

TREATY OF ACCESSION: PROTOCOL, ANNEX IX

DRAFT LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Delegations will find attached the draft Treaty of Accession of Bulgaria and Romania to the European Union: **PROTOCOL, ANNEX IX.**

**SPECIFIC COMMITMENTS UNDERTAKEN, AND REQUIREMENTS ACCEPTED,
BY ROMANIA AT THE CONCLUSION OF
THE ACCESSION NEGOTIATIONS ON 14 DECEMBER 2004
(referred to in Article 38 of the Protocol)**

I. In relation to Article 38(2)

- (1) To implement without further delay the Schengen Action Plan, as published in [reference of publication by Romanian government], amended in line with the *acquis* and in accordance with the deadlines agreed upon.
- (2) In order to ensure a high level of control and surveillance at the future external borders of the Union, to speed up considerably efforts in terms of modernising equipment and infrastructure at the green border, blue border and at border crossing points, and to further enhance the capacity of operational risk analysis. This must be reflected in one single multi-annual investment plan to be tabled no later than March 2005, which must allow the Union to measure progress on a yearly basis and until the decision referred to in Article 4(2) of this Protocol is taken in respect of Romania. In addition, Romania must considerably step up its plans to recruit 4 438 border police agents and officers and in particular ensure that a staffing level as close as possible to 100% is reached along the borders with Ukraine, Moldova and at the Black Sea coast already upon accession. Romania must also implement all necessary measures to effectively combat illegal immigration, including strengthening cooperation with third countries.
- (3) To develop and implement an updated and integrated Action Plan and Strategy for the Reform of the Judiciary including the main measures for implementing the Law on the Organisation of the Judiciary, the Law on the Status of Magistrates and the Law on the Superior Council of Magistracy which entered into force on 30 September 2004. Both updated documents must be submitted to the Union no later than March 2005; adequate financial and human resources for the implementation of the Action Plan must be ensured and it must be implemented without further delay and according to the time schedule set. Romania must also demonstrate by March 2005 the full operationability of the

new system for random distribution of cases.

- (4) To considerably step up the fight against corruption and in particular against high-level corruption by ensuring a rigorous enforcement of the anti-corruption legislation and the effective independence of the National Anti-Corruption Prosecutors' Office (NAPO) and by submitting on a yearly basis as of November 2005 a convincing track-record of the activities of NAPO in the fight against high-level corruption. NAPO must be given the staff, financial and training resources, as well as equipment necessary for it to fulfil its vital function.
- (5) To conduct an independent audit of the results and the impact the current National Anti-Corruption Strategy has generated; to reflect the conclusions and recommendations of this audit in the new multi-annual anti-corruption strategy which must be one comprehensive document, in place no later than March 2005, accompanied by an action plan with clearly defined benchmarks to be reached and results to be obtained, as well as adequate budgetary provisions; the implementation of the Strategy and Action Plan must be overseen by one existing, clearly defined, independent body; the strategy must include the commitment to revise the protracted criminal procedure by the end of 2005 to ensure that corruption cases are dealt with in a swift and transparent manner, in order to guarantee adequate sanctions that have a deterrent effect; finally, it must contain steps to considerably reduce the number of bodies which all have powers to prevent or investigate corruption by the end of 2005, so that overlapping responsibilities are avoided.
- (6) To ensure by March 2005 a clear legal framework for the respective tasks of, and cooperation between, gendarmerie and police including as far as implementing legislation is concerned, and to develop and implement a clear recruitment plan by the middle of 2005 for both institutions with the aim of having made considerable progress in filling the 7 000 vacancies in the police and the 18 000 vacancies in the gendarmerie by the date of accession.
- (7) To develop and implement a coherent multi-annual anti-crime strategy including concrete actions to curb Romania's status as a country of origin, transit and destination of victims of trafficking and to submit on a yearly basis and as of March 2005 reliable statistics on the way this crime phenomenon is being tackled.

II. In relation to Article 38(3)

- (8) To ensure effective control by the Competition Council of any potential State aid, including in relation to State aid foreseen by means of deferrals of payments to the State budget of fiscal or social liabilities or deferrals of liabilities related to energy supply.
- (9) To strengthen the State aid enforcement record without delay and to ensure a satisfactory enforcement record in the areas of both anti-trust and State aid thereafter.
- (10) To submit to the Commission by mid-December 2004 a revised steel restructuring plan (including the National Restructuring Programme and the Individual Business Plans) in line with the requirements set out in Protocol 2 on ECSC products to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part ¹, as well as with the conditions set out in **Annex VII, Chapter 4, Section B, to this** Protocol.

To fully respect the commitment not to grant or pay any State aid to the steel mills covered by the National Restructuring Strategy from 1 January 2005 to 31 December 2008 and to fully respect the State aid amounts and the conditions regarding capacity reductions to be decided in the context of Protocol 2 on ECSC products to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part.

- (11) To continue devoting adequate financial means and sufficient and adequately qualified human resources to the Competition Council.

¹ OJ L 357, 31.12.1994, p. 2, Agreement as last amended by Decision No 2/2003 of the EU/Romania Association Council of 25.9.2003 (not yet published in the OJ).