



**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:	20 February 2012
to:	COREPER/COUNCIL

No Cion doc.:	6371/12, 6372/11
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) and of 12 September 2011 (doc. 13733/11), the Commission presented Interim reports on progress in Bulgaria and Romania under the Co-operation and Verification Mechanism (docs 6371/12 COVEME 1 and 6372/12 COVEME 2).
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.

Cooperation and Verification Mechanism for Bulgaria and Romania -

Draft Council conclusions

Reaffirming its earlier conclusions, in particular those of 12 September 2011, the Council welcomes the interim 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 fully shares the objective and balanced analysis contained in those reports. The Council appreciates the continued good co-operation of Bulgaria and Romania with the Commission and the other Member States.

The Council continues to recall the importance of unequivocal and sustained political will to take the necessary steps, and acknowledges the continued efforts made by Bulgaria and Romania to meet the objectives set under the Mechanism.

The Council welcomes the developments in Bulgaria mentioned in the Commission's report in particular the establishment of newly set up authorities such as the specialised court and prosecution office for organised crime. In order to deliver effectively on outstanding recommendations identified by the Commission, stronger action should be taken with regard to areas such as the thorough reform of the judicial system, including the Supreme Judicial Council, and strengthening integrity and accountability within the judiciary. Concrete results and effective judicial follow up in several important areas are now expected, such as better results with regard to organised crime and high-level corruption cases, adoption of effective asset forfeiture legislation, backed by strong institutions, the functioning of the specialised court and prosecution office for organised crime, and convincing and dissuasive measures against corruption and conflict of interests.

The Council welcomes the developments in Romania in response to the Commission's recommendations such as the implementation of the civil code, the acceleration of high-level corruption trials and the increase in number of verdicts as well as the continued good work of the National Anticorruption Directorate and the National Integrity Agency. Further action should continue to focus on the recommendations identified by the Commission. This includes implementation of the new legislative framework in criminal law, strengthening integrity and accountability within the judiciary, taking further action to effectively dissuade high-level corruption, improving the dissuasive effect of cases raised by the National Integrity Agency, ensuring full institutional endorsement and effective implementation of the new National Anti-Corruption Strategy, and securing more convincing results in the recovery of the proceeds of crime.

Taking as a point of reference the progress reports adopted by the Commission on 20 July 2011, the Council encourages Bulgaria and Romania - building on progress already achieved - to further accelerate their efforts to address all recommendations in these reports in the coming months, in particular with regard to all areas highlighted in the interim reports. The Council expects both countries to achieve tangible and lasting results in line with the agreed benchmarks.

In this light the Council looks forward to the Commission's reports in summer 2012, including the overall assessment of progress achieved under the CVM since the accession of Bulgaria and Romania to the EU in 2007. The Council will continue to pay careful attention to developments in this area.