



## Worth Having It

### ***- The Effectiveness of the Co-operation and Verification Mechanism on Romania –***

Romanian Center for European Policies ([www.crpe.ro](http://www.crpe.ro))

Romanian Academic Society ([www.sar.org.ro](http://www.sar.org.ro))

November 2010



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## The Project: `The Evaluation of CVM. Recommendations for the Post-2009 Period`

- 2009 – 2010 - implemented by CRPE and SAR
  - four reports
  - debates with Romanian NGO's, media, decision makers, and public (online).

Summarizing paper

Structure :

- Chapter I - an overall assessment of the anti-corruption conditionalities for Romania before and after accession;
- Chapter II - an expert survey on CVM showing the opinion trends among Romanian NGOs experts and journalists;
- Chapter III - case studies;

Annex – a detailed presentation of 29 EU anticorruption conditionalities and their current status.



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# Measuring the compliance rate

- 29 conditions (1999 – 2010)
- Evaluated as: Not fulfilled / Partially fulfilled / Fulfilled
- Report`s Annex – the complete list of conditions and their status



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## Conclusions (I)

- the likelihood of rule adoption increases when the conditions are clear and part of the *acquis*.

(*weak acquis*) ->

- change in the nature of the conditions –
  - **From** advocating laws and institutions which tended to remain ineffective to pushing for practical results.



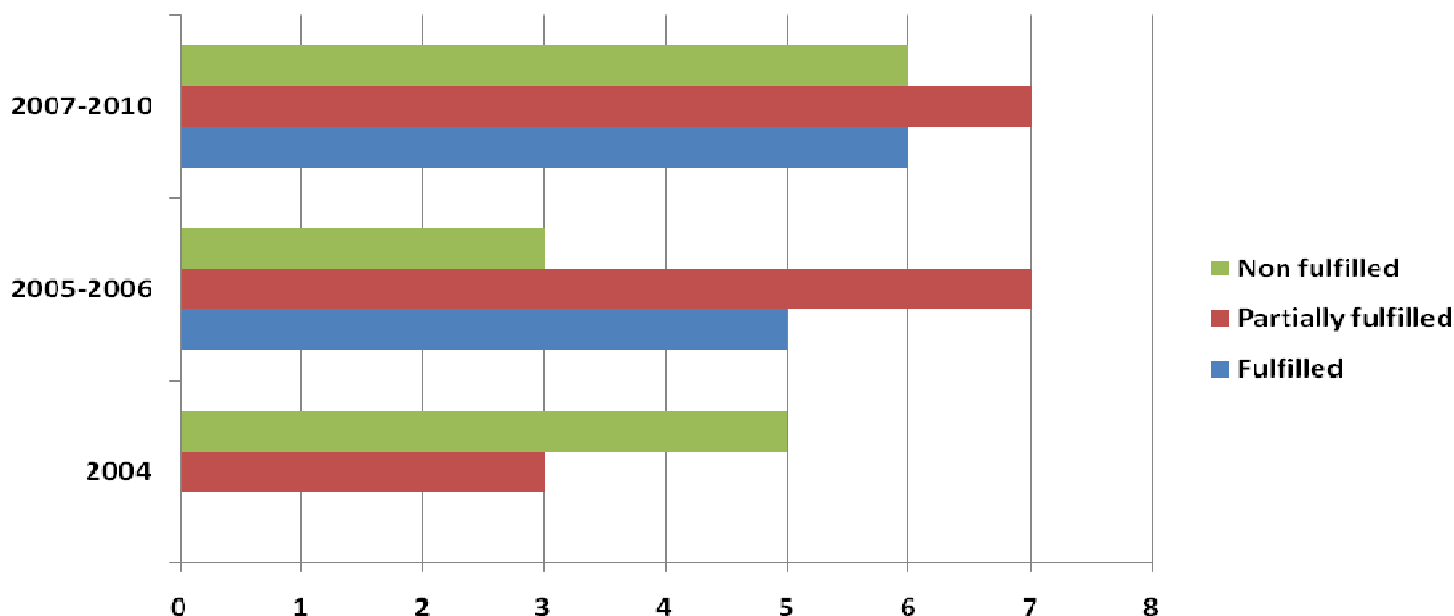
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## Conclusions (II)

Fig.3. Adoption of EU rules in key-moments



- Unclear effects of sticks and carrots – timing is less important than expected
- 2004 – the big carrot of membership – weaker effect than theory predicted
- Best compliance rate 2005 – 2006
- Under CVM – better compliance than in 2004



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## Conclusions (III) - What made the difference...

### Changing the internal equilibrium and differential empowerment

- Veto players = pro status-quo (de facto immunity for officials)  
As perceived in our survey: Magistrates` Council, Supreme Court, Parliament (after 2007), sectors of gov.
- Permanent conflict between status-quo and anti-status-quo players
- MCV gave anti-status-quo players the opportunity to act and placed the status-quo supporters on defensive positions.

This effect better explains both:

- The compliance rate for 2005 – 2006 (empowerment of new teams in gov, presidency, both prosecutors` offices)
- The evolution of EU conditions after 2005, following the veto-players` counter-attacks



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# Asking the Romanian Experts and Media

## Expert survey

- April – May 2010
- Partnership with University of Essex, using the online polling software Qualtrics
- 84 responses, 60 from journalists (invitations sent to all central media outlets, respondents self-selected within the editorial teams); 24 experts working for Romanian NGOs



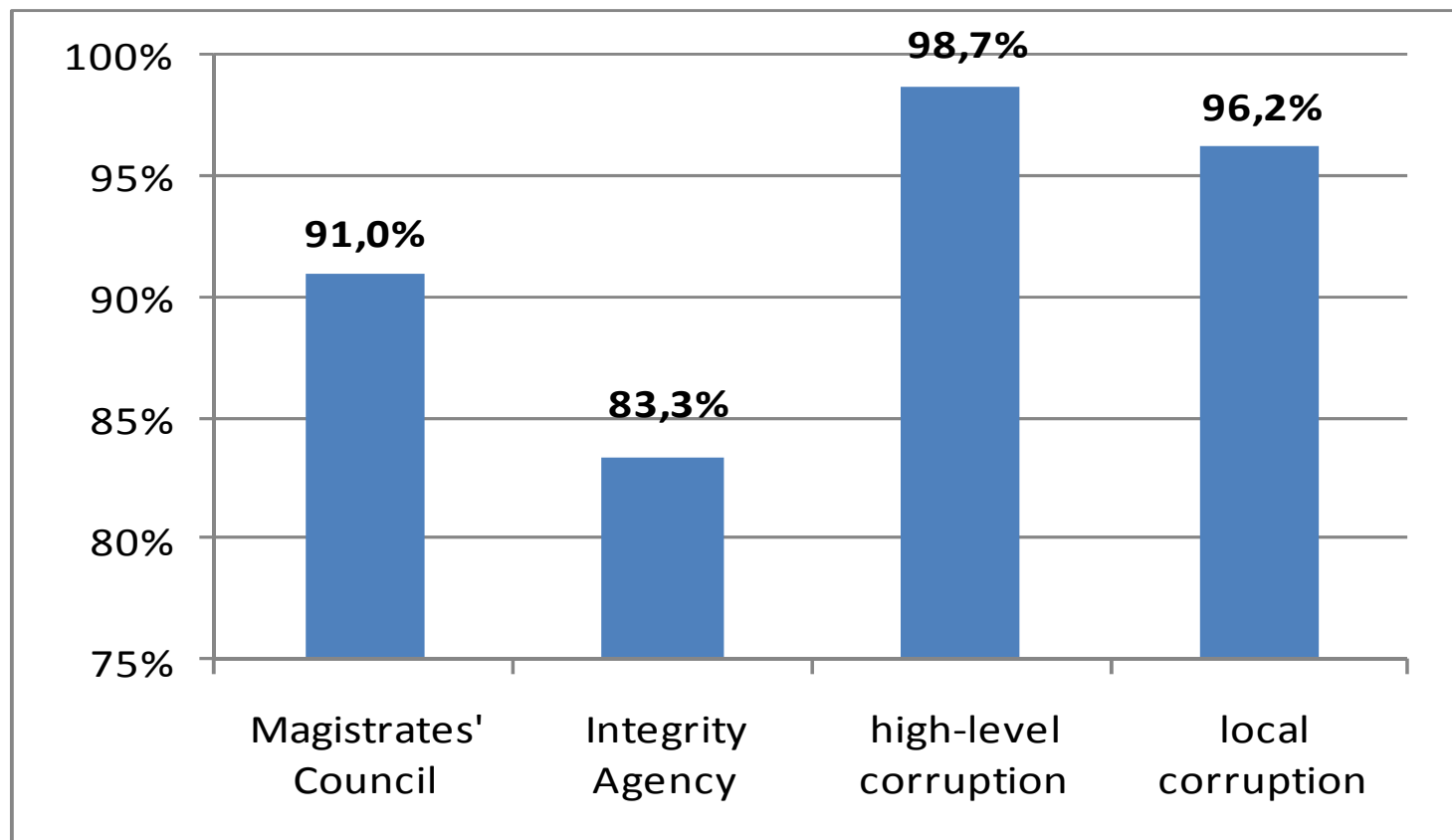
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## Do you consider the benchmark.... to be useful for Romania / unnecessary? (Percentages considering the benchmarks useful)

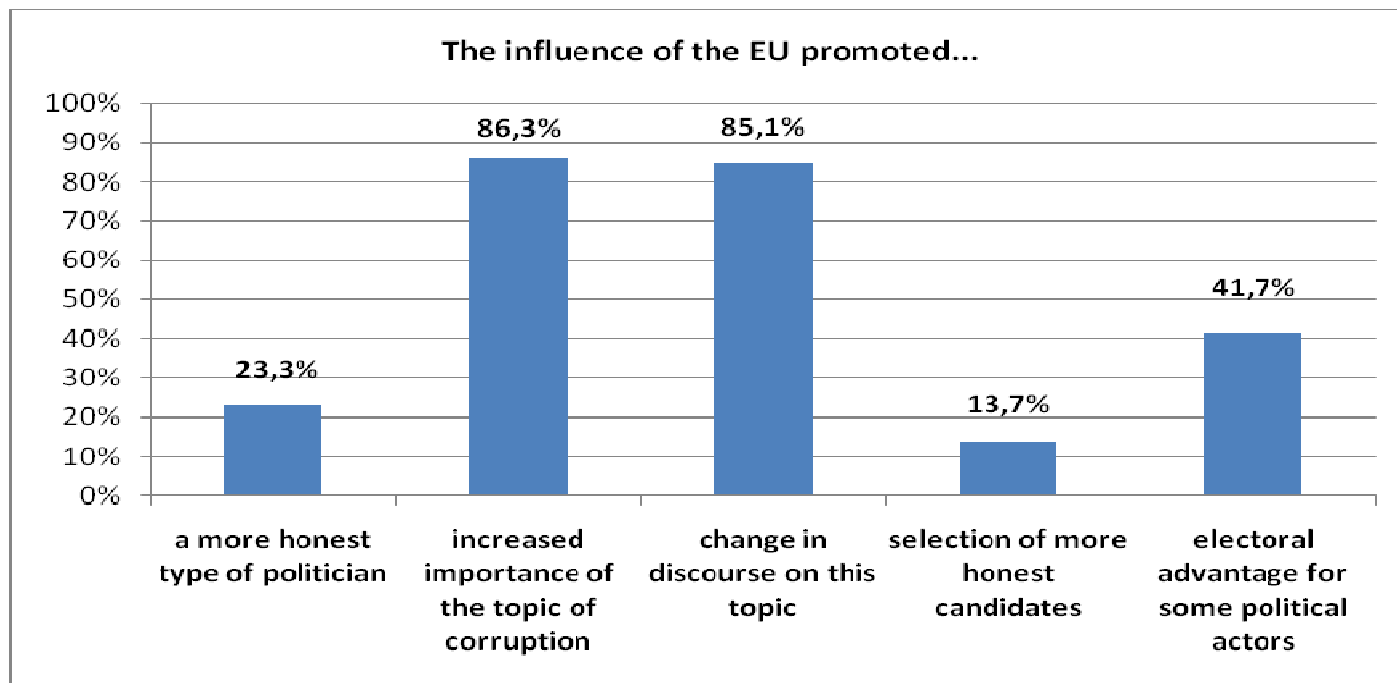


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## ***CVM and the Romanian political parties***



- EU more influent for the agenda than inducing real changes in parties` behavior
- Correlation between "CVM increased the importance of corruption on the public agenda" and "the benchmarks were useful"
- Changing agenda = triggering real effects or no?



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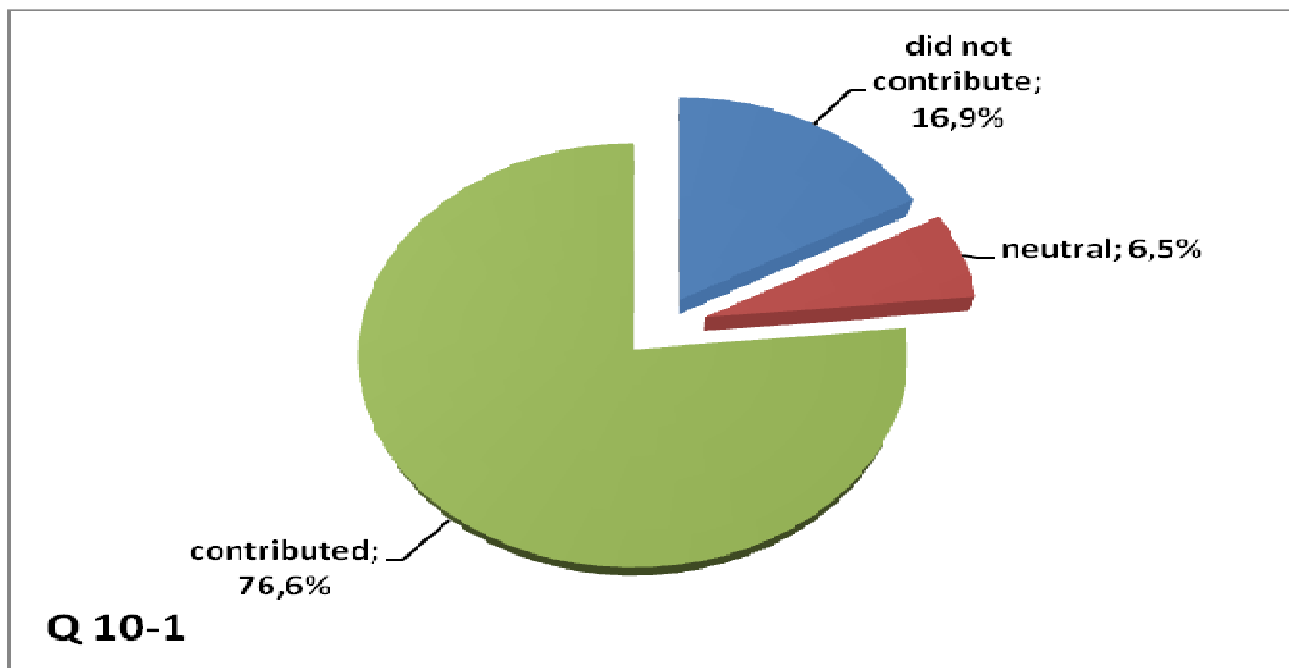
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## CVM and the Anti-corruption Directorate

In its regular reports drafted as part of the CVM, the European Commission analyses the activity of the Anti-corruption Directorate and how the investigation of cases of high-level corruption has developed. *Do you believe that the existence of the CVM has contributed to the continuation of investigations of high-level corruption?*



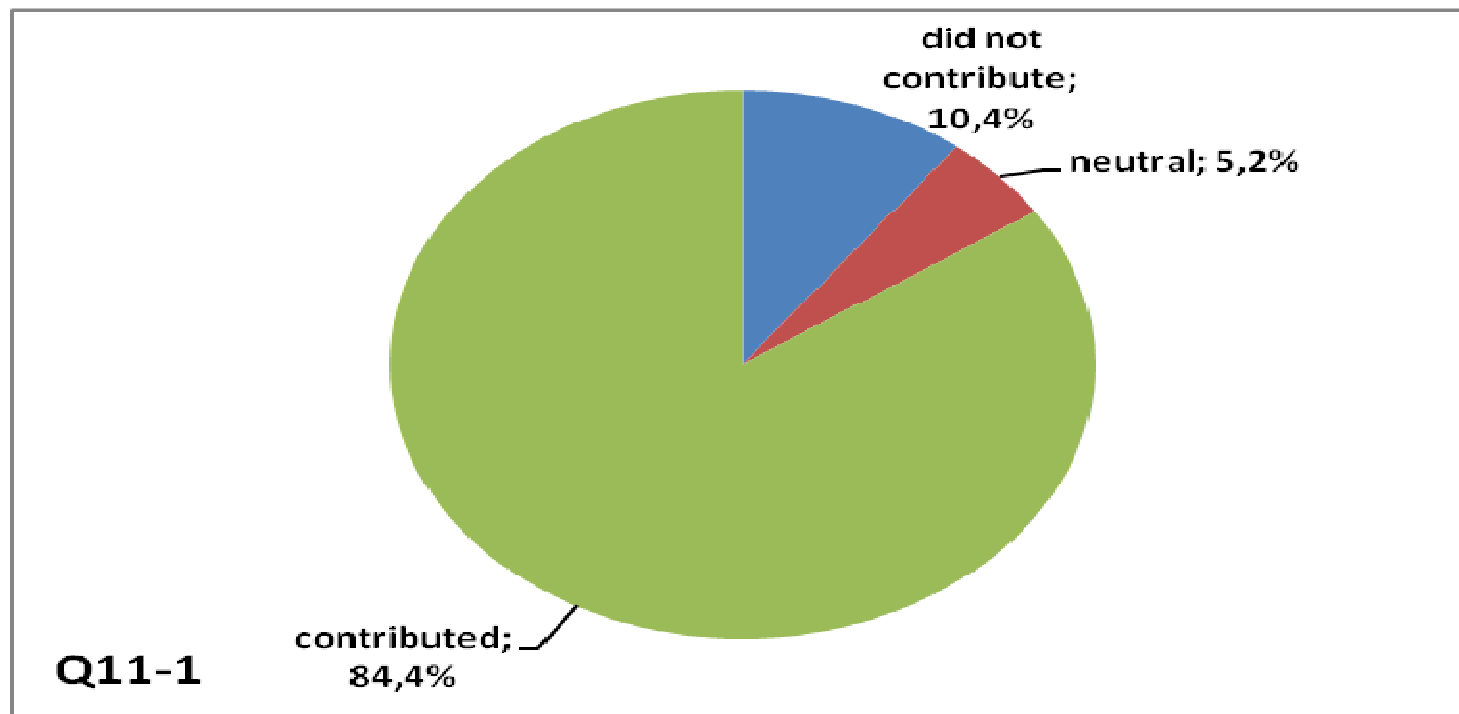
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## CVM and the Criminal Code

The EC February 2008 report criticized the draft bill that asked the prior information of the suspects in cases involving surveillance and interceptions. *Do you think the criticisms brought by the Commission contributed to abandoning the idea?*



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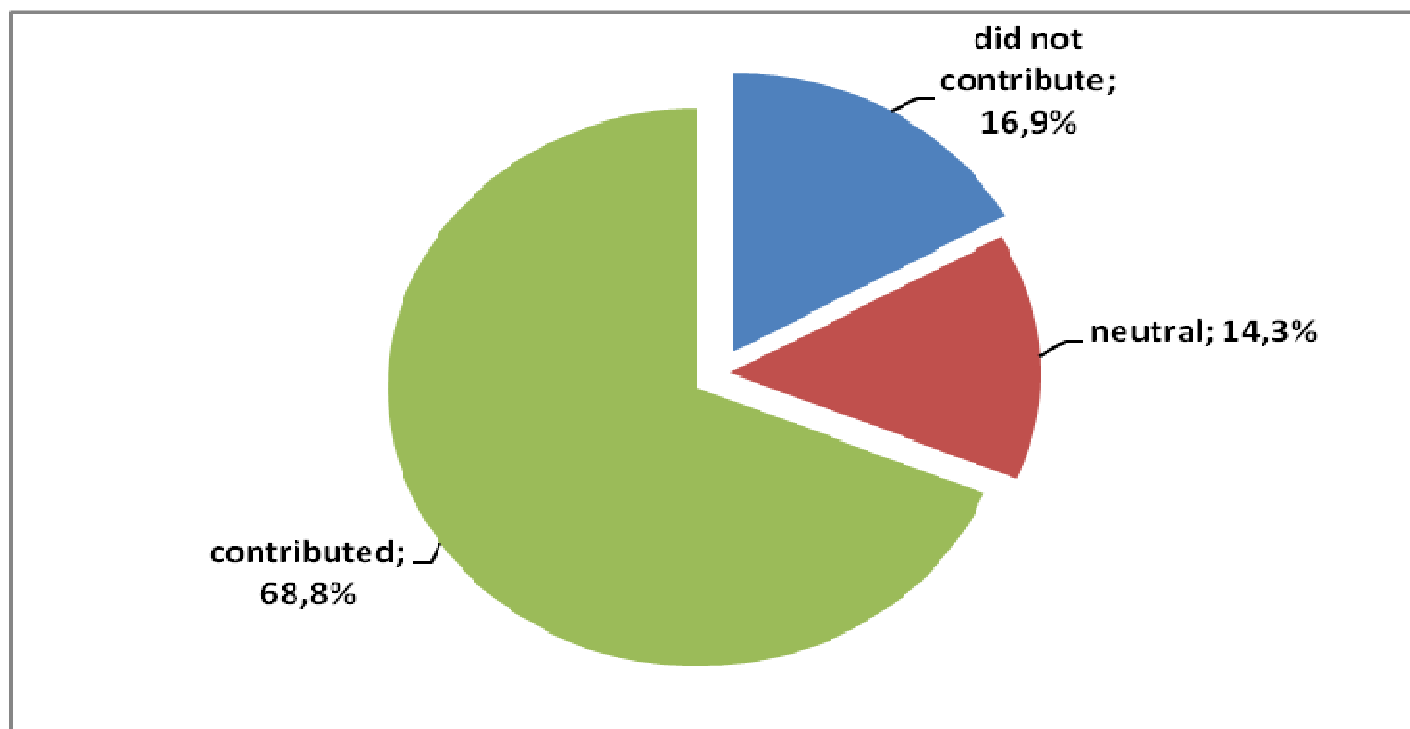
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## CVM and Parliament's veto

The number of high level cases blocked by the Romanian Parliament fell over 2007-2010, according to EC reports, currently having more cases approved than rejected or blocked. *Do you believe the existence of CVM contributed to this development?*



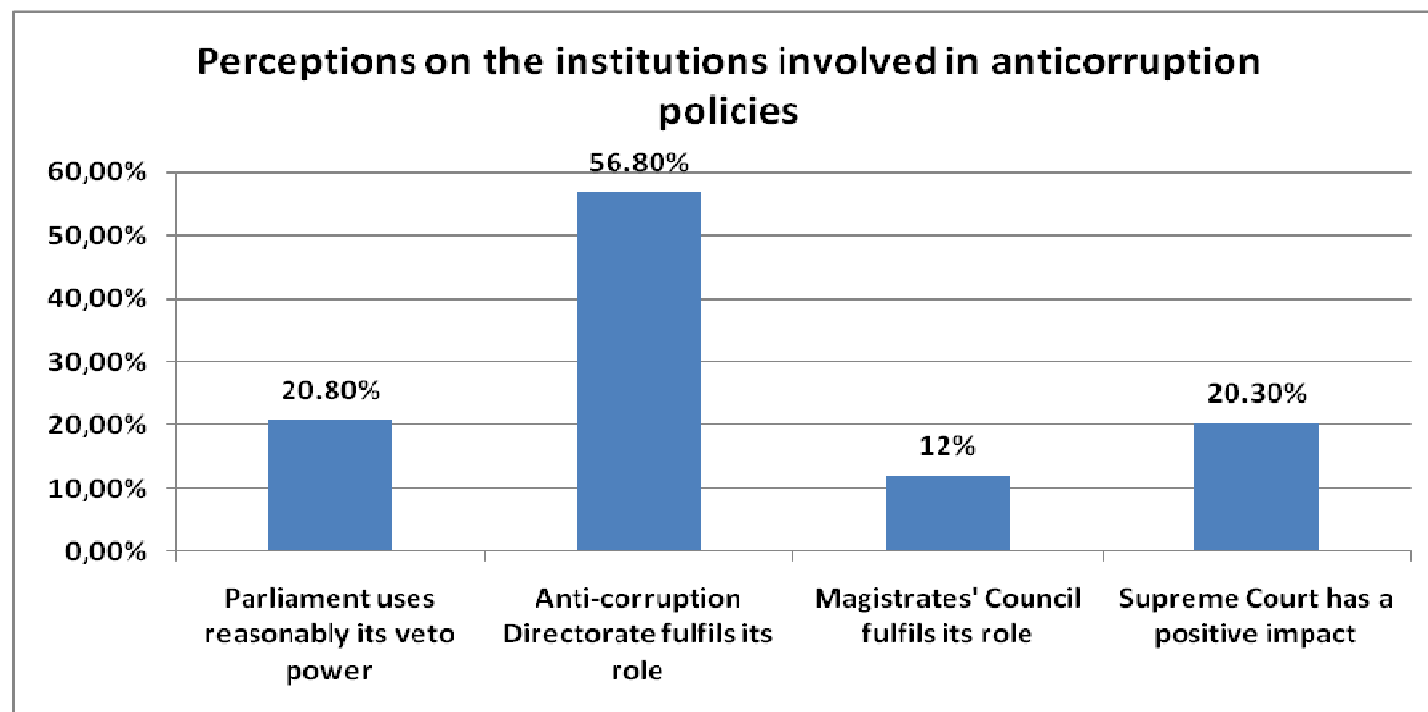
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## CVM and anticorruption institutions



### Analysis:

- Positive correlation between `CVM encouraged a more honest type of politician` and favorable opinion about Anti-corruption Directorate (DNA).
- Positive opinion on the A. Directorate means having a negative opinion on the Parliament



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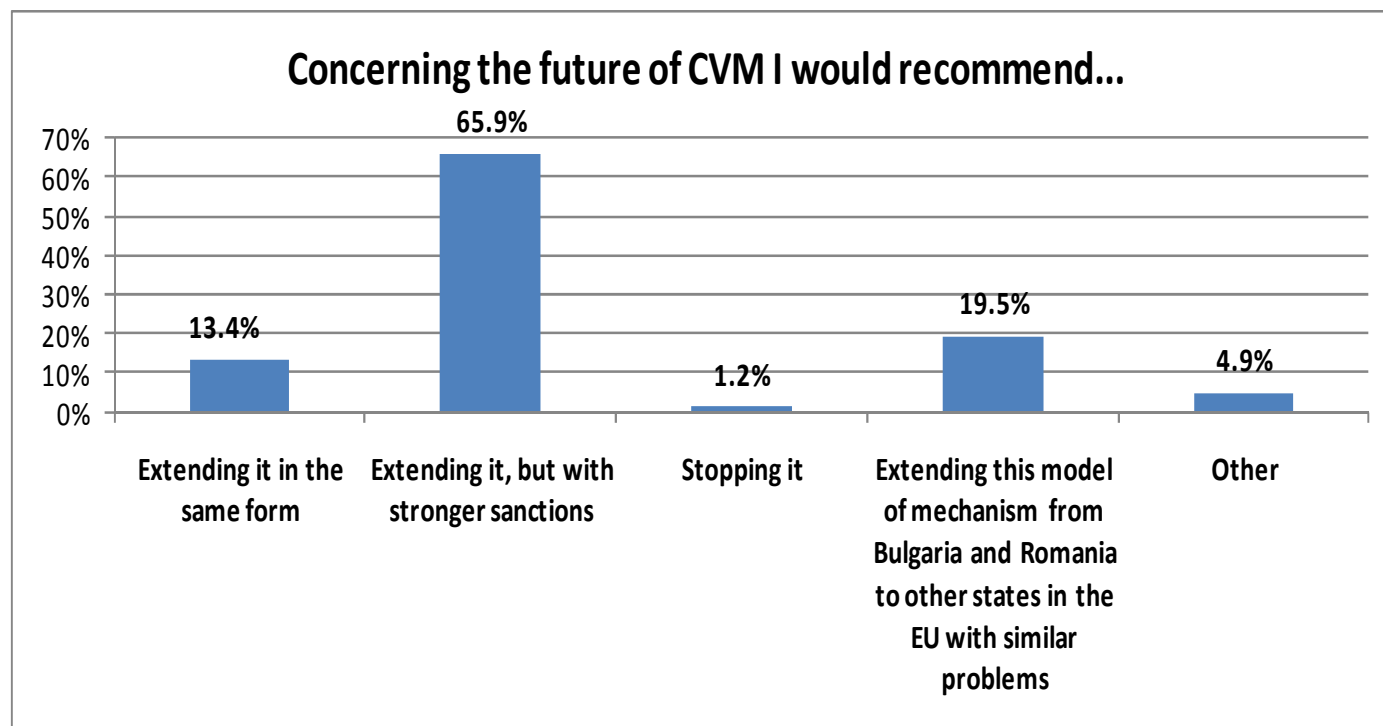
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## Opinions about the future of CVM

CVM is already in its third year and the European Commission will reconsider the way it functions. There are more options for the future of the CVM. Would you personally recommend...



*N.B. Insofar as some of the options were not mutually exclusive, respondents were allowed to choose more than one option. Nevertheless, few chose to do this, which is why the scores of the five options add up to 104%.*



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## Was CVM a good policy for the EU and Romania ?

- How should the CVM be judged?
- Maximalist versus realist expectations
- Currently judged from the maximalist point:
  - Success in reforming the Romanian judicial system in a profound and sustainable way.



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## A fair assessment of CVM...

should take into account two criteria:

- The changes it brought to the Romanian status quo;
- Its success in blocking the attempts to dismantle institutions and rules created in the pre-accession period (at the EU request);



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