



The CVM – Cooperation and Verification Mechanism

Bulgaria and Romania, their problem with the
Rule of law in the EU



Outline

- Define the rule of law and its fundamental principles
- Different EU tools to protect the rule of law
- Quick presentation of Bulgaria and Romania
- Operation of the mechanism in practice
- The end of the mechanism
- Effects of the CVM: consequences, effectiveness, limits





Define the rule of law and its fundamental principles



Rule of law

A state in which legal norms are hierarchically organized in such a way that its power is limited – Hans Kelsen

Supposes 3 main principles:

- Respect for the hierarchy of norms
- Equality of subjects of rights
- Independence of the judiciary

=> The idea that the law limits the power of the State and guarantees the fundamental freedoms of each individual

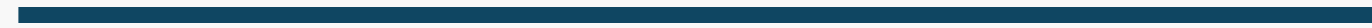
Rule of law

This concept is among the fundamentals of the EU

- **Article 2 of the Treaty on European Union** which notably defines its fundamental values

Beyond being a founding value of the EU, the rule of law is essential to the very functioning of the EU:

- Proper functioning of the Internal Market
- Fight against corruption ...



Different EU tools to protect the rule of law



The annual Rule of Law cycle

Annual report on the Rule of law

Report published annually by the European Commission focusing on 4 areas

- Judicial systems ; Anti-corruption framework ; Pluralism and media freedom ; Questions related to the balance of power

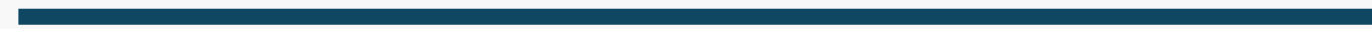
Annual Rule of law dialogue

- **Objective** = to promote a political dialogue between member states and other institutions to encourage respect for the rule of law

These discussions can be based on the annual report on the rule of law



Presentation of Bulgaria and Romania



Bulgaria

- Member of the EU since January 1st, 2007

Favorable opinion from the European Commission but with accompanying measures

- Does not belong to the eurozone
- Member of the Schengen Area since March 31, 2024 and then January 1st, 2025



Romania

- Member of the EU since January 1st, 2007

Favorable opinion from the European Commission but with accompanying measures

- Does not belong to the eurozone
- Member of the Schengen Area since March 31, 2024 and then January 1st, 2025





Operation of the mechanism in practice



Cooperation and Verification Mechanism (CVM)

- Safeguard temporary measure established in 2006 by the European Commission
- Implemented for Romania and Bulgaria because they had to make progress in the areas of judicial reform, anti-corruption and combating organized crime



Cooperation and Verification Mechanism (CVM)

- Benchmarks for each country = 4 for Romania and 6 for Bulgaria
- Official reports produced every 6 months containing recommendations regarding these benchmarks and the Commission's assessments



Bulgaria

3rd report = July 2008

- Results confirming the proper functioning of the system are rare

What has been done

- Amended its Constitution and adopted fundamental laws
- Established a supreme judicial council
- Instituted an independent judicial inspection
- Reformed the Ministry of the Interior
- Created a state agency combating corruption and organized crime
- Established a new administrative procedure

Bulgaria

But weak results

- Most offenses committed are not punished
- Unreliable data
- Ineffective control of political party financing
- Not effective resolution of fraud and corruption

Due to this report and this situation, Bulgaria lost parts of its funding

Bulgaria

Data

CPI = Corruption Perceptions Index

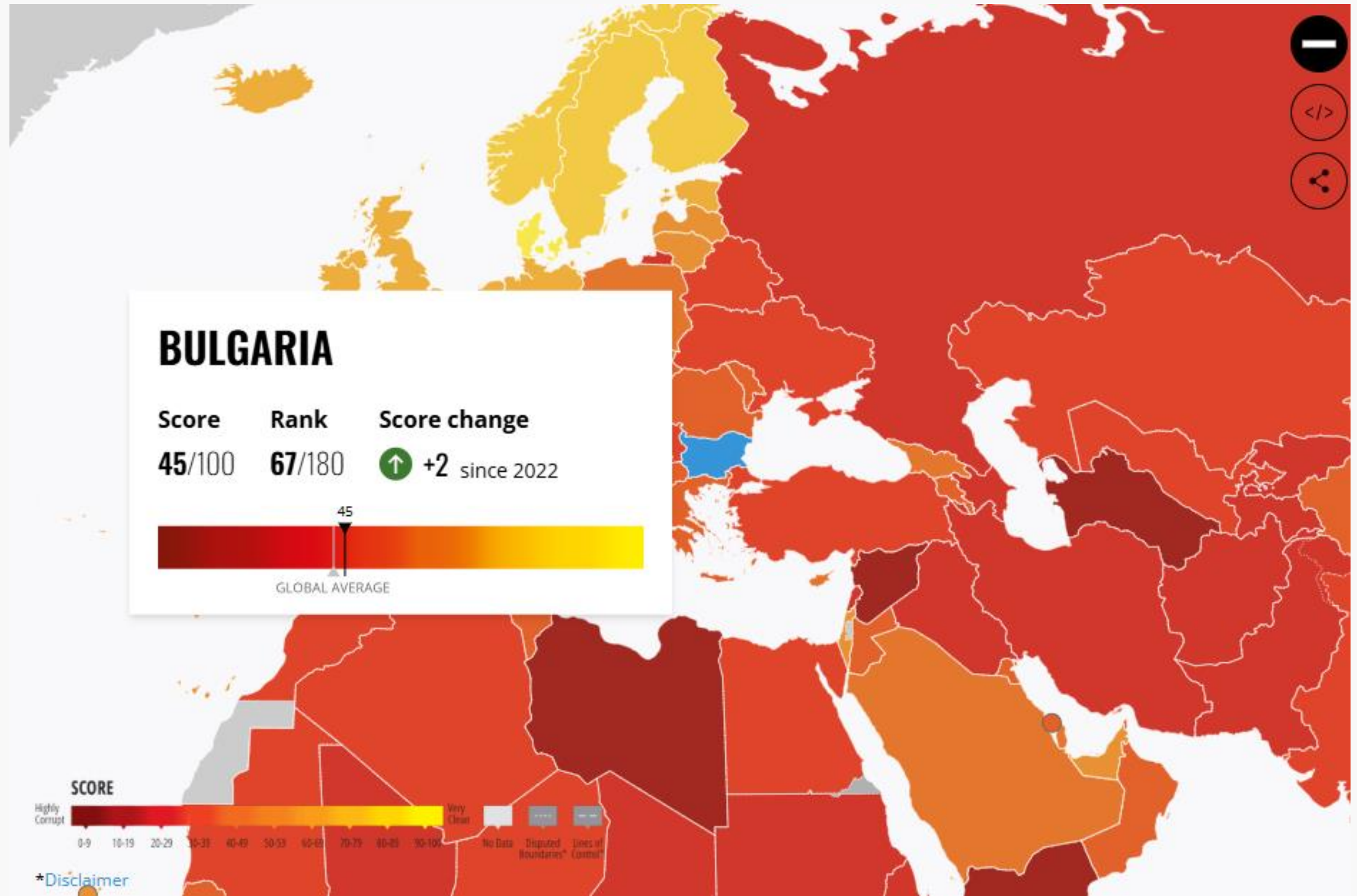
2008

#	Country	Region	Score
72	Bulgaria	WE/EU	3.6

Bulgaria

Data

2023



Bulgaria

Latest report = October 2019

- Examines the progress made in addressing the 17 recommendations issued by the Commission in its January 2017 report

What has been done

- Consolidation of the legal and institutional framework

Commitments to be upheld

- National monitoring of everything that has been implemented
- Continuing reforms in the fight against corruption

Romania

3rd report = July 2008

- Mixed results : has established the elements necessary for the functioning of the system but it still rests on fragile foundations

What has been done

- Intensified its efforts and restored a willingness to reform
- Allocated the necessary resources to the Supreme Judicial Council to enable it to assume its main responsibilities
- Good results in prosecutions concerning corruption
- Created a national agency for integrity
- Awareness campaigns & preventive measures

Romania

But weak results

- Many contentious debates : main institutions don't all share the same willingness to reform
- Legal and institutional framework is fragile

The Commission strongly encourages Romania to intensify its reforms and to continue cooperating closely with it and other member States

Romania

Data

CPI = Corruption Perceptions Index

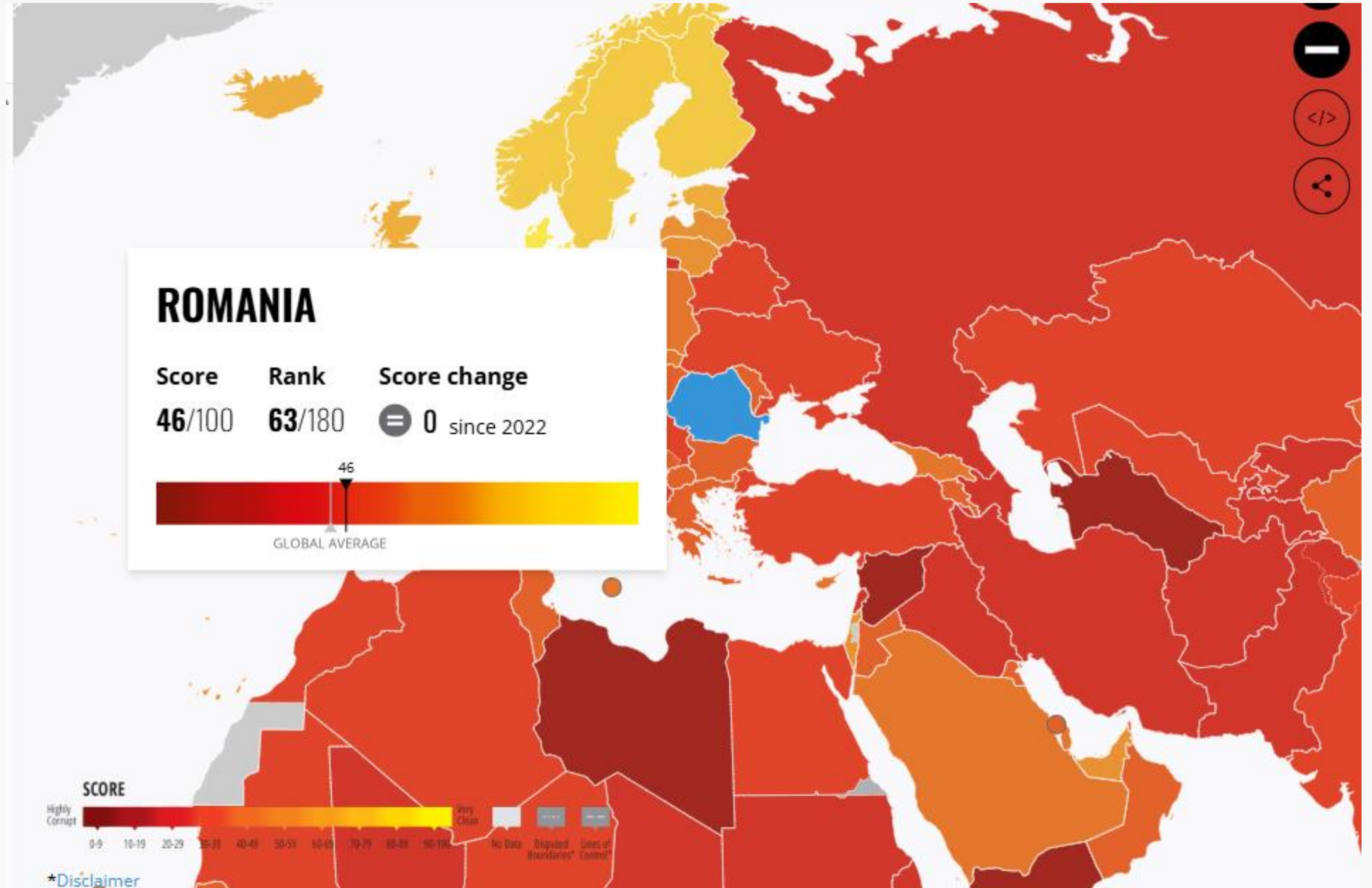
2008

#	Country	Region	Score
70	Romania	WE/EU	3.8

Romania

Data

2023



Romania

Latest report = November 2022

- Reviews the progress made regarding the recommendations

What has been done

- Progress in judicial reform
- Progress in the fight against corruption
- Revision of criminal codes and consolidation of its integrity framework

Commitments to be upheld

- Maintaining the positive pace of reforms
- Effective implementation of the commitments made



The end of the mechanism



The CVM ends when all the benchmarks are satisfactorily met

January 2017 = the Commission conducted a comprehensive assessment of the progress made over the past 10 years

- Following that, formulated specific recommendations

October 2019 report = the Commission concluded that Bulgaria has satisfactorily addressed the remaining recommendations

- All benchmarks can be closed
- BUT still had to implement specific commitments

November 2022 report = the Commission concluded that Romania has satisfactorily the remaining recommendations

- All benchmarks can be closed
- BUT still had to implement specific commitments

June 2023 = all the commitments for both countries have been implemented

- The Commission adopted 2 decisions on September 15, 2023 officially ending the CVM



**Effects of the CVM :
consequences, effectiveness, limits**



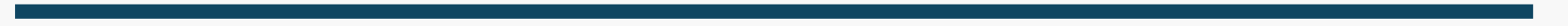
Was supposed to last a few years but in reality it remained in place for 16 years

- We can question its effectiveness especially if we look at the relationship of these two states with the Schengen area

Schengen Area

despite the validation by European institutions, several states opposed this integration

- **March 31, 2024** = partially joined the Schengen Area only with the lifting of controls at maritime and air borders
- **January 1st, 2025** = fully entered the Schengen Area



Thank you !

