

THE ROLE OF EU'S CONTROL MECHANISMS IN THE CONSOLIDATION OF THE RULE OF LAW IN ROMANIA. MECHANISM OF COOPERATION AND VERIFICATION

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Abstract

Post-communist societies tend to function in a manner which contradicts the European integration model, placing the respect for democratic norms and values on a secondary position. The democratization process requires a functional and independent judiciary branch, the shaping of a justice culture, the internalization of justice laws and principles, both individual and collective levels. In other words, the consolidation of a democratic society could be achieved on fundamental principle of the rule of law. The present paper aims to highlight the European Mechanism of Cooperation and Verification' potential and its influence on the implementation of the rule of law during Romania's post-accession period. Methodologically, this paper employs content analysis of legislation and official European and Romanian documents.

Keywords: *rule of law, justice culture, Mechanism of Cooperation and Verification, democratization process, European Union, Romania.*

1. Introduction

In the initial treaties regarding the European community there is no mention regarding the rule of law, democracy and human rights. The change occurs along with the Maastricht Treaty also known as European Union Treaty signed by the European Council in February of 1992. This treaty founds the EU has the role of inserting rule of law, democracy and human rights as a key reference to EU Development Policy as well as the Common Foreign and Security Policy (CFSP). The end of the Cold War is thus linked to the EU change in perspective which concentrated the attention on the political documents looking at this trio of values (rule of law, democracy and human rights) but highly important in a political construction such as the European one. Rule of law stands for a governing principle where entities, institutions and individuals including the state itself obey the law which have to be applied independently and in accordance to the international standards of legal and human rights. Amongst the indicators of the rule of law one may find: independence of justice including the nomination and the system of career progress, the right to obtain repairing warrantees in case of a legal error, correct trials, the access to law, recognition by legal institutions of treaties and conventions at an international level include the ones concerning human rights. The theoretical model chosen within this paper stands to show that a state under the rule of law represents a basis for one democratic system. As Zillur Khan (2011) states:

*"Democracy, without a sincere devotion of political leaders for the legal consolidation of justice, has a tendency to be lost in the sphere of low political interests. The most important values for a sustainable democracy and institutional welfare are the legal rules of justice."*¹

John Rawls also outlines that justice is a fundamental pattern and without it, social norms cannot exist these leading to an equal distribution of power and resources². The concept of Europeanizing stands as a process through which the states, depending on its competencies and structures, adapt to EU rules which are conceived as a set of political, judicial, economical, social criteria³. The domestic intrastate changes are the result of the transposition of communitarian to intra state law, the reorganizing of internal institutional structures in relation to EU legislation, internalizing of a series of international conventions regarding human rights and the protection of minorities, jurisdictional acceptance of courts above national standards and policies for technical aid in more other important sectors.

This work aims to frame the way in which the EU along with its mechanisms has contributed to the consolidation of rule of law in Romania. In the first part of the article it will be looking at contextual aspects, as well as conceptual and theoretical for in the second part it will outline the Mechanism of Cooperation and Verification' influence on rule of law consolidation in Romania as the starting key point for a democratic society which follows the path asked by the model of European standardization. The theme of work itself asks for a synthetic and holistic view, the changes from

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¹ Zillur R. Khan, *The Concept of Justice and Democracy*, IPSA Prepared for Presentation at the AIBS, (Dhaka, Bangladesh, March 15, 2011), <http://rc37.ipsa.org/post/2011/03/29/The-Concept-of-Justice-and-Democracy>, consulted march 2018.

² John Rawls, "Distributive Justice: Some Addenda," in Samuel Freeman (ed), *John Rawls. Collected Papers*, (Cambridge, Mass.: Harvard University Press, 1999), 154-175.

³ Tanja Börzel & Thomas Risse, "From Europeanisation to Diffusion: Introduction", *West European Politics*, 35 (1) (2012): 1-19.

the law sphere being treated in link to the social and political values of Romanian society under EU influence.

2. Theoretical approaches in promoting of EU values

The attempts to insert the EU capacity in theory as well as to Europeanize member states has become concrete in various paradigms which try to describe and explain the mechanisms through which the European values are promoted and internalized by states actors.

Rationalist Institutionalism approach⁴ is one that shows external rewarding and rational negotiation. It is a model centered on actors and based on logic of consequences. The EU invests the states actors with responsibilities, offering them legal and political resources in order to keep up and implement changes within their internal systems. Formal internal institutions thus become the main factors which set a barrier/facilitate changes as an answer to EU adjustment pressures. Within the negotiation process actors exchange information, threats and promise according to their own preferences the final result depending on the negotiation capacity of actors. According to the model of external rewards, the EU establishes a set of rules as conditions which the states have to respect in order to get rewarded⁵.

As a contrast, *the social institutionalism*⁶ stresses on the fact that such an answer follows logic of what is adequate. The internal impact of the EU results from a socializing process in which states institutions internalize EU rules which they consider lawful. The internal rule carriers as well as internal cultural representations, the informal institutions are key factors which allow states institutions to engage in a process of social learning through which the EU rules redefine their interests and identities. Internalizing democratic principles stands as an assimilation process of some values, codes and norms of constructing and deconstructing some models, both at a normative and at a practical level. A socializing agent such as the EU promotes these models and values in democracy so that states actors assume and integrals them thus in the end they shall consider them norms and values which guide their behaviors.

The *responsible relation* concept is part of the institutionalism literature. According Robert Keohane, responsibility has both external and internal dimensions⁷. Not in few mentions, both practitioners as well as researchers have concentrated on the dimension of internal responsibility which stands for the key to the existence of a formal relationship, institutionalized between the EU and states, the states offering a delegate authority and resources to the Union, so that in the end the latter may take responsibility for them⁸. Responsibility also has an external dimension. Once an agent such as the EU consolidates its aim and power, the number of vulnerable actors to its policies is in growth. This growing vulnerability is due to the fact that the EU grows its capacity of producing consequences which matter for the state actors. The concept of responsibility asks for a holistic view as it demands for a by dimensional relation and reflection which combines both the rationalist institutionalism as well as the sociological one (the social institutionalism). Responsibility frames at a theoretical level the capacity of taking consequences for all actions, aftermath realities and the choices which the EU/a state actor takes for one 's self⁹.

3. Rule of law - An EU priority

Each human community regalements the behavior of its members. Fuller¹⁰ points out that the law, in order to establish a behavior, must be in rule with a set of conditions: to be a public and known law for the ones whom it is directed to, to be comprehensible, non contradictory, permanent or everlasting and the conditions for it to be followed are to be applied. If we admit that the rule of law is an instrument aimed to protect the liberties of individuals, normative functions will be given to different powers. Montesquieu (1958)¹¹ states that:

"If within the same person or the same body of jurisdictional staff the legislative power is reunited together with the executive there shall be no freedom ... There is no freedom if the power of judgment is not separated from the legislative and executive one. If the power of judgment or the law would unite with the legislative the criteria concerning the lives and liberties of citizens would be arbitrary as the judge would also be the legislator. If the power of justice

⁴ Henry Farell & Adrienne Héritier, "A rationalist-institutionalist explanation of endogenous regional integration", *Journal of European Public Policy*, 12 (2) (2005): 273-290.

⁵ Frank Schimmelfennig & Ulrich Sedelmeier, *The Europeanization of Central and Eastern Europe*, (Ithaca: Cornell University Press, 2005), 10.

⁶ Jane Jenson & Frédéric Mérand, "Sociology, institutionalism and the European Union", *Comparative European Politics*, 8(1) (2010): 74-92.

⁷ Robert Keohane, "The Concept of Accountability in World Politics and the Use of Force", *Michigan Journal of International Law*, 24 (4) (2003): 1-21.

⁸ Robert Dahl, "Can international organizations be democratic? A skeptic's view", in David Held & Anthony McGrew, *The Global Transformation Reader*, (Boston: Polity Press, 2003), 530-541.

⁹ Robert E. Goodin, *Protecting the Vulnerable: A Re-analysis of Our Social Responsibilities*, (Chicago Illionos: Chicago University Press, 1985), 114.

¹⁰ Lon L. Fuller, *The Morality of Law*, (New Haven, Yale University Press, 1969), 201.

¹¹ Montesquieu, *Œuvres complètes*, tome II, (Paris: Bibliothèque de la Pléiade, 1958), 397.

would unite with the executive the conditions created would make the power of justice turn into a torturer¹².”

Rule of law imposes the existence of institutional mechanisms meaning the possibility to control the hierarchy of norms and to sanction any rule breaking. Rule of law is more than anything a jurisdictional concept and it has a normative and institutional format. The jurisdictional perspective offers a formal view of the rule of law. Apart from this formal perspective it finds its lack of substantiality when it asks about the usefulness of the rule of law within the societal structures. Thus the rule of law stands as a meaningful instrument for the implementation of some values which individuals have no liberty to act upon and to consolidate their belonging to a society.

Positive liberty as in collective autonomy is the possibility for a community to decide upon its future¹³. It gives the possibility to directly or indirectly take part in determining the norms of common living. Rule of law and democracy both have consolidation links as well as those of potential competitiveness¹⁴.

The present paper focuses on the perspective which states that the rule of law offers democracy establishment and more legitimacy. *Firstly*, the arguments are based on the existence of the link between the rule of justice as an instrument of governing (the law is an instrument and a guide to governing) and the rule of justice which imposes that every social actor has to be protected by the system of law, including by governors within a specified society. It hereby understands that the constitutional limitations of power (an essential element of democracy) can be possible only by using the rules of justice. *Secondly*, the rules of justice may be translated through various elements such as a solid constitution, an efficient election system, and consensus regarding gender equality, laws destined to protect minorities and other vulnerable groups, a strong civil society. From this perspective, the jurisdictional rules aided by an independent justice could offer a guarantee of the fact that the set of civil rights and liberties as well as political can be followed. Citizens could thus understand that their dignity and equality are not at risk.

Following this logical set, the principle of an attentive rule by government concerning the interests and needs of the citizen majority is strictly associated with the functioning of institutions and their capacity to

act for the interest of citizens. As mentioned by the Secretary General (2004):

“The rule of justice is the main key for governing in which all people, institutions and public or private entities, including the state itself are responsible in front of the law which is publically announced, consolidated and independently pronounced and which is consequent with the norms and international standards of human rights¹⁵”.

The nineties represent a period in time when the relations between central European candidates, the easterners and the EU had been characterized by the euphoria off returning to Europe. There had been an inoculated hope that democracy would follow its normal course without having major difficulties¹⁶.

This euphoria faded once the first Accession Treaty appeared in 1991 which mentioned the member quality as an aim for union ship. At the Copenhagen Conference of 1993 the EU state leaders came to terms about the fact that countries in Central and Eastern Europe could become members. It is important to mention that the fact of the promise of belonging to the EU was for the first time accompanied by a pack which also contained formal conditions of membership meaning that it obliged for democracy, rule of law, a functioning market and the implementation of communitarian acquis. The EU passed on from an indirect influence to direct pressure once the European Council of Luxemburg in 1997.¹⁷

The EU offered and is still offering mainly institutional relations and financial aid to the states in Central and Eastern Europe. The institutional relations having associative or belonging main objectives incorporate contract and non-contract based relations established between the EU and national actors.

In the interval between 1999 and 2006 the main sectors of EU aid policies towards Romania have been economical and social cohesion followed by obligation regarding the acquis, the political criteria, community based programs, financial criteria and administrative capacity. The aid for political criteria for example has registered a significant growth in the year 2003, reaching as a point of reference at 57.90 millions of Euros in the year 2006¹⁸.

In 1993 at the Copenhagen European Council¹⁹ political conditions have been stated as well as economic and legal ones so that a state could become a member. Thus it had been covered that candidate

¹² Montesquieu, p. 395. [17]

¹³ Drieu Godefridi, “État de droit, liberté et démocratie”, *Politique et Sociétés*, 23(1) (2004): 143-169.

¹⁴ Idem.

¹⁵ “The rule of law and transitional justice in conflict and post-conflict societies”, 23.08.2004, S/2004/616, <http://archive.ipu.org/splz-e/unga07/law.pdf>, accessed March 2018.

¹⁶ Sharon Wolchik & Jane Curry, *Central and East European Politics from communist to Democracy*, (Landham Maryland: Rowman & Littlefield Publishers, INC., 2008), 4.

¹⁷ *Presidency Conclusions. Luxembourg European Council*, 12-13. 12. 1997, http://www.europarl.europa.eu/summits/lux1_en.htm, accessed March 2018.

¹⁸ Elena Baracani, “EU Democratic Rules of Law Promotion” in Amichai Magen & Leonardo Morlino, *International Actors, Democratization and the Rules of Law, Anchoring Democracy?*, (New York: Routledge Edition, 2009), 63.

¹⁹ *Conclusions of the Presidency. European Council in Copenhagen*, 21-22. 06. 1993, 180/1/93 REV 1, <https://www.consilium.europa.eu/media/21225/72921.pdf>, accessed March 2018.

countries had to follow a criteria of institutional stability without which they could not guarantee their own democracy, the rule of law and human rights. Romania had been asked to follow a better functioning and efficiency of the internal justice system, its independency, to consolidate its fight against corruption.

Following the case of Romania the projects linked to the rule of law had been set in the aid sectors looking at political criteria and administrative capacity. In 2004 regarding the aid for political criteria, the analysis shows that the most important projects have been linked to the jurisdictional system, the public administration restructuring and the fight against corruption. The institution that benefited from the highest aid for political criteria can be the Ministry of Justice²⁰.

4. The Mechanism for Cooperation and Verification and its role in Romania

Romanian accession to UE at the first of January 2007 was accompanied by an alarm signal which the European Commission marked upon the vulnerabilities of the domestic legal and legislative system. The lacks and malfunctions that they have shown in the development of an internal market, and also of a space of freedom as well as the liberties and individual security values in Romania. The EU did no longer have the monitoring instruments which it could use in the pre-adhering period. Thus being constrained to create a new mechanism, which could rearrange the difficulties and regalement solutions in gaining the consolidation of Romania as a fundamental state with rule of law, applied principles. The Commission had decided to find a mechanism in order to solve the unpleasant situations that had been left unstable in the reforming of the legal system as well as in terms of fighting corruption and organized crime. Thus the MCV (the Mechanism for Cooperation and Verification) was applied in the month of December of the year 2006. For the first time in EU history new member states had been committed to stand to accept monitoring after becoming part of the Union. What did the monitoring mean? The Commission would evaluate the vulnerabilities and malfunctioning of the essential legal and legislative domains of action. The evaluation conclusions would be stated in a final annual progress report. Each year the report would be published containing a detailed evaluation of progress as well as realistic recommendations regarding the reform

continuity. Each month the Commission would publish a separate report offering practical and technical details of the work for development that had been done over the past six months.

According to the decision of the Commission the main reason for the implementing of MCV was Romania's insufficient progress during the pre adhering period. The Commission desired to state that the progresses in the legislative as well as legal field stand as a necessary condition. Without such progress Romania would not be able to apply a clear legal pattern in regard to European rights and legislation. A better legal reform as well as the fight against corruption would allow Romanian citizens and enterprises to enjoy their legal rights as an integral part of the European Union.²¹ In order to implement the MCV, the European Commission used article 37 of the Adhesion Act as a starting point. It gives the Commission full power to apply sanctions if Romania fails to accomplish the engagements set upon agreement. Thus the MCV incorporates a mixture of objectives and obligations among which Romania's task of reporting a constant progress. Within the number of MCV proposed objectives²² we may remind: the adding of constitutional amendments which have to deny any ambiguities regarding the independence and clear responsibilities of the legal system, the ensuring of a more transparent and efficient legal trial through the adopting and implementation of a new system legislation as well as the reediting of new civil and criminal procedure codes, a continuous reforming evolution with the aim of consolidating professionalism, assumed responsibilities and efficiency upon acting, the accomplishment of clear and professional investigation in determining the cases of high level corruption accusations, the publishing of personal fortune records of high class officials, taking measures against corruption especially at the borders and concerning authorities of local areas, the implementation of an organized crime and infraction combat strategy, combating money robberies as well as taking the fortunes of corrupt officials into legal custody. However, within the annual reports, there are true and clear activities imposed on Romania. If Romania would not have respected the pressured rules imposed by the MCV, saving causes would have been applied as sanctions for the lack of professional conformism upon agreement. In the Adhesion Treaty²³, three such causes are stated: Amongst the mentions in the field of economics (see art 36) or the field concerning the internal market (see art 37) article 38 refers to the field of internal affairs and legal justice. It

²⁰ Leonardo Morlino & Amichai Magen, *EU Rule of Law Promotion in Romania, Turkey and Serbia-Montenegro: Domestic Elites and Responsiveness to Differentiated External Influence*, Workshop on "Promoting Democracy and the Rule of Law: American and European Strategies and Instruments", CDDRL, (SIIS Stanford, 2004).

²¹ *Comunicare a Comisiei către Consiliu și Parlamentul European, Raport privind evoluția măsurilor de acoperire în România după aderare*, Bruxelles, 27.06.2007, p.2, <https://eur-lex.europa.eu/legalcontent/RO/TXT/?uri=CELEX%3A52007DC0378>, accessed February 2018.

²² Dimitar Markov, *The Cooperation and Verification Mechanism Three Years Later: What Has Been Done and What Is Yet to Come*, (Sofia: Friedrich Ebert Foundation, Office Bulgaria, 2010), 2-3.

²³ *Institutul European din România, Acte privind aderarea Republicii Bulgaria și a României la Uniunea Europeană*, (București, 2006), http://beta.ier.ro/documente/Tratate/DCT_Tratat_aderare_Bg_Ro.pd, accessed February 2018.

clearly points out the measures which can be taken if there are serious deficit or factors that lessen the effect of creating and implementing a good practice standard in criminal and civil law. The causes were clearly aimed at the progress of Romania in the MCV.

The Commission decision of 13 January 2006 clearly establishes the following criteria:

“Should Romania fail in accomplishing the stated objectives sanctions based on article 37 and 38 will be applied as mentioned in the Adhesion Treaty including the suspending obligation of member states to recognize and exercised, in the legal conditions of European law, exemplified trial decision such as the European placement under arrest mandates²⁴.”

The previously mentioned clauses can be applied as negative sanctions when the situation is out of hand, when the progress registered by the MCV in the action calendar is undetectable. The sole existence of these clauses stands as a method of imposing a rational behavior on Romania. There are also other kinds of instruments with the role of ensuring an adequate behavior of Romania. One of them consists in the Commission's right to suspend or cancel the EU funding, having as a main reason the state's incapacity of correctly administering the given funds. If there are deficits without progress in terms of combating corruption and organized crime, the Commission finds this as a clear answer which can be understood through the fact that Romania is unable of administrating the European funds as to offer transparency and good practice in the previously stated fields.

Entering the Schengen zone is another controlling tool towards becoming fully European, a tool strongly linked to the MCV. The lack of responsibility shown towards accomplishing the tasks stated in the MCV could be an indicator showing general state vulnerability in terms of entering Schengen.

Both the Council and other member states fulfill the Commission's role in the MCV implementation process. The Council, as an EU legislator, may analyze the given reports and also state recommendations according to the information given by research in the case of Romania. Member states can also be considered real live agents as they can give suggestions after the careful study of each report.

4.1. Some examples of EU influence despite the Romanian resistance attitude

According to the theoretical model of rational institutionalism presented above, right after a substantial reward (EU integration in 2007) Romania

should have assumed its role as a member state of the Union and should have consequently followed the path to becoming an European actor in full terms. In another manner of explaining, the Commission, the Council and the former member states expected that Romania made efforts in order to consolidate a state following the rule of law principles with an independent and clear legal system combating the incoming internal previous wrong deeds. Thus the role of the MCV was to follow and supervise a couple of institutions in order to help fighting against corruption. It was to be expected that after EU integration the pressures set on Romania would diminish, however, the adopting rhythm is way superior to the one Romania had in the period after 2004²⁵.

Willem de Pauw wrote a report for the European Commission in 2007 named *Expert Report on the Fight against Corruption/Cooperation and Verification Mechanism*,²⁶ which was published in the Economist magazine in July 2008. In the report, the author points out how a set of measures taken prior to the integration which had proven their former efficiency, had been abandoned rather than consolidated after the integration, although abandoning was not the adequate path to take:

“Many of the measures that were presented, before Accession, to be instrumental in the fight against corruption, have been deliberately blunted by Parliament or the Government immediately after Accession, while other factors have been instrumental in repulsing ongoing attempts to address high level corruption ... If the Romanian anti-corruption effort keeps evaporating at the present pace, in an estimated six months time Romania will be back were it was in 2003²⁷”.

Romanian Center for European Policies edited also in 2010 a Raport concerning the efficiency of of MCV Mechanism. The first example presented in this report is related to the blocking of *amendments of the Legal Code of Criminal Procedure*. The Criminal Procedure Code is the nucleus in the fight against corruption and criminality. The political elite had proposed one year after accession, a set of amendments which would have limited the power of prosecutors to find and justify the cases of high level corruption. The set proposed by the Parliament was stating that telephone signal interception should be canceled by the services after six months for any suspect official, the telephone interceptive listening had to be banned before the initiation of criminal investigations, there was also an interdiction in using intercepted

²⁴ Decizia 2006/928/CE a Comisiei din 13 decembrie 2006 de stabilire a unui mecanism de cooperare și de verificare a progresului realizat de România în vederea atingerii anumitor obiective de referință specifice în domeniul reformei sistemului judiciar și al luptei împotriva corupției, <https://eur-lex.europa.eu/legal-content/RO/TXT/?uri=celex%3A32006D0928>, accessed March 2018.

²⁵ Centrul Român pentru Politici europene, *Eficiența Mecanismului de Cooperare și Verificare pentru România*, Policy Memo (16) (2010): 9, <http://www.crpe.ro/wp-content/uploads/2012/09/CRPE-Policy-Memo-nr.16-Merită-păstrat.-Eficiența-Mecanismului-de-Cooperare-și-Verificare-pentru-România.pdf>, accessed April 2018.

²⁶ Willem de Pauw, *Expert Report on the Fight Against Corruption/Cooperation and Verification Mechanism*, Bucharest, November 12-15, 2007. The report was published on July 3, 2008 to the online edition of The Economist, “The European Union conceals Romania's backsliding on corruption”, <https://www.economist.com/node/11670671>, accessed March 2018.

²⁷ Idem.

discussions of other individuals as evidence, and also banned intercepted conversations for more than 48 hours length from being brought as proof to the prosecutor and afterwards set to be examined by the judge. All stated amendments would have limited the investigations in cases of high level financial corruption, as well as economic and organizational. Having voted the above mentioned would have meant not respecting the procedures that other European member states adopted in the fight against corruption. Moreover it would have meant a undermining of independence of judiciary in relation to political aspects. The European Commission, interfered with the help of its experts signaling that a positive vote would not had been in favor of Romania and thus consolidated its position as an actor which corrected the mistakes of Romania regarding legal justice independence.

The second example of prudent vigilance and behavioral EU correction towards political leaders had been observed regarding the *National Integrity Agency*. This Agency has the task of analyzing incompatibilities, conflicts of interests, has to register fortunes and emit decisions with a compulsory value, decisions based on which sanctions can be applied. The law regarding these sanctions had been seen as unconstitutional. The Constitutional High Court stated that taking into legal custody of fortunes as well as transparently declaring the gained and published profits and investments would violate the right to privacy according to the National guideline laws. The cause that leads to such statements was a real case of taking an amount of money by law from a former member of the Parliament. The Court suspended the prerogatives of the Agency and labeled them as jurisdictional. Debates had been organized between the president and the Parliament members in terms of procedural aspects, the commissions of fortune control, and the aspects of declared fortunes... After long talks and a maize structured path (Parliament Senate Room of Deputies-Constitutional Court), the law had been set into action starting with the 31st of August 2010.

The report on legal justice in 2010²⁸ mentioned irregularities in the new legal procedures adopted by the National Integrity Agency. The critical approaches were also followed by negative reactions from EU ambassadors in Bucharest, as well as the reactions of the civil society which asked the president not to approve of the law.

Another example of EU pressures could be observed in 2010 where aspects about the *exception of constitutionalism* were taken into discussion. The guilty, in their grand intention of covering their guilt in

cases of high level corruption, would address the Constitutional Court stating that some legal aspects of their trials were not covered by the National Constitution. The 2010 Report criticizes this method of practice considering it as inadequate for a state which agreed to respect EU principles. "The Unconstitutional exceptions, keep on delaying the process of trial for high level corruption cases, while a legal project which banned the obliged denial of suspending the trial when such statements are made is currently in pending for legislative approval"²⁹.

4. 2. Old and new considerations. MCV Reports over the years

The status as an EU Member State also implied a commitment on behalf of Romania to adapt measures that would guarantee Romanian citizens that the internal administrative and judicial decisions, norms and practices are in accordance with those from the EU. The final purpose of the application of the CVM in Romania is for the progress regarding the reforms in the judicial system and in the fight against corruption to be irreversible.³⁰ The moment when Romania will possess the instruments, institutions, and practices to correctly apply Community law, the final purpose of the CVM will be fulfilled. The irreversible progress depends on a series of variables such as respecting and strictly applying the principles of the separation of powers, a political will that would support the reforms and the fight against corruption, clear and long-term commitments phased into objectives that are found in an interdependent relation, the fulfilment of one contributing to the fulfilment of the other objectives. The CVM reports are made based on the information obtained from a series of institutions such as: the Romanian Government, the EC Representation, diplomatic missions of Member States in Romania, civil society organizations. Furthermore, in certain situations reports from independent experts from EU Member States who undertook various missions in Bucharest were taken into account as well.

The 2007 Report³¹ presented the directions to follow in order to continue the judicial reform and the fight against corruption. Thus, the recommendations are focused on the following aspects (p. 20): "the adoption of a new Code of Civil Procedure, of a new Code of Criminal Procedure"; "the resolution of organizational and personnel problems from the judicial system, the establishment of certain performance indexes"; "the attainment of clear and efficient results from the National Integrity Agency"; "the insurance of the judicial and institutional stability

²⁸ Raport al Comisiei către Parlamentul European și privind progresele realizate de România în cadrul mecanismului de cooperare și verificare, COM(2010) 401 final <https://ec.europa.eu/transparency/regdoc/rep/1/2010/RO/1-2010-401-RO-F1-1.Pdf>, accessed April 2018.

²⁹ idem.

³⁰ Report from the Commission to the European Parliament and the Council on Romania's Progress on Accompanying Measures following Accession, COM(2007) 378 final, p.3. [Http://Eur-Lex.Europa.Eu/Legal-Content/Ro/Txt/Pdf/?Uri=Celex:52007dc0378&From=Ro](http://Eur-Lex.Europa.Eu/Legal-Content/Ro/Txt/Pdf/?Uri=Celex:52007dc0378&From=Ro), accessed March 2018.

³¹ Report from the Commission to the European Parliament and the Council on Progress in Romania under the Co-operation and Verification Mechanism, COM(2007) 378 final, [Http://Eur-Lex.Europa.Eu/Legal-Content/Ro/Txt/Pdf/?Uri=Celex:52007dc0378&From=Ro](http://Eur-Lex.Europa.Eu/Legal-Content/Ro/Txt/Pdf/?Uri=Celex:52007dc0378&From=Ro), accessed March 2018.

of the anti-corruption frame, including key-institutions such as the DNA”; “the promotion of dissuasive measures in high-level corruption cases”; “the articulation of a coherent anti-corruption strategy at the national level that is focused on the most vulnerable sectors and on the local administration”; “the promotion of an open dialogue with citizens and instilling social responsibility in them”; “the transparent presentation of reforms that have been initiated”. The European Commission has engaged taken upon itself to offer expertise, logistical and financial support in order to sustain the reforms from the judicial system.

The recommendations from the 2008 CVM Report³² are not very different from those from 2007. The Commission recognises Romania’s commitment in accomplishing the reforms but it also underlines the fact that the efforts put into fulfilling the objectives do not measure up. The report emphasizes as well the link between the reform of the judicial system and the progress in combating corruption. Among the report’s recommendations (p. 7) one can retain: “the need for the Superior Council of Magistracy to adopt an unequivocal position in regards to the fight against high-level corruption in the context of the controversial political debates that took place in Parliament”; “the need for the Government to finalize the new Code of Criminal Procedure and to make progress regarding the Criminal Code project”; “giving up controversial emergency ordinances that aim at changing the Criminal Code and the Code of Criminal Procedure”; “the continuation of independent investigations of those guilty of high-level corruption”; “regaining the trust of the public opinion in the fight against corruption and in respecting the rule of law”. The Commission reiterates that it is a partner that offers financial support and adequate programmes with the purpose of continuing Romanian reforms.

The 2009 CVM Report³³ mentions that the numerous emergency ordinances and the legislative changes are the result of the fact that the two Codes, civil and criminal, have never been completely revised (p. 7). Another aspect underlined is that of the lack of consensus among political parties for the large scale support of reforms in favour of the beneficiaries, meaning of Romanian citizens (p. 7). The report offers a series of recommendations as well. In regards to the *new Codes* (Criminal, Civil, of Criminal Procedure, of Civil Procedure) what is recommended is (p. 7) the adoption of laws in order to put them into practice, after a public consultation and a minute analysis of their impact on the judicial system. In regards to the *judicial*

reform, the report recommends (p. 8) an increased focus on the human resource, a redistribution of administrative tasks towards the auxiliary personnel, coherent personnel diagrams, the transfer of vacant positions where there’s the greatest need. The recommendations regarding *high-level and local corruption* concentrate on the legal frame for fighting against them, including in the context of the new Codes (p. 8). In the cases of high-level corruption it is considered that it would be indicated to adopt a law that “would foresee the elimination of judging cases when exceptions of unconstitutionality are invoked” (p. 8), while in case of corruption at the local level it is recommended to “undertake measures to prevent corruption in vulnerable sectors” (p. 9).

The 2010 Report³⁴ presents “important deficiencies in making progress under the CVM” (p. 2), deficiencies that deter the reform process. “Limited” progress (p. 3) is ascertained in regards to the efficiency of the judicial system and the consistency of the jurisprudence. In this context, the recommendations refer to the adoption of “immediate measures” (p.8). In the field of the *judicial system reform*, we find, besides the recommendations from the 2009 Report, the following (p. 9): “the initiation of an independent analysis of the performance of the judicial system and the operate the necessary changes, including the transfer of magistrates”; “an easy and correct transaction from a legal point of view towards a new Superior Council of Magistracy”, the consolidation of “the capacity of the National Institute of Magistracy in regards to the initial and continuous formation”, “the revision of the competence of the High Court of Cassation and Justice”, “a thorough reform in the disciplinary system”. In regards to the recommendations related to the *fight against corruption*, the ones from the previous Report are maintained, to which are added (p. 10): “the correction of the law of the National Integrity Agency in accordance to the commitments assumed by Romania at the moment of accession”, “the evaluation of the efficiency of the legislative code and of the assigning of responsibility in regards to public acquisitions”.

The 2011 Report³⁵ presents a series of recorded process but it also emphasizes the deficiencies in regards to the fight against corruption, by mentioning among others the lack of a global and solid anti-corruption strategy (p. 3). The recommendations related to *the reform of the judicial system* target: “the adaptation of active measures that would accompany the coming into effect of the Civil Code and the adaptation of a comprehensive plan for the

³² Report from the Commission to the European Parliament and the Council on Progress in Romania under the Co-operation and Verification Mechanism, COM(2008) 494 final, <http://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=CELEX:52008DC0494&from=RO>, accessed March 2018.

³³ Report from the Commission to the European Parliament and the Council on Progress in Romania under the Co-operation and Verification Mechanism, COM(2009) 401 final <https://ec.europa.eu/transparency/regdoc/rep/1/2009/RO/1-2009-401-RO-F1-1.Pdf>, accessed April 2018.

³⁴ Report from the Commission to the European Parliament and the Council on Progress in Romania under the Co-operation and Verification Mechanism, COM(2010) 401 final <https://ec.europa.eu/transparency/regdoc/rep/1/2010/RO/1-2010-401-RO-F1-1.Pdf>, accessed April 2018.

³⁵ Report from the Commission to the European Parliament and the Council on Progress in Romania under the Co-operation and Verification Mechanism, COM(2011) 460 final <https://ec.europa.eu/transparency/regdoc/rep/1/2011/RO/1-2011-460-RO-F1-1.Pdf>, accessed April 2018.

implementation of the other three codes” (The Criminal Code, that of Criminal Procedure and of Civil Procedure), “the allocation of sufficient resources for the reorganization of courts and prosecutors’ offices”, “the increase of the scope of the National Institute of Magistracy”, “detailed analyses related to the work load within the judicial system” (p. 9). The series of recommendations in regards to *the fight against corruption* aims at: “the elaboration of a new solid multi-annual strategy for the prevention and punishment of acts of corruption”, “the creation of a monitoring group, together with the civil society, in order to supervise the implementation of a anti-corruption strategy”; “proving convincing results in recovering criminal assets”; “the elaboration of norms for the prevention of conflicts of interest in managing public funds”.

The 2012 Report³⁶, which was adopted in a tense moment marked by “important questions related to respecting the rule of law and the independence of the judicial system in Romania” (p. 2), marks 5 years from Romania’s accession to the EU. The EU has supported, since 2007, the *fight against corruption and the reform of the judicial system* in Romania, by means of structural funds, with 12 million Euros (p. 3). Furthermore, the financial and logistic help was offered by Member States as well, through bilateral projects, with the purpose of supporting the reform of the judicial system and the fight against corruption.³⁷ Among the recommendations regarding *respecting the rule of law and the independence of the judicial system* the following can be noticed (pp. 22-23): “abiding by the provisions of the Constitution when issuing emergency ordinances, and implementing the decisions of the Constitutional Court”, “political actors must respect the independence of the judicial system”, “abstaining from appointing as ministers individuals against whom court decisions have been pronounced in regards to integrity”. A series of recommendations were made for the *reform of the judicial system* as well (p. 23): “the adoption of a common and comprehensive plan to ensure the implementation of all the four Codes”, “the restructuring of the courts and prosecutors’ offices”, “the creation of a monitoring group of the judicial reform”. Regarding to the *fight against corruption*, the Report recommends (p. 25): “the presentation of some convincing results in regards to the recovery of criminal assets”; “establishing a clear mechanism of coordination and surveillance between the police, the prosecutors’ office and the authorities for administrative control”, “improving the results in regards to the prevention and sanctioning of corruption,

fraud and conflicts of interest”, “implementing new national anti-corruption strategies”.

The 2013 Report³⁸ signals that Romania has not appropriately implemented the commitments regarding the independence of the judicial system and the decisions in matters of integrity (p. 2). During the period evaluated the Commission has signalled concerns regarding “the constitutional order” (p. 3), the unfounded use of emergency ordinances, which in fact “are adopted strictly in situations provided by the Constitutions and only in case of emergency” (p. 3), “acts of intimidation and harassment committed against individuals who work in important institutions from the judicial and anti-corruption systems...” (p. 4). To this end, the recommendations regarding the *independence of the judicial system and the supremacy of the rule of law* contain among others: “a consensus regarding the abstention from criticising court decisions, the undermining of the credibility of magistrates or from exercising pressures on them” (p. 5); “the need for the revision of existing norms in order to guarantee that the freedom of the press is accompanied by an adequate protection of institutions and of individual fundamental rights, as well as to make available efficient measures for reparations” (p. 5); “a high professional quality for individual in leadership positions at the Public Ministry and the DNA” (p. 8), “the use by Parliament of new norms for the adoption of clear and objective procedures in the case of suspending the members of Parliament who are the subject of negative procedures in matters of integrity” (p. 8). The Report mentions as well that the EU finances the *anti-corruption projects* from the Ministry of Education, Health, Regional Development and Public Administration. The European support will be efficient only if Romania will in turn understand that it has to put in “efforts to eliminate corruption at all the levels of the Romanian society” (p. 13). In the series of recommendations regarding *the fight against corruption* one can also find “the prevention and punishment of the corruption related to public acquisitions”, “the instrumentation of money-laundry dossiers and the confiscation of assets” (p. 13).

Beside the positive aspects and the progress reached in the fight against corruption, the 2014 Report³⁹ reiterates the issue of the rule of law and the importance of the independence of the judicial system, subjects that have represented “a special theme of the July 2012 report and of the subsequent report from January 2013” (p. 2). The recommendations regarding the *reform of the judicial system* signals among others: “the intensification of the progress in regards to the

³⁶ Report from the Commission to the European Parliament and the Council on Progress in Romania under the Co-operation and Verification Mechanism, COM(2012) 410 final, <https://ec.europa.eu/transparency/regdoc/rep/1/2012/RO/1-2012-410-RO-F1-1.Pdf>, accessed April, 2018.

³⁷ Commission Staff Working Document Romania: Technical Report Accompanying the Document Report from the Commission to the European Parliament and the Council on Progress in Romania under the Co-operation and Verification Mechanism, ,SWD (2012) 231 final, p. 48, <http://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=CELEX:52012SC0231&from=ro>, Accessed April 2018.

³⁸ Report from the Commission to the European Parliament and the Council on Progress in Romania under the Co-operation and Verification Mechanism, COM (2013) 47 final, <https://ec.europa.eu/transparency/regdoc/rep/1/2013/RO/1-2013-47-RO-F1-1.Pdf>, accessed April 2018.

³⁹ Report from the Commission to the European Parliament and the Council on Progress in Romania under the Co-operation and Verification Mechanism, COM (2014) 37 final, <https://ec.europa.eu/transparency/regdoc/rep/1/2014/RO/1-2014-37-RO-F1-1.Pdf>, accessed April 2018.

augmentation of the uniformity of the jurisprudence and of the judicial practice” p. 13), “the inclusion of certain measures for the acceleration of the judicial procedures and for the use of new possibilities such as extended confiscation” (p. 13), “solutions to problems generated by the work load” (p. 14), “legislative measures necessary for the restructuring of the court system” (p. 14). The recommendations regarding the *fight against corruption* are concentrated on the development of a “national anti-corruption strategy through the introduction of certain criteria of reference and obligations that are more coherent for the public administration and by making the results available to the public” p. 15), on the intensification of “the efforts for the prosecution of cases of small-scale corruption” (p. 14), on the implementation of legislation in the field of corruption “equally and in equal conditions” (p. 14).

The 2015 Report⁴⁰ emphasizes proactive attitudes in regards to reforms, the Commission expressing its hope that the objectives of the CVM will be reached. In relation to *the reform of the judicial system*, the Commission recommends to Romania: “to finalize as soon as possible the changes that are required to be made in the Criminal Codes...” (p. 14); “to elaborate an operational plan of action in order to implement the strategy for the reform of the judicial system” (p. 14); “to improve the insurance of the implementation of court decisions at all levels” (p. 15). *The fight against corruption* is submitted to the following recommendations: Romania has “to resort to the national anti-corruption strategy in order to identify better the domains exposed to the risk of corruption” (p. 15); “to intensify the pre-emptive and repressive actions directed against conflicts of interest, of favouritism, fraud and corruption in public acquisitions” (p. 15).

The 2016 Report⁴¹ evaluates “how profound the reform is anchored”, “the durability of the progress” (p. 2) without which the lifting of the CVM cannot be accomplished. The Commission salutes the positive results in the implementation of the reforms but considers that “the independence of the judicial system and the respect for court decisions” (p. 13) continue to be confronted with challenges. A series of recommendations regarding the *independence of the judicial system* concentrates on: the introduction of a “more robust and independent system of appointing high-level prosecutors” (p. 14); “the instauration of clear and solid procedures for appointment in leadership positions within the magistracy...” (p. 14); “the inclusion in the code of conduct of members of Parliament of clear dispositions regarding the respect for the independence of the judicial system by members of Parliament...” (p. 14); the placement “... of the

independence of the justice and its role in the context of the balance of powers” (p. 14) at the centre of the debates regarding a new Constitution. The recommendations related to the *reform of the judicial system* stipulate: that “the present stage of the reform of the Romanian judicial codes should be quickly concluded through an accord in Parliament regarding the changing of the codes, by adopting only the changes that respect the opinions of the judicial institutions, as they were presented in the Government” (p. 15); “the elaboration by the Superior Council of Magistracy of a clear plan through which it could be ensured that the new deadline for the implementation of the outstanding dispositions from the Code of Civil Procedure could be respected” (p. 15). The Commission recommends Romania to continue *the fight against corruption* thusly: by using “EU funds for the dissemination of efficient pre-emptive measures against low-level corruption...”; “... improving the rates of actual recovery”; implementing a new strategy and plan of action in matters of public acquisitions, “by ensuring an anti-corruption framework that is solid from the point of view of the judicial frame, of the institutional mechanisms and of the administrative capacity...” (p. 15).

The 2017 Report⁴² touches on the progress from the years 2014 – 2016 which outlined irreversible reforms. However, despite the expectancies, the events that took place in Romania in 2017 have interrupted the line of progress. “The sudden introduction of certain changes, by means of Parliament, hinders the task of proving the sustainability of the judicial frame in domains such as corruption” (p. 3). In regards to the *reform of the judicial system*, the Commission recommends Romania that: “the present stage of the reform of the Romanian Criminal Code and of the Code of Criminal Procedure should be concluded and Parliament should put into practice the plans of adopting the changes presented by the Government in 2016, after the consultation with the judicial authorities” (p. 11); “the Government and Parliament should ensure complete transparency and should adequately take into account the consultations with the relevant authorities and with the parties interested in the frame of the decisional process and in the legislative activity related to the Criminal Code and the Code of Criminal Procedure, to the anti-corruptions laws, to the laws in matters of integrity (incompatibility, conflicts of interest, illicit assets), to the justice laws (referring to the organisation of the judicial system), as well as to the Civil Code and the Code of Civil Procedure, by taking inspiration from the transparency of the decisional process implemented by the Government in 2016” (p. 11). The Commission recommends Romania

⁴⁰ Report from the Commission to the European Parliament and the Council on Progress in Romania under the Co-operation and Verification Mechanism, COM (2015) 35 final, <https://ec.europa.eu/transparency/regdoc/rep/1/2015/RO/1-2015-35-RO-F1-1.PDF>, accessed April 2018.

⁴¹ Report from the Commission to the European Parliament and the Council on Progress in Romania under the Co-operation and Verification Mechanism, COM (2016) 41 final, <https://ec.europa.eu/transparency/regdoc/rep/1/2016/RO/1-2016-41-RO-F1-1.PDF>, accessed April 2018.

⁴² Report from the Commission to the European Parliament and the Council on Progress in Romania under the Co-operation and Verification Mechanism, COM (2017) 44 final, https://ec.europa.eu/info/sites/info/files/com-2017-44_ro_1.pdf, accessed April 2018.

to continue *the fight against corruption* at all levels and to initiate actions for the adoption of certain “objective criteria for making and motivating decisions for lifting parliamentary immunity in order to ensure that the immunity is not used in order to avoid the criminal investigation and prosecution for corruption” (p. 14); to ensure that “The National Agency for the Management of Seized Assets is completely and effectively operational, so that to be able to publish the first annual report with viable statistical information regarding the confiscation of criminal assets” (p. 15).

5. Conclusions

After 2007, the EU invested in Romania with the responsibility that the latter would accomplish reforms in the following domains: the independence of the judicial system, the efficiency of the judicial system, integrity and the fight against corruption. All of these four objectives of reference defined at the moment of the accession cover the aspects essential for the functioning of an EU Member State. According to the theoretical perspective that has been presented, the EU’s and Romania’s choice in this first stage would come under the model of *rational institutionalism*. Romania has committed itself to implementing a pack that combines legislative and institutional measures in order to fulfil the proposed objectives, under the EU supervision but also with the financial and logistic help

of the latter. The CVM represents the EU instrument where the progress but also the recommendations that the deciding Romanian factors are advised to follow are mentioned. The moment the objective will be reached, when the progress will be irreversible, Romania will be in accordance with EU democracies. The link between the rule of law as the basis for democratic regimes has been argued for in the first part of the paper as well. The examples presented and taken from the report of the *Efficiency of the Co-operation and Verification Mechanism for Romania*, compiled by the Romanian Centre for European Policies, but also the CVM reports show for the most part a resistance from the part of Romania in accomplishing the reforms but also certain progress (the years 2014, 2015, 2016). The recorded progress shows the role as an agent of change that the EU fulfils. The EU influence is also reflected in the change in attitude for a part of the Romanian elite, but especially for the civil society in Romania. These changes signify the fact that the EU values have been understood, positively received, shared, internalized and supported by a majority of Romanian citizens (see the model of *social institutionalism*). Opinion surveys are an argument to this end.⁴³ The moment when the measures taken by Romania will be felt by Romanian citizens, will be incorporated in the judicial and institutional frame, and the progress in matters of reforms will be irreversible, the final purpose of the CVM will be reached and the Romania – EU relationship will be considered a *responsible* one.

References

- Baracani, Elena, “EU Democratic Rules of Law Promotion” in Amichai Magen & Leonardo Morlino, *International Actors, Democratization and the Rules of Law, Anchoring Democracy?*, (New York: Routledge Edition, 2009)
- Börzel, Tanja & Risse, Thomas, “From Europeanisation to Diffusion: Introduction”, *West European Politics*, 35 (1) (2012): 1-19
- Centrul Român pentru Politici Publice, *Eficiența Mecanismului de Cooperare și Verificare pentru România*, Policy Memo (16) (2010): 9, <http://www.crpe.ro/wp-content/uploads/2012/09/CRPE-Policy-Memo-nr.16-Merită-păstrat.-Eficiența-Mecanismului-de-Cooperare-și-Verificare-pentru-România.pdf>, accessed April 2018
- Dahl, Robert, “Can international organizations be democratic? A skeptic’s view”, in David Held & Anthony McGrew, *The Global Transformation Reader*, (Boston: Polity Press, 2003), 530-541
- Farrell, Henry & Héritier, Adrienne, “A rationalist-institutionalist explanation of endogenous regional integration”, *Journal of European Public Policy*, 12 (2) (2005): 273-290
- Fuller, Lon L., *The Morality of Law*, (New Haven: Yale University Press, 1969)
- Godefride, Drieu, “État de droit, liberté et démocratie ”, *Politique et Sociétés*, 23(1) (2004): 143-169
- Goodin, E Robert, *Protecting the Vulnerable: A Re-analysis of Our Social Responsibilities*, (Chicago Illinois: Chicago University Press, 1985)
- Institutul European din România, *Acte privind aderarea Republicii Bulgaria și a României la Uniunea Europeană*, (București, 2006), http://beta.ier.ro/documente/Tratate/DCT_Tratat_aderare_Bg_Ro.pdf, accessed February 2018
- Jenson, Jane & Mérand, Frédéric, “Sociology, institutionalism and the European Union”, *Comparative European Politics*, 8(1) (2010): 74-92
- Khan, Zillur R., *The Concept of Justice and Democracy*, IPSA Prepared for Presentation at the AIBS, (Dhaka, Bangladesh, March 15, 2011), <http://rc37.ipsa.org/post/2011/03/29/The-Concept-of-Justice-and-Democracy>, accessed March 2018

⁴³ Report from the Commission to the European Parliament and the Council on Progress in Romania under the Co-operation and Verification Mechanism, COM (2016) 41 final, p. 2, <https://ec.europa.eu/transparency/regdoc/rep/1/2016/RO/1-2016-41-RO-F1-1.PDF>, accessed April 2018.

- Keohane, Robert, "The Concept of Accountability in World Politics and the Use of Force", *Michigan Journal of International Law*, 24 (4) (2003): 1–21
- Markov, Dimitar, *The Cooperation and Verification Mechanism Three Years Later: What Has Been Done and What Is Yet to Come*, Sofia, Bulgaria: Friedrich Ebert Foundation, 2010)
- Montesquieu, *Œuvres complètes*, tome II, (Paris: Bibliothèque de la Pléiade, 1958)
- Morlino, Leonardo & Magen, Amichai, EU Rule of Law Promotion in Romania, Turkey and Serbia-Montenegro: Domestic Elites and Responsiveness to Differentiated External Influence, Workshop on "Promoting Democracy and the Rule of Law: American and European Strategies and Instruments", (CDDRL, SIIS Stanford, 2004)
- Pauw, Willem de, *Expert Report on the Fight Against Corruption/Cooperation and Verification Mechanism*, Bucharest, November 12-15, 2007. The report was published on July 3, 2008 to the online edition of *The Economist*, "The European Union conceals Romania's backsliding on corruption", <https://www.economist.com/node/11670671>, accessed March 2018
- Rawls, John, "Distributive Justice: Some Addenda," in Samuel Freeman (ed), *John Rawls. Collected Papers*, (Cambridge, Mass.: Harvard University Press, 1999), 154-175
- Schimmelfennig, Frank & Sedelmeier, Ulrich, *The Europeanization of Central and Eastern Europe*. (Ithaca: Cornell University Press, 2005)
- "The rule of law and transitional justice in conflict and post-conflict societies", 23.08.2004, S/2004/616, <http://archive.ipu.org/splz-e/unga07/law.pdf>, accessed March 2018
- Wolchik, Sharon & Curry, Jane, *Central and East European Politics from communist to Democracy*, (Lanham Maryland: Rowman & Littlefield Publishers, INC., 2008)
- Comunicare a Comisiei către Consiliu și Parlamentul European, Raport privind evoluția măsurilor de acoperire în România după aderare, Bruxelles, 27.06.2007, p.2, <https://eur-lex.europa.eu/legalcontent/RO/TXT/?uri=CELEX%3A52007DC0378>, accessed February 2018
- Conclusions of the Presidency. *European Council in Copenhagen* 21-22 June, 1993, SN 180/1/93 REV 1, <https://www.consilium.europa.eu/media/21225/72921.pdf>, accessed March 2018
- Decizia 2006/928/CE a Comisiei din 13 decembrie 2006 de stabilire a unui mecanism de cooperare și de verificare a progresului realizat de România în vederea atingerii anumitor obiective de referință specifice în domeniul reformei sistemului judiciar și al luptei împotriva corupției, <https://eur-lex.europa.eu/legal-content/RO/TXT/?uri=celex%3A32006D0928>, accessed March 2018
- Document de lucru al serviciilor Comisiei. România: raport tehnic de însoțire a documentului. Raportul Comisiei către Parlamentul European și Consiliu privind progresele realizate în România în cadrul mecanismului de cooperare și de verificare, SWD (2012) 231 final, p. 48, <http://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=CELEX:52012SC0231&from=ro>, Accessed April 2018
- *Eficiența Mecanismului de Cooperare și Verificare pentru România*, Centrul român de politici europene, Policy Memo nr. 16, November 2010, p.9
- Presidency Conclusions, *Luxembourg European Council*, 12-13. 12. 2007, http://www.europarl.europa.eu/summits/lux1_en.htm, accessed March 2018
- *Raport Comisiei către Parlamentul European și Consiliu privind Evoluția Măsurilor de Acoperire în România după Aderare*, COM(2007) 378 final, p.3. <http://Eur-Lex.Europa.Eu/Legal-Content/Ro/Txt/Pdf/?Uri=Celex:52007dc0378&From=Ro>, accessed March 2018
- Raport al Comisiei către Parlamentul European și privind progresele realizate de România în cadrul mecanismului de cooperare și verificare, COM(2008) 494 final, <http://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=CELEX:52008DC0494&from=RO>, accessed March 2018
- Raport al Comisiei către Parlamentul European și privind progresele realizate de România în cadrul mecanismului de cooperare și verificare, COM(2009) 401 final <https://ec.europa.eu/transparency/regdoc/rep/1/2009/RO/1-2009-401-RO-F1-1.Pdf>, accessed April 2018
- Raport al Comisiei către Parlamentul European și privind progresele realizate de România în cadrul mecanismului de cooperare și verificare, COM(2010) 401 final <https://ec.europa.eu/transparency/regdoc/rep/1/2010/RO/1-2010-401-RO-F1-1.Pdf>, accessed April 2018
- Raport al Comisiei către Parlamentul European și privind progresele realizate de România în cadrul mecanismului de cooperare și verificare, COM(2011) 460 final <https://ec.europa.eu/transparency/regdoc/rep/1/2011/RO/1-2011-460-RO-F1-1.Pdf>, accessed April 2018
- Raport al Comisiei către Parlamentul European și privind progresele realizate de România în cadrul mecanismului de cooperare și verificare, COM(2012) 410 final, <https://ec.europa.eu/transparency/regdoc/rep/1/2012/RO/1-2012-410-RO-F1-1.Pdf>, accessed April, 2018
- Raport al Comisiei către Parlamentul European și privind progresele realizate de România în cadrul mecanismului de cooperare și verificare, COM (2013) 47 final, <https://ec.europa.eu/transparency/regdoc/rep/1/2013/RO/1-2013-47-RO-F1-1.Pdf>, accessed April 2018
- Raport al Comisiei către Parlamentul European și privind progresele realizate de România în cadrul mecanismului de cooperare și verificare, COM (2014) 37 final, <https://ec.europa.eu/transparency/regdoc/rep/1/2014/RO/1-2014-37-RO-F1-1.Pdf>, accessed April 2018
- Raport al Comisiei către Parlamentul European și privind progresele realizate de România în cadrul mecanismului de cooperare și verificare, COM (2015) 35 final, <https://ec.europa.eu/transparency/regdoc/rep/1/2015/RO/1-2015-35-RO-F1-1.PDF>, accessed April 2018

- Raport al Comisiei către Parlamentul European și privind progresele realizate de România în cadrul mecanismului de cooperare și verificare, COM (2016) 41 final, <https://ec.europa.eu/transparency/regdoc/rep/1/2016/RO/1-2016-41-RO-F1-1.PDF>, accessed April 2018
- Raport al Comisiei către Parlamentul European și privind progresele realizate de România în cadrul mecanismului de cooperare și verificare, COM (2017) 44 final, https://ec.europa.eu/info/sites/info/files/com-2017-44_ro_1.pdf, accessed April 2018