilience Plan.

III. BULGARIA

8. The Commission presented the state of play of relevant developments in Bulgaria since its 2019 Cooperation and Verification Mechanism report, welcoming the overall progress made. It reconfirmed its assessment of 2019 that the progress made by Bulgaria under the Mechanism had been sufficient to meet Bulgaria's commitments at the time of the accession, and that no further reporting on Bulgaria under the Mechanism therefore was warranted.
9. In its concluding remarks, the Commission informed of its intention to repeal the decision establishing the Cooperation and Verification Mechanism for Bulgaria. Before taking a final decision on the matter, the Commission informed that it would take observations by the Council and the European Parliament duly into account.

10. Member States that took the floor welcomed the progress made by Bulgaria over the reporting year. The majority of those delegations expressed support for the Commission's intention to terminate the Cooperation and Verification Mechanism for Bulgaria. However, a couple of delegations largely reiterated their positions expressed in 2021² and recalled that the Commission's 2006 Decision on the Cooperation and Verification Mechanism for Bulgaria remained in force and, on this supported by one more delegation, urged the Commission to continue to issue written reports until the formal repeal of the decision establishing the Cooperation and Verification Mechanism.

IV. CONCLUSIONS

11. The Presidency invites the Permanent Representative Committee to take note of this report.
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² See 10349/21.