2004 enlargement: progress towards accession by the candidate countries. Strategy paper and report

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The European Commission has published its last Strategy Paper which highlights the processes to be accomplished before the integration of 10 new Member States. The Commission considers that Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Slovak Republic and Slovenia fulfil the political criteria and will have fulfilled the economic and acquis criteria within the timeframe foreseen for accession by the European Council. These countries will be ready for membership from the beginning of 2004. The Commission recommends concluding the accession negotiations with these countries by the end of this year with the aim of signing the Accession Treaty in Spring 2003. As for Bulgaria and Romania, the Commission will strongly support these two countries in achieving their objective to join in 2007. In addition to assessing progress made by each candidate, the Regular Reports and the Strategy Paper also evaluate to what extent the candidates will fulfil the Copenhagen criteria by accession, taking into account the envisaged timeframe for enlargement defined by the European Council. - Concerning the accession negotiations : the Commission therefore recommends to conclude the accession negotiations with these countries by the end of this year. The Regular Reports point to a number of areas where further improvements need to be made in the context of the political and economic criteria and in relationship to the adoption, implementation and enforcement of the acquis. These should be vigorously pursued. For all ten acceding countries, negotiations on both the chapters "agriculture" and "financial and budgetary matters" are not yet provisionally closed, although most issues in these chapters which are not linked to the financial framework to be proposed by the Union have been dealt with. Moreover, even if the chapters "regional policy" and "institutions" have been provisionally closed, specific questions linked respectively to the budgetary allocations and to institutional matters have been reserved for the last stretch of negotiations. In principle and in line with a practice followed in previous enlargements, it will not be possible to go beyond a certain point in time when considering new acquis in the negotiations. The Commission therefore has proposed to limit the scope of the negotiations as such to all acquis adopted and published up until 1 November 2002. - Overcoming difficulties : the 2002 Regular Reports show that, overall, candidate countries have generally reached a high degree of alignment in many areas, as a result of the considerable progress in transposing the acquis over the last years. Moreover, commitments made in the negotiations are generally being fulfilled. However, some difficulties are still apparent in areas such as customs, agriculture (very few candidate countries are at an advanced stage regarding the setting up of the integrated administration and control scheme (IACS)), regional policy (reinforce their administrative capacities) and financial management and control. The Commission's assessment of candidate countries in this year's Regular Reports carries three important messages: the Union's pre-accession strategy has proved a success. The transformation process in the candidate countries has been considerably accelerated by the prospect of enlargement; the accession negotiations, which have been based on the principles of own merits, differentiation and catching up, canbe concluded with most candidates by the end of 2002. Preparations for enlargement will continue; and enlargement is an inclusive process which is not yet completed with the first accessions. The European Union continues to give its full support to current candidates that will not be in a position to participate in the next wave of enlargement. - With regard to the process of reinforcing administrative and judicial capacity : the Commission attaches the greatest importance to ensuring that the candidates further reinforce their administrative and judicial capacity. It is an essential requirement for creating mutual trust among Member States, indispensable for membership. The Commission has prepared in the first quarter of 2002 jointly with each negotiating country an Action Plan to reinforce their administrative and judicial capacity. Based on the 2002 Accession Partnership priorities, the Action Plans identify the concrete measures that remain to be taken for each country to achieve an adequate level of administrative capacity by the time of accession. The

Action Plans identify targeted assistance required to support the countries in their efforts. For that purpose, the Commission has mobilised additional financial assistance of up to EUR 250 million in 2002 to accompany these efforts, bringing the Community's total support to strengthen the administrative and judicial capacity of the negotiating countries in 2002 to around EUR 1 billion. - Regarding transitional arrangements : the process of building up administrative and judicial capacity will need to continue after enlargement. A number of transitional arrangements agreed in the negotiations also demonstrate that in certain areas candidate countries need to continue efforts until they are in a position to apply fully the Community acquis. While accession negotiations are based on the principle that candidate countries effectively apply the acquis upon accession, a number of well-justified transitional measures have been agreed in the negotiations, in line with the principles laid down for transitional measures. These principles state that any transitional measure has to be limited in time and scope and be accompanied by a plan clearly defining stages for the application of the acquis. In addition, transitional measures must not involve amendments to the rules and policies of the Union, disrupt their proper functioning, or lead to significant distortions of competition. Transitional measures have been agreed, upon request of both the candidate countries (some 190 requests accepted so far) and the Union (some 28 requests accepted so far). - As regards the safeguard clauses : the general economic safeguard clause applies to situations where "difficulties arise which are serious and liable to persist in any sector of the economy or which could bring about serious deterioration in the economic situation of a given area". The safeguard clause would allow the Commission to determine the necessary protective measures. Both, new and current Member States would be able to make use of this safeguard clause. In order to ensure a smooth phasing in of an unprecedented number of new Member States in EU policies, the Commission considers, that for a limited time, the Accession Treaty should envisage the introduction of a specific safeguard clause for the internal market (including food safety)and also in the area of justice and home affairs, allowing to react more flexibly to possible problems associated with the initial period of membership. Moreover, the particular situation in the area of Justice and Home Affairs deserves a special mention. There is now a considerable acquis in this area. It covers difficult and politically sensitive subjects, in particular where the freedom of movement of people and the consequences of the suppression of internal frontiers are concerned. The implementation of these Schengen-based objectives is subject to a two-stage process, which eliminates the need for any separate safeguard mechanism. There are, however, other non-Schengen components in the area of freedom, security and justice (for instance regarding the implementation of judicial cooperation, in particular mutual recognition) which are still causing problems. - Concerning the abolition of border controls and free movement : the EU has made clear that full application of the Schengen acquis necessitates a process in two stages. In the first stage (2004) the countries will need to have achieved a high level of border control, even though certain special arrangements such as shared infrastructure and equipment or joint patrols could be envisaged with other Member States. The lifting of internal border controls will only occur some time after accession and will be subject to a separate decision making process for each new Member State separately. - With regard to the EMU and the Euro : the new Member States cannot immediately adopt the Euro upon accession. However, as for all Member States, economic policies become a matter of common concern and hence are subject to policy co-ordination and multilateral surveillance procedures. Until that time, the Treaty obliges Member States to pursue the high degree of sustainable convergence required for the adoption of the euro, but does not specify the timetable to attain this. - Concerning the timetable : six months before the envisaged date of accession the Commission will produce a comprehensive monitoring report for the Council and the European Parliament which will look at the advancement of the implementation of necessary reforms and all commitments in the field of the Community acquis by each of the acceding countries. The Commission should adopt its Opinion on the applications for accession of the concerned countries. The European Parliament should then be asked to give its assent, followed by a decision of the Council on the admission of new Member States. Provided that the Commission can issue its Opinion in February 2003, and allowing sufficient time for the decision making process in Parliament and Council, the Accession Treaty can be expected to be signed in spring 2003. Thereafter, the Treaty, drawn up in all present and future Community languages, will be signed by the parties. - With regard to the financial framework : the Commission has proposed a common financial framework for the accession negotiations. This framework was based on the overall Berlin financial framework and on the assumption that ten new Member States

would join the European Union (refer to INI/2002/2045). The Commission's proposals remain valid. In particular, the Commission considers that in the field of agriculture, the objective of gradually introducing direct payments for farmers in the new Member States from the year 2004 should be maintained.Structural actions should be based on a share of one third for the cohesion fund and be based on the overall volume proposed in January 2002. Also a temporary budgetary compensation, through a lump sum payment, should be envisaged for each new Member State which would find itself in a net budgetary position which is worse in comparison with its situation in the year before accession as beneficiary of pre-accession funds. Lastly, the Commission reiterates the need to earmark additional funds for the northern part of Cyprus in order to back a political settlement. As regards the situation in Bulgaria and Romania have set 2007 as their indicative date for accession. The Commission will strongly support the two countries in achieving this objective, which will continue to be guided by the principles of differentiation and own merits. The Commission will propose, on the basis of the analysis in the 2002 Regular Reports, detailed roadmaps for Bulgaria and Romania before the Copenhagen European Council. In order to prepare Bulgaria and Romania for membership in the European Union, an increased focus will be put on judicial and administrative reform. Furthermore, pre-accession assistance provided to Bulgaria and Romania should be increased considerably from the date of the first round of accessions, linked to progress in implementing the roadmaps. Concerning Turkey, it has made noticeable progress towards meeting the Copenhagen political criteria. Through constitutional reform, and a series of legislative packages, Turkey has addressed several of the key priorities specified in the Accession Partnership. The legal changes adopted by Parliament in August 2002 are particularly welcome as they show a willingness to introduce far-reaching reforms. The death penalty has been lifted except in case of war and important steps have been taken to permit broadcasting and education in languages other than Turkish. The lifting of the state of emergency in two of the four provinces where it had applied, and the undertaking to lift it, this year, in the two provinces where it still applies should open the way to greater protection of human rights. The Commission welcomes these developments and recognises the break-through they represent in the Turkish political context. In addition, the reforms were adopted in particularly difficult circumstances. These reforms are promising for the future as they demonstrate the will and the capacity of the Turkish political system to make progress even in areas hitherto regarded as highly sensitive. Nonetheless, Turkey does not fully meet the political criteria. The reforms contain a number of significant limitations, which are set out in the Regular Report, on the full enjoyment of fundamental rights and freedoms. Many of the reforms require the adoption of regulations or other administrative measures and, to be effective, will need to be implemented in practice by executive and judicial bodies at different levels throughout the country. A number of important issues arising under the political criteria have yet to be adequately addressed. These include the fight against torture and ill-treatment, certain questions concerning civilian control of the military, and the situation of persons imprisoned for expressing non-violent opinions and in compliance with the decision of the European Council of Human Rights. In order to help accelerate the implementation of Turkey'spre-accession strategy, increased financial assistance will be provided from 2004. This increase is intended to enable Turkey to strengthen its public administration, support the adoption of the acquis, and to facilitate Turkey's integration into the European economy.