**Cooperation and Verification Mechanism with regard to Romania and Bulgaria**

<table>
<thead>
<tr>
<th>Request number:</th>
<th>22128</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requested by:</td>
<td>Jenna Karoliina KIVIMAKI</td>
</tr>
<tr>
<td>End Client:</td>
<td></td>
</tr>
<tr>
<td>Date of request:</td>
<td>Fri Mar 06 13:25:06 CET 2015</td>
</tr>
<tr>
<td>Information sources provided by:</td>
<td>Kristina Grosek</td>
</tr>
<tr>
<td></td>
<td><a href="http://www.eprs.ep.parl.union.eu">www.eprs.ep.parl.union.eu</a></td>
</tr>
</tbody>
</table>

The information supplied on or through the intranet site of Directorate-General for Parliamentary Research Services is intended solely for users of the European Parliament's intranet. Links to information sources within this document may be inaccessible from locations outside the European Parliament network. Parliament will not be held liable for any damage resulting from the handing on to third parties of information protected by copyright or any other improper use of this material. The information does not necessarily reflect the opinion or position of the author or of the European Parliament.

---

**Personal Data Protection**
Dear Ms Jenna Karoliina KIVIMAKI,

The text below is in answer to your enquiry.

As a reply to your request please find in the first place an introduction and legal background of Cooperation and Verification Mechanism, followed by selection of recent articles with summaries, and information sources on the topic.

Introduction

European Commission has created a webpage dedicated to CVM (Mechanism for cooperation and verification) Mechanism for cooperation and verification for Bulgaria and Romania

You can find a wealth of information there, including:

Legal basis

Romania: Decision of 13/12/2006 [C(2006) 6569]

The reports on progress in Bulgaria and Romania
Key documents

From introduction: "When they joined the EU on 1 January 2007, Romania and Bulgaria still had progress to make in the fields of judicial reform, corruption and organized crime.

To smooth the entry of both countries and at the same time safeguard the workings of its policies and institutions, the EU decided to establish a special "cooperation and verification mechanism" to help them address these outstanding shortcomings.

In December 2006, the Commission set criteria ("benchmarks") for assessing progress made on these issues (consult the reports).

The decision to continue assessing Bulgaria and Romania shows the EU's commitment to see the two countries develop the effective administrative and judicial systems they need to deliver on the obligations of membership as well as enjoying the benefits.

Progress on judicial reform, corruption and organized crime will allow Bulgarians and Romanians to enjoy their full rights as EU citizens."
Selection of articles

**Beyond the carrots and sticks paradigm: rethinking the Cooperation and Verification Mechanism Experience of Bulgaria and Romania** / Linka Toneva-Metodieva, In: Perspectives on European Politics and Society, v. 15, no. 4, 2014

"Abstract

A paradigmatic change is urgently needed in European Union's approach towards post-accession conditionality, as demonstrated by the apparent failure of the ‘Cooperation and Verification Mechanism (CVM)’ for Bulgaria and Romania to achieve its objective – assisting the establishment of the rule of law in the two countries. The article maintains that the predominating reward/sanction perspective on post-accession conditionality both in the academic literature and in political practice is inadequate for triggering genuine and sustainable reform progress in the Eastern European candidates. The particular conceptual and procedural deficiencies of the CVM for Bulgaria and Romania as a post-accession conditionality instrument are discussed. It is argued that the CVM has remained mostly an instrument for monitoring and assessment, while the cooperation aspect of the post-accession relationship with Bulgaria and Romania has been neglected. The article proposes an alternative approach, based on partnership."


"Introduction: The aim of this article is to demonstrate the interrelatedness between concepts such as: the rule of law, the principles of subsidiarity and proportionality and the Cooperation and Verification Mechanism (CVM). In this article I will connect the CVM with the concept of the rule of law as envisaged by the European Commission regarding the accession of Romania to the EU through its Progress Reports. The application of the CVM to Romania is analyzed from both a rule of law and a proportionality and subsidiarity perspective."


"The most important conclusion of the study is that the paradigmatic problems of the EC approach to the societies of Southeastern Europe, embodied by the CVM in its present form, are a precondition for the growing inefficiency of this mechanism." -- p. 8
The analysis of the human resources management in the Romanian legal system from the perspective of the cooperation and Verification Mechanism / Viorica Popescu, In: Challenges of the Knowledge Society, v. 3, 2013, p. 623-633

It was not possible to link directly to the article, please go to page 623

Abstract: "At 1st January 2007 when Romania joined the European Union was established a Cooperation and Verification Mechanism (further named “CVM”) in order to support Romania to remedy certain shortcomings in the areas of judicial reform and fight against corruption, as well as to monitor the achieved progress through periodic reports. Though the reforms of the human resources management in the Romanian legal system were conceived in a coherent framework, the main changes in this area often did not complement each other, their implementation being sometimes inconsistent with previous measures taken.

In this context, the study aims to make a short analysis of the way in which the human resources management’s reform was reflected in the European Commission’s reports, pointing the measures adopted by the Romanian authorities."


"Remaining problems with corruption in Bulgaria and Romania have prompted the EU to introduce the Cooperation and Verification Mechanism (CVM). This mechanism is to extend EU leverage into the post-accession period with the aim of triggering necessary reforms. While the CVM has not solved the problems related to corruption and the judiciary, the authors of this policy analysis argue that it has had a positive impact by giving domestic elites in these countries stronger incentives to pursue reform, in particular when coupled to sanctions or rewards. Furthermore, EU pressure can be powerful when twinned with domestic incentives related to winning elections and holding power."


"This article investigates the most important determinants of domestic institutional change in combating corruption and reforming the judiciary in Bulgaria and Romania since EU accession in 2007. It explores how EU and domestic incentives trigger domestic institutional change, and how the two interact with one another. It argues that political leaders and parties will only continue and deepen
reforms in response to the twin forces of EU and domestic influence. The EU incentives that shape elite choices stem primarily from public monitoring by the European Commission of government performance and the possibility of sanctions by the EU. The domestic incentives centre on winning elections and holding power, with substantial variation explained in part by diverging sources of domestic support.


Abstract: "This article examines the impact of the European Union (EU) and domestic actors on the development of judicial quality (rule of law) across two key dimensions: judicial capacity and judicial impartiality. It argues and shows empirically that although the EU has been crucial in eliciting change in the judicial capacity dimension, it was largely unsuccessful in changing aspects of the judicial impartiality dimension. The author concludes that the EU's involvement in Romania through accession conditionality has been of limited success: that is, the EU had a considerable impact on improving de jure judicial quality, but it was unable to affect rule implementation and thus failed to create de facto judicial quality. Methodologically, this article makes use of a detailed case-study method with process-tracing. Data are drawn from a number of primary and secondary sources such as official governmental documents, reports, surveys and scholarly literature relevant to the topic."


Abstract: "Is the impact of EU accession conditionality sustainable after target states achieve EU membership? Although accession changes the incentive structure for compliance, this article suggests that a lock-in of pre-accession institutional changes can contribute to their persistence even after the EU’s sanctioning power weakens. A case study of gender equality institutions in five new member states suggests that a combination of government partisan preferences and veto players explains whether such lock-in occurs. If institutional change no longer fits government preferences, the key condition is the presence of veto players who can lock in institutional change. Rather than impairing Europeanisation, as the literature often assumes, domestic veto players can thus foster it. However, the case study also finds that veto players can lock in non-compliance too if conditionality was unsuccessful, and it appears easier to reverse earlier institutional change than to redress the lack of it."

Europeanization and Effective Democracy in Romania and Bulgaria / Mihaela Racovita, In: Romanian Journal of Political Science, v. 11, n. 1, 2011

EP Library - Brussels
S 12.20.04 EUE FIG 12>
Book can be borrowed in EP Library

See chapter 6. The 2007 accession of Bulgaria and Romania: ritual and reality / Kalin Ivanov

Safeguarding the rule of law in an enlarged EU the cases of Bulgaria and Romania / Alegre, Susie, Ivanova, Ivanka, Denis-Smith, Dana Centre for European Policy Studies (Bruxelles), Brussels:, CEPS, 2009
"This report assesses the needs and options for monitoring and reinforcing the rule of law in an enlarged EU. It looks at the existing mechanisms for monitoring in the EU, the Council of Europe and the UN and identifies the gaps before suggesting solutions. The report includes case studies on Bulgaria and Romania that focus on the ways in which the two most recent member states of the EU have responded to the Cooperation and Verification Mechanism imposed on them at accession while giving an overview of the very different issues faced by each country in the context of the rule of law. These country reports feed into the overall analysis of the need for effective monitoring of the rule of law in the EU in general."

Cooperation and Verification Mechanism, Eu inside, collection of articles
"Bulgaria and Romania have joined the European Union on January 1st 2007, but under the condition to continue the reforms in the area of justice and rule of law. The compromise was sealed by a special monitoring mechanism, called Control and Verification Mechanism (CVM). Under that mechanism the European Commission monitors the implementation of reforms in several benchmarks and makes recommendations. Each year, the Commission presents a general report in July and an interim document in the beginning of the year."

We trust this will be useful but do not hesitate to contact us again if you need further information.

Yours sincerely,

Kristina Grosek 46091