

INTERIM REPORT FROM THE EUROPEAN COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

ON PROGRESS IN ROMANIA UNDER THE CO-OPERATION AND VERIFICATION MECHANISM

1. INTRODUCTION

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The last progress report adopted by the Commission on 22 July 2009 and its recommendations remain the point of reference for the assessment of progress achieved against the benchmarks and the identification of the remaining challenges. The Commission will provide its next assessment in summer 2010.

2. JUDICIAL REFORM AND THE FIGHT AGAINST CORRUPTION: STATE OF PLAY

During the last six months, Romania has not been able to keep the momentum of reform it had established by mid-2009. The recent electoral period led to a delay of the parliamentary discussion of the draft civil and criminal procedure codes, whose adoption will be a vital next step in the reform process. In addition, the capacity of the judicial system has been put under further strain by net staff losses and the protests during September.

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The progress of the National Integrity Agency (ANI) has been consolidated and extended.

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4. TECHNICAL UPDATE ON BENCHMARKS

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4.2. Benchmark 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

The encouraging track record of the National Integrity Agency (ANI) continued in the second half of 2009.⁴ Courts confirmed the determination of unjustified wealth in two cases, ordering the confiscation of significant assets. These decisions are subject to appeal. Decisions in four other confiscation cases are pending. The agency has also sent a significant number of cases to prosecutors for criminal investigation and to different disciplinary authorities for disciplinary follow-up. In the courts, ANI has established a track record of defending their findings of incompatibilities or conflicts of interest.

From 22 May 2009 to 4 January 2010, ANI finalised 769 verifications and referred 174 additional files to competent institutions to apply sanctions or pursue criminal investigation. Of these 174 files, two files have been sent to the courts to confiscate unjustified wealth 60 files to disciplinary bodies to sanction ANI's findings of incompatibilities or conflicts of interest, and 112 files have been referred to prosecutors to investigate suspicions of false statements or other crimes. As of 22 February, sanctions have been applied by disciplinary bodies in eleven cases concerning incompatible officials.

The agency has now established its interim staffing level and should be fully operational once the IT system to process asset and interest declarations will be completely implemented in 2010. All asset and interest declarations received in 2009 are publicly accessible via a portal on the ANI website.

The Agency issues press releases to publicise its findings of incompatibilities, conflicts of interest and unjustified wealth as well as the outcome of resulting court cases and disciplinary action. The status of ongoing cases in courts is also available online. ANI has entered into cooperation with two NGOs to develop awareness-raising and preventive activities.

The role of the National Integrity Council (CNI) as a control organ of ANI has not been effectively exercised.

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