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Interim Report on Progress under the Co-operation and Verification Mechanism in Romania

Why does the Commission report on progress in judicial reform and the fight against corruption in Romania?

Upon accession of Romania on 1 January 2007, certain weaknesses remained in the areas of judicial reform and the fight against corruption that could prevent an effective application of EU laws, policies and programmes, and prevent Romanians from enjoying their full rights as EU citizens. Therefore, the Commission took the obligation within the Cooperation and Verification Mechanism¹ (CVM) to assist Romania to remedy these shortcomings and to regularly verify progress against four benchmarks set for this purpose. These benchmarks are interlinked and should 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 Commission's reports under the Cooperation and Verification Mechanism (CVM) are published twice a year. The reports are based on contributions from the Romanian Government, the Commission services, Member States and NGOs.

The last report published on 20 July 2011 pointed to significant steps taken by Romania to improve judicial efficiency, re-establish the legal basis of the National Integrity Agency and to continue preparations for the implementation of the four new codes. At the same time, the report also noted that Romania needed to take urgent action to accelerate high-level corruption trials; preserve the fight against corruption as a top priority; take measures to follow up effectively on decisions by the National Integrity Agency (ANI); and improve the recovery of proceeds of crime, the pursuit of money laundering and the protection against conflict of interest in the management of public funds.

Ahead of the Commission's overall assessment of progress in Romania under the CVM since accession which the Commission will deliver in summer this year, the present report consists of a technical update on significant developments since July 2011. It focuses on Romania's response to the Commission's recommendations included in the last report and does not contain a full assessment of progress achieved.

¹ Commission Decision 2006/928/EC 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 today's report say?

Today's report points to a number of main developments in response to the recommendations issued by the Commission in the last report.

For example, the new civil code entered into force in October 2011 and the civil procedure code is foreseen to follow in June 2012. Romania accelerated the trial of high-level corruption cases and there was progress in Parliament with draft legislation on extended confiscation. The National Anticorruption Directorate (DNA) and the National Integrity Agency (ANI) have continued to carry forward a series of important cases, including with regard to a significant number of senior politicians and officials. The new laws on the reform of appointments to the High Court of Cassation and Justice and on the disciplinary responsibility of magistrates set out frameworks which aim at more clarity and rigour. A comprehensive National Anti-Corruption Strategy has been drafted. The report also points to areas where further progress is expected in the coming months. These include implementing the new codes, strengthening integrity and accountability within the judiciary, enhancing the dissuasive effect of judicial follow-up to high level corruption cases and ensuring a broad political endorsement of the National Anti-Corruption Strategy.

What are the next steps?

The report analyses the action taken against the recommendations made by the Commission last July. Developments in Romania over recent months point to a number of areas where further action is needed in line with the Commission's recommendations.

For example, preparations to implement the criminal code and criminal procedure code should continue, in the framework of a clear and comprehensive implementation plan. The ability of the leadership of the judiciary to adequately respond to problems concerning integrity and accountability within the judiciary remains an issue of concern. Decisions in key court cases will need to further contribute to effectively dissuading high-level corruption. The National Anti-Corruption Strategy should be backed-up by a clear endorsement by all institutions, to maximise the leverage of this strategy. Further efforts are needed to secure more convincing results in the recovery of the proceeds of crime.

Ongoing efforts are needed during the coming months in order to demonstrate convincing results in view of the Commission's overall assessment of progress in summer this year. The Commission will continue to support Romania in its reform efforts.

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 found?

The report is available on the following website:

http://ec.europa.eu/dgs/secretariat_general/cvm/index_en.htm