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OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council

To: Delegations

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 on 17 March 2015.

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 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 the report. In this context, the Council appreciates the continued good co-operation of Bulgaria and Romania with the Commission and the other Member States under the mechanism.
2. The Council reiterates its adherence to the values and principles of the EU, also recalling the importance of an unequivocal, sustained and broad-based political commitment to meet the objectives set under the Mechanism. Effective implementation of reforms focusing on sustainable results and convincing track records remains essential. The existence of an impartial, independent and effective administrative and judicial system, with sufficient resources and supported by all public institutions, continues to be indispensable for EU policies to function properly and for citizens to benefit fully from all the opportunities offered by membership of the Union.
3. The Council notes that the overall progress in Bulgaria has been slow due not least to domestic political uncertainties. The Council also notes that Bulgaria has taken some positive steps during the reporting period. In a number of areas problems have been acknowledged and solutions are starting to be identified. In particular, the Council welcomes the political commitment to the reform process expressed by the current government. The recent adoption of a judicial reform strategy was an important step that provides a solid basis for future action; adoption of concrete action plans and effective implementation should swiftly follow. There has been significant progress with the implementation of the action plan put forward by the Prosecutor General in 2013. The strong public aspiration for reform in Bulgaria should also be acknowledged.

However, the Commission's overall assessment also highlights a number of concerns that need to be addressed. These include continued integrity issues regarding appointments and doubts about political influence on the judicial system, as well as the need to improve on the monitoring and the addressing of deficiencies, and the effective implementation of court judgements. A particular responsibility for addressing long-standing problems like case allocation lies with the Supreme Judicial Council. The Council also notes that given the still very limited number of cases of corruption and organised crime that have been brought to conclusion in court, addressing the reasons for these shortcomings needs to be a high priority.

4. Building on progress already achieved and recent strategic direction taken by Bulgaria, the Council urges the further 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 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 pursue the reform of the judicial system, including reorganisation of the functioning of the Supreme Judicial council and targeted amendments to the Criminal Code. The fight against corruption, in particular at high level, needs to be intensified, in order to bring about concrete and sustained results. In this regard, the Council notes that the forthcoming evaluation of Bulgaria's existing anti-corruption measures will provide useful input towards defining a solid national anti-corruption strategy, reinforcing transparency, as well as synergies among the different institutions fighting against corruption, and improving implementation with regard to both prevention and effective prosecution. In a similar vein, focused and effective efforts are required to combat organised crime, 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 reiterates the importance of appointing key officials, such as a new Chief Inspector for the Judicial Inspectorate.

5. The Council welcomes the steady and significant progress that Romania has made in many areas, some of which start to show signs of sustainability, and notes the positive public response to the improvements made in recent years. This is particularly due to the track record on high-level corruption. Action taken by the key judicial and integrity institutions to address high-level corruption has maintained an impressive momentum, increasing public confidence in the judiciary in general and the anti-corruption prosecution in particular. The professionalism within the Romanian judicial system as a whole has increased. The Council welcomes the efforts towards the modernisation of the judicial system through implementation of four new legal Codes, and the adoption of the Strategy for the Development of the Judiciary for the years 2015-2020, aimed at further streamlining the efforts in the justice area. The Council considers that in the future, Romania could attain the objectives of the Mechanism set in this regard, provided that it maintains the current momentum, and continues to consolidate progress made, ensuring the sustainability of the reforms.

The Commission's assessment also points to difficulties in some areas that would need to be addressed, notably regarding the need for an increased political commitment to sustained reforms by all public institutions and political actors, as exemplified by, inter alia, public statements questioning key judicial and anti-corruption institutions. Outstanding legislative issues, as well as inconsistencies with regard to judicial application, should also be addressed.

6. Building on progress already achieved, the Council encourages Romania to maintain the momentum of efforts to address all the recommendations set out by the Commission in its report and looks forward to further steps towards consolidation and safeguarding of the progress ahead of the next Commission report.

Romania should continue to focus its efforts on, inter alia, further measures for consolidating progress on ensuring solid respect and defence of judicial independence. This should include appointment procedures centred on integrity and professionalism. Judicial independence and its role in a system of checks and balances should be duly considered in the ongoing revision of the Constitution. Progress should continue on judicial reform, including finalising the necessary adjustments to the criminal codes and preparing to implement the final stage of reform. Integrity measures should be further consolidated. The Council notes that an overall, continued political commitment to sustained reforms and respect for the independence of the judiciary are essential in order to ensure the sustainability of current progress. Court decisions, including those confirming integrity rulings, should be applied and implemented by all institutions and instances without delay. Further sustained efforts to prevent and tackle corruption, including addressing it effectively and dissuasively at all levels, should continue to be a priority.

7. 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 reform efforts, in order 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 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.