

Republic of Romania: application for accession to the European Union

2005/0902(AVC) - 22/02/2005 - Document attached to the procedure

PURPOSE: To offer a Commission Opinion on the application for accession to the European Union by the Republic of Bulgaria and Romania.

CONTENT: In this Opinion, the Commission points out that it has already made its views known on certain essential aspects relating to the application of both countries in July 1997. Since then, the conditions and arrangements for admission of both States have been negotiated in Conferences between the Member States and the Republic of Bulgaria and Romania. Further, in its 2004 Strategy Paper on progress in the enlargement process, the Commission notes that both countries now fulfil the necessary political criteria to be eligible for accession. Based on current commitments, the Commission also takes the view that both Romania and Bulgaria will be in a position to fulfil the economic *acquis* in order to be ready for membership by 1 January 2007. On this basis, the Commission stated that it would make every effort to meet the European Council's objective to bring negotiations with Bulgaria and Romania to a close in the course of 2004, with a view to signing the Treaty of Accession as early as 2005.

In joining the European Union, both Bulgaria and Romania accept, without reserve, the Treaty establishing a Constitution for Europe and the Treaty on European Union (once it has been agreed) and the Treaties establishing the European Communities. – including all their objectives and decisions. They accept as an essential feature the legal order introduced by the Treaties and that certain provisions and acts adopted by the institutions are directly applicable, that the laws of the EU takes precedence over any national provision which might conflict with it and that procedures exist for ensuring the uniform interpretation of the law of the Union. As such the Commission calls on Bulgaria and Romania to pursue vigorously the improvements still needed in both a political and economic context and in relation to the adoption, implementation and enforcement of the EU's *acquis*.

The Commission notes that it reserves the right to present a proposal recommending a postponement of accession by one year should there be clear evidence that the state of preparation is such that there is a real risk both States could be manifestly unprepared to meet the requirements of membership by 1 January 2007. It calls, in particular, on Romania to improve in of Jus track record in the fields of Justice and Home Affairs and Competition. As a result of this monitoring, the Commission also reserves the right to invoke the various safeguard clauses foreseen in the Accession Treaty for both countries, as well as, the specific mechanisms on State aid set out in the Accession Treaty for Romania in case this country does not fulfil its commitments related to its enforcement record in this field.

In other areas, the Commission:

- Calls on the Bulgarian and Romanian authorities to complete the translation and revision of the *acquis* before the date of accession in order to ensure legal certainty in the implementation of legislation.
- Reminds both countries that one of the EU's objectives is to deepen solidarity between its people while respecting their history, their culture and their traditions.
- Repeats that EU enlargement through the accession of Bulgaria and Romania will help to strengthen safeguards for peace and freedom in Europe.

Based on the arguments and points outlined above, the Commission concludes its Opinion by stating that it is delivering a favourable opinion on the accession to the European Union of the Republic of Bulgaria and Romania.