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The European Commission is set to say Bulgaria and Romania may join the EU in January - but the draft monitoring report, seen by EUobserver, threatens safeguards unless they take immediate action on judicial and administrative reform.

The draft report, due to be published on Tuesday (26 September), says that while the two countries have "reached a high degree of alignment" with EU needs, the commission still has a "number of areas of continuing concern and also areas where the commission will initiate appropriate measures to ensure the proper functioning of the EU, unless the countries take immediate corrective action."

For Bulgaria the main areas of concern include the justice system, the fight against corruption, organised crime and money laundering, and an inadequate system for absorbing the millions of euros of farm money due to come its way after it joins.

"Limited progress has been made in the reform of the justice system," says the draft report, adding later that there have been few concrete examples of investigations or prosecution of charges of high level corruption.

For Romania, farm aid absorption capacity is a cause for concern as is the justice system and the fight against corruption.

The report notes that "petty corruption" remains a problem with health care, education and local government seen as particularly vulnerable. It says there is a "real risk" that Bucharest will not be able to absorb EU farm money.

But the report praises Romania on progress in several areas since the commission issued its previous statement in May, such as regional policy and ability to withstand competition in the internal market once it enters the EU.

Safeguard options

There are several types of safeguard measures that the commission is considering unless the two countries get in shape - in the areas of justice and home affairs, the internal market and the economy. In justice and home affairs, the proposed safeguard would allow current member states to unilaterally suspend any EU obligations in the area of civil and criminal law.

The internal market safeguard could be invoked if either Bulgaria or Romania were to cause a serious breach of the functioning of the market, while the economic safeguard could be used to "address serious or economic" difficulties after accession.

Additionally, Brussels could apply safeguards in the area of veterinary and food safety rules and the application of EU funds.

Most closely-monitored ever

The draft report makes clear the two countries, who will bring the EU total to 27 member states, will be monitored more closely than previous acceding countries.

Both Romania and Bulgaria will have to complete monitoring reports proving they come up to scratch in several different areas - six for Bulgaria and four for Romania - every six months, with the first report due at the end of March next year.

Bulgaria must, among other benchmarks "conduct and report on professional, non-partisan investigations into allegations of high-level corruption" and "adopt constitutional amendments removing any ambiguity regarding the independence and accountability of the judicial system."

Romania must "take further measures to fight corruption" and "ensure a more transparent and efficient judicial process."

The unambiguous wording of the report and the extent to which the commission is prepared to show it is keeping a close eye on the two countries is part of an overall strategy to reassure an increasingly enlargement-sceptical EU public.

The report, which does not yet contain any formal conclusions and is still subject to change, will be examined by the full team of commissioners on Tuesday before final publication.