

Brussels, 4 February 2008

## Interim Report on Progress in Romania with Judiciary Reform and the Fight against Corruption

### Why does the Commission report on progress in Romania in these areas?

Upon accession of Romania on 1 January 2007, certain weaknesses remained in the areas of judicial reform and fight against corruption that could prevent an effective application of EU-laws, policies and programmes. The treaty of accession set the framework for further work in these areas.<sup>1</sup> In addition, the Commission took the obligation within the Cooperation and Verification Mechanism<sup>2</sup> to assist Romania to remedy these shortcomings but also to regularly verify progress against four benchmarks set for judiciary reform and the fight against corruption. These benchmarks are interlinked. They need to be seen together as part of a broad reform of the judicial system and the fight against corruption for which a long term political commitment is needed.

### How does the Commission report on progress in Romania?

The [first report](#) of the Commission was published on 27 June 2007. It included a comprehensive assessment of progress against each of the four benchmarks. The report concluded that the Romanian Government was committed to judicial reform and cleansing the system of corruption. However, there was still a clear weakness in translating these intentions into concrete results. While recognizing the efforts of Romania, much remained to be done and progress was still considered insufficient in the fight against high-level corruption.

As the time period since this report was considered too short to allow Romania to remedy all shortcomings and for the Commission to revisit the assessment, the present report contains only a factual update of progress and deliberately abstains from providing a detailed assessment of results achieved under each of the benchmarks. However, the report also takes note of some concerns on how progress has been evolving which need to be addressed by Romania before the Commission carries out a full assessment again mid 2008.

In addition, the present *interim* report includes an overview of assistance provided to Romania in areas relevant to the benchmarks. This has been done with a view to identifying possible assistance gaps and providing a full range of relevant support to Romania.

As previously; the present report is based on contributions by the Romanian authorities, the Commission's services, Member States, technical experts and civil society.

---

<sup>1</sup> Articles 37 and 38 of the Accession Treaty of Romania

<sup>2</sup> Commission Decision 2006/928EC of 13 December 2006 establishing a mechanism for cooperation and verification of progress in Romania to address specific benchmarks in the areas of judicial reform and the fight against corruption (OJ L 354, 14.12.2006, p. 56).

## **What does the report say in short?**

The report concludes that delays have occurred in implementing a coherent recruitment strategy for the judiciary (benchmark 1), in the establishment of a National Integrity Agency (benchmark 2) and in developing an overall strategy and implementing flagship projects to fight local corruption (benchmark 4).

The report shows particular concern for the fight against high-level corruption (benchmark 3) where convincing results have not yet been demonstrated by Romania. The report suggests that Romania steps up its efforts in this area and strengthens its efforts to maintain the legal and institutional stability of the Romanian anti-corruption framework in order to register progress ahead of the Commission's next detailed evaluation mid 2008.

## **What does the report say about the Romanian Action Plan?**

As suggested by the Commission in its first report in June 2007, Romania has developed a detailed Action Plan on how it intends to meet the benchmarks set under the Cooperation and Verification Mechanism. The Commission assisted Romania with a methodological assessment carried out by independent experts. Romania consulted the Action Plan with Civil Society; it was adopted by the government at the end of October 2007.

The Commission recognises the effort by Romania to produce a detailed Action Plan in a professional manner and discuss it with Civil Society. However, in some areas, the Action Plan lacks coherence and suffers from gaps. Some legal and political initiatives pursued in fact, contradict the objectives foreseen in the Action Plan. In addition, the Action Plan omits the key issue of legal and institutional stability of the anti-corruption framework (benchmark 3). The plan also misses an indication of when and if sector strategies will be prepared to replace those which have recently expired on judiciary reform and anti-corruption. For local corruption (benchmark 4), the Action Plan does not provide sufficient detail. The Action plan also introduces some activities and indicators that seem not sufficiently targeted to deliver the intended result. This relates in particular to indicators such as media leaks on confidential information (BM 3; chapter I, point 1.2). A study on the individualisation of penalties for corruption offences (BM 3; chapter II, point 1) can only be a first step in addressing the problem of possible leniency in judging high-level corruption as mentioned by the Commission's report of 27 June 2007.

The report suggests that the shortcomings of the Action Plan should be corrected and that the plan should be continuously updated and its implementation rigorously monitored by a strong central operational coordination mechanism.

## **What does the report say about support to Romania for judicial reform and the fight against corruption?**

The report states that substantial support has been provided to Romania in the area of Justice and Home Affairs in the past, both by the Commission and by Member States. These areas remain the clear focus of assistance also for projects implemented in the future. The EU's Transition Facility which will be implemented until 2010 makes available alone over 12 MEUR for projects specially designed to assist Romania in meeting the benchmarks.

The report concludes that areas of heavy exposure to cooperation projects such as judicial reform and the National Anti-Corruption Department (DNA) show relatively stable progress.

The report suggests focusing future projects on the fight against corruption and on the National Integrity Agency and to give preference to smaller and well targeted

projects that directly address the priorities and needs identified in Romania's Action Plan. The report also contains a number of concrete suggestions for future cooperation (such as e.g. traineeships, scholarships and institutional partnerships) and an overview of past assistance in an annex.

### **What are the next steps?**

The present interim report expresses the Commission's concern on the absence of convincing results to date in the fight against high-level corruption in Romania. It suggests that Romania should particularly step up its efforts to achieve progress in this area ahead of the Commission's next report.

The Commission will issue again a comprehensive report under the Cooperation and Verification Mechanism with an assessment of progress against all six benchmarks in July 2008.

### **What are the four benchmarks set for Romania?**

The following benchmarks have been set for Romania in the context of the Cooperation and Verification Mechanism:

1. Ensure a more transparent, and efficient judicial process notably by enhancing the capacity and accountability of the Superior Council of Magistracy. Report and monitor the impact of the new civil and penal procedures codes.
2. Establish, as foreseen, an integrity agency with responsibilities for verifying assets, incompatibilities and potential conflicts of interest, and for issuing mandatory decisions on the basis of which dissuasive sanctions can be taken.
3. Building on progress already made, continue to conduct professional, non-partisan investigations into allegations of high level corruption.
4. Take further measures to prevent and fight against corruption, in particular within the local government.

### **Where can the report be obtained?**

The report is ready for download at the following website:

[http://ec.europa.eu/dgs/secretariat\\_general/cvm/index\\_en.htm](http://ec.europa.eu/dgs/secretariat_general/cvm/index_en.htm)