

Progress report under the cooperation and verification mechanism (CVM) for Romania: technical briefing by Mark Gray, EC Spokesperson (28 January 2013)

Good morning,

As announced in its last CVM report of July 2012, the Commission has this morning adopted a progress report on Romania.

The report analyses the progress made over the last six months both on the specific commitments taken by the Romanian Government on the questions related to the rule of law and the independence of the judiciary and the wider objectives of reform of the judicial system and steps to fight corruption under the cooperation and verification mechanism.

In a nutshell, the report makes clear that while some progress has been made over the last six months, Romania needs to do more to deliver on respect for the rule of law and judicial independence as it has implemented several but not all of the CVM recommendations.

While the respect for the Constitution and the decisions of the Constitutional Court has been restored, the independence of the judiciary and the instability faced by judicial institutions remain a major source of concern. The Commission has received numerous reports of intimidation or harassment of individuals in core institutions.

The role of the media is also addressed in the report which indicates a need for a review of existing rules, to safeguard a free and pluralist media while ensuring that this is accompanied by a proper protection of institutions and of individuals' fundamental rights.

The Commission stresses the importance of nominating a new Prosecutor General and head of the National Anti-corruption Directorate who enjoy public confidence and demonstrate the independence, integrity and professionalism needed to deliver effective results in fighting corruption.

The recent nominees have been rejected by the Romanian President. The Commission understands that there will be a new selection process. It will be important that a sufficient number of high quality candidates come forward in an open and transparent process and as far as possible with support from the Superior Council of Magistracy. This will be the best way of providing leadership in both bodies able to command public confidence.

The Commission's recommendations also underline the responsibility of Ministers and parliamentarians to set an example in terms of respect for integrity. Those in office should set the standard – for example, stepping down when there is an integrity report from the National Integrity Agency. Clearer rules are needed for members of Parliament facing integrity or corruption allegations.

The Commission is also calling for deadlines to be applied in the new procedures for lifting immunities in cases of search, arrest or detention of parliamentarians and for a full justification in cases where immunity is not lifted. As for the wider CVM objectives of judicial reform and the fight against corruption, the Commission notes the need to accelerate progress. The report notes the resilience of the courts and the anti-corruption institutions in difficult circumstances.

I will not go through each of the benchmarks but to give a couple of examples:

- The timing for the implementation of the four key codes needs to be respected;
- The High Court's approach towards high-level corruption cases has seen a welcome degree of proactive case management;
- ANI has continued to develop its track record and to develop its operation efficiency but it is a major concern that its decisions are frequently questioned;
- The DNA has continued to investigate and bring forward corruption cases with convictions doubling last year.
- The implementation of measures on money laundering and confiscation need more time to assess the progress made but a concern is the lack of comprehensive statistics available to measure the impact on the ground.
- Finally, very limited progress has been made on the prevention and sanctioning of corruption related to public procurement. At all levels from investigation to prosecution, this needs a major effort on the part of the Romanian authorities.

To conclude, the new government and the new Parliament offer an excellent opportunity to consolidate the progress and address the outstanding points. We hope that both will seize this opportunity. The Commission will monitor the progress closely and adopt a further report on the reform process before the end of this year.