

Basic information

2005/2204(INI)

INI - Own-initiative procedure

Comprehensive monitoring report on the state of preparedness for Union membership of Bulgaria

Subject

8.20.01 Candidate countries

Geographical area

Bulgaria

Procedure completed

Key players

European Parliament

Committee responsible

AFET Foreign Affairs

Rapporteur

VAN ORDEN Geoffrey (PPE-DE)

Appointed

19/10/2005

Committee for opinion

DEVE Development

Rapporteur for opinion

The committee decided not to give an opinion.

Appointed

INTA International Trade

The committee decided not to give an opinion.

BUDG Budgets

The committee decided not to give an opinion.

CONT Budgetary Control

The committee decided not to give an opinion.

ECON Economic and Monetary Affairs

The committee decided not to give an opinion.

EMPL Employment and Social Affairs

The committee decided not to give an opinion.

ENVI Environment, Public Health and Food Safety

The committee decided not to give an opinion.

ITRE Industry, Research and Energy

The committee decided not to give an opinion.

	IMCO Internal Market and Consumer Protection	The committee decided not to give an opinion.	
	TRAN Transport and Tourism	The committee decided not to give an opinion.	
	REGI Regional Development	The committee decided not to give an opinion.	
	AGRI Agriculture and Rural Development	The committee decided not to give an opinion.	
	PECH Fisheries	The committee decided not to give an opinion.	
	CULT Culture and Education	The committee decided not to give an opinion.	
	JURI Legal Affairs	The committee decided not to give an opinion.	
	LIBE Civil Liberties, Justice and Home Affairs	The committee decided not to give an opinion.	
	AFCO Constitutional Affairs	The committee decided not to give an opinion.	
	FEMM Women's Rights and Gender Equality	The committee decided not to give an opinion.	
	PETI Petitions	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meetings	Date
	General Affairs	2700	2005-12-12

Key events			
Date	Event	Reference	Summary
25/10/2005	Non-legislative basic document published	SEC(2005)1352 	Summary

17/11/2005	Committee referral announced in Parliament		
23/11/2005	Vote in committee		Summary
28/11/2005	Committee report tabled for plenary	A6-0342/2005	
12/12/2005	Resolution/conclusions adopted by Council		Summary
14/12/2005	Debate in Parliament		
15/12/2005	Decision by Parliament	T6-0530/2005	Summary
15/12/2005	Results of vote in Parliament		
15/12/2005	End of procedure in Parliament		

Technical information	
Procedure reference	2005/2204(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 55
Stage reached in procedure	Procedure completed
Committee dossier	AFET/6/31578

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Amendments tabled in committee		PE364.998	18/11/2005	
Committee report tabled for plenary, single reading		A6-0342/2005	28/11/2005	
Text adopted by Parliament, single reading		T6-0530/2005	15/12/2005	Summary
European Commission				
Document type	Reference	Date	Summary	
Document attached to the procedure	COM(2005)0534 	25/10/2005	Summary	
Non-legislative basic document	SEC(2005)1352 	25/10/2005	Summary	
Document attached to the procedure	SEC(2005)1353 	25/10/2005	Summary	

Comprehensive monitoring report on the state of preparedness for Union membership of Bulgaria

COMMISSION'S IMPACT ASSESSMENT

For further information regarding the context of this issue, please refer to the summary of the Commission's Communication: Comprehensive monitoring report on the state of preparedness for EU membership of Bulgaria and Romania – COM(2005)0534

1- POLICY OPTIONS AND IMPACTS: The Commission's policy options are circumscribed by the detailed guidance on EU policy towards the candidate countries which is regularly laid down by Council, notably by the European Council. One aspect of established EU policy is that the Commission needs to continue to monitor progress by Bulgaria in order to provide the Commission and the Union as a whole with the necessary knowledge of the current situation and outlook in Bulgaria. The Commission publishes its findings and recommendations in a Communication to Council and European Parliament.

In the case of Bulgaria, the Union's and the Commission's action at this stage is based on the expected entry into force of the Accession Treaty. The main decisions relating to Bulgaria have thus already been taken. Within the established EU policy, the Commission can and should make proposals and recommendations based on its expert analysis. These may cover the following two types of actions:

Firstly, based on its findings, the Commission is able to advise and assist Bulgaria to achieve its aim of being ready for membership by 1 January 2007. In order to achieve its policy objectives, the Commission will need to act by targeting its advice and assistance on addressing its findings. These may include the dispatch of substantiated early warning letters to the authorities, the organisation of further peer reviews, the implementation of support measures, or other instruments and initiatives.

Secondly, based on the findings of its continuous monitoring, the Commission will, if necessary and at the appropriate time, consider whether specific safeguard measures should be envisaged or whether accession should be postponed for Bulgaria. Depending on the precise procedure prescribed by law, the Commission can take or recommend such measures.

In most cases, a specific legislative act would need to be adopted. In its Communication, adopted on 25 October 2005, the Commission defines the next steps to be taken by Bulgaria (measures that need to be taken by Bulgaria, monitoring and safeguards, EU support measures).

IMPACTS: The conclusions and recommendations of the Comprehensive Monitoring Report will have a considerable **political** impact.

They will determine the content and focus of the Commission's and the EU's dialogue with Bulgaria over the coming months and can be expected to have a considerable mobilising effect on **political, legislative and administrative activity** in areas relevant to EU accession. The Report will also determine the focus of the Commission's further monitoring of progress and guide the implementation of advice and assistance programmes.

The Comprehensive Monitoring Report may have an **indirect economic impact**. Indeed, if the Commission concludes that Bulgaria must increase its preparation efforts, it may be expected to speed up alignment with the *acquis* and strengthen administrative capacity, which in turn should have a positive impact on the economic environment.

2- FOLLOW-UP: The precise follow-up depends on the conclusions and recommendations of the Comprehensive Monitoring Report. However, the Commission is in any case committed to continuing close monitoring of the situation and outlook in Bulgaria and of its possible impact on the Union up to its accession, including, if necessary, through further reports. This further monitoring will also evaluate the impact of the Communication of 25 October 2005 as part of the permanent impact assessment loop, whereby the Commission identifies gaps, and evaluates commitments and measures taken by the country to fill them.

Comprehensive monitoring report on the state of preparedness for Union membership of Bulgaria

2005/2204(INI) - 25/10/2005 - Non-legislative basic document

PURPOSE: presentation of the Commission's 2005 Regular Report on Bulgaria's progress towards EU accession.

CONTENT : This report assesses the progress made by Bulgaria in the course of 2005 to prepare itself for EU accession. It outlines, in particular, the achievements of this country in meeting the Copenhagen criteria:

1) political criteria : as in previous years, Bulgaria continues to meet the political criteria for EU accession. Overall, its performance has been satisfactory. Nevertheless, despite this progress, a number of shortcomings still remain which were already identified in the 2004 report. These areas are the following::

- public administration reform (all aspects, but especially local and regional administration): Bulgaria needs to give priority to closing gaps in existing legislation and to ensure the establishment of a legislative framework guaranteeing the principles of legality, accountability, reliability and predictability in the workings of the public administration. Further efforts are required in terms of making the public service more resistant towards corruption, including preventive measures;
- justice reform: the impact of the reform on the efficiency of the justice system remains limited, in particular as far as the problem of case backlogs is concerned. Despite some ongoing progress, very considerable efforts are still needed, in particular to improve the pre-trial phase and to improve the transparency of the legal system. In addition, progress in the combating of organised crime remained very limited.
- anti-corruption measures (particularly in public administration);
- human rights and the protection of minorities and integration of the Roma minority: more effort needs to be made to combat efficiently the trafficking of human beings and to improve conditions in a number of state institutions for children and people with disabilities. Further progress is needed in the process of de-institutionalisation and in improving the management of the mental health care system. Sustained efforts are required to realise the effective integration of the Roma minority.

2) economic criteria : Bulgaria continues to be a functioning market economy. The continuation of the current pace of its reform path should enable Bulgaria to cope with competitive pressure and market forces within the EU. Bulgaria has maintained a high degree of macro-economic stability with strong economic growth, relatively low inflation and falling unemployment. However, the widening current account deficit raises some concerns. Progress has been made in most areas where improvements were suggested in the 2004 report, but a number of challenges remain: the widening trade and current account deficit, the need to curb bank credit growth, improvement of the business environment (in particular the functioning of the administrative and judicial system), maintaining the momentum in completing the privatisation programme, improving labour market flexibility, which, together with a comprehensive reform of the education system, would be crucial for dealing with skills mismatches and improving the adaptability of the Bulgarian economy.

3) transposition and implementation of EU laws and standards: Bulgaria has reached a considerable level of alignment with the *acquis* in most policy areas. Efforts to strengthen overall administrative capacity should continue with a view to properly implementing the adopted legislation.

The areas requiring attention with implementation fall into 3 main categories:

- those areas in which Bulgaria is almost ready or in which any remaining problems should be resolved between now and accession, if the current momentum of preparation is maintained. These include, for example, competition policy, free movement of capital and payments and cultural and audiovisual policy;
- those sectors where increased effort is necessary to harmonise Bulgarian policy with European standards : in particular, this relates to social inclusion or environmental standards (water quality, industrial pollution), maritime transport and industrial policy (steel);
- sectors where Bulgaria must take immediate and decisive action to address issues of **serious concern** if it is to be ready by the envisaged date of accession. This covers the protection of intellectual and industrial property rights in the *company law* field and motor vehicle insurance in the *services* chapter. It concerns the paying agency and the integrated administration and control system as well as the common market organization on milk, transmissible spongiform encephalopathies (TSEs) and animal by-products (in particular the construction of a second rendering plant and the introduction of a feed ban), the veterinary control system (identification and registration of animals, the establishment of border inspection posts) and animal diseases control, the trade in live animals and animal products, veterinary public health and animal welfare in the chapter on *agriculture*; institutional structures and financial management and control in the area of *regional policy*, including in relation to the above-mentioned operational programme under the European Social Fund. Finally, urgent action is required in the field of *justice and home affairs*, in particular as regards preparations for applying the Schengen *acquis* and for the management of the future EU external border as well as police cooperation and the fight against organized crime and fraud and corruption, if Bulgaria is to be ready for membership by the envisaged date.

Comprehensive monitoring report on the state of preparedness for Union membership of Bulgaria

2005/2204(INI) - 25/10/2005

PURPOSE: The presentation of a comprehensive monitoring report on the state of preparedness for EU membership of Bulgaria and Romania with a view to their becoming EU members in 2007.

CONTENT: In presenting this Report the Commission fulfils the commitment made in its 2004 Strategy Paper (please refer to summaries of procedures [INI/2004/2183](#) and [INI/2004/2184](#)) and responds to a request expressed by the European Council in December 2004 to continue to submit annual reports on Bulgaria and Romania's progress towards accession, together with recommendations if appropriate. This Report assesses the countries' preparedness for membership, identifies remaining gaps and presents steps to be taken for dealing with these (sometimes serious) gaps. It reflects the situation at the end of September 2005.

Main points of the Commission's analysis: for further details regarding the Commission's conclusions on the level of preparedness for EU membership of Bulgaria and Romania, please refer to the summaries of the specific regular reports – SEC(2005)1352 and SEC(2005)1354:

1) The Commission confirms that Bulgaria and Romania meet the political criteria for membership. Nevertheless, further efforts are needed in particular to strengthen the rule of law, by improving public administration and the justice system and by fighting corruption effectively.

2) Bulgaria and Romania fulfil the requirement of being a functioning market economy. Bulgaria's continuation of the current pace of its reform path and Romania's vigorous implementation of its structural reform programme should enable them to withstand competitive pressure and market forces within the EU.

3) Both countries have continued to make progress in adopting and implementing EU legislation. In most areas they are well advanced. However, the Commission has also identified a number of areas where increased efforts are required. The authorities in both countries should vigorously pursue their preparations in order to ensure the full benefit of membership for their citizens.

Areas of concern: There are a limited number of specific gaps in both countries' preparations which give cause for serious concern. Without immediate action Bulgaria and Romania will most likely not be able to fulfil their obligations in those specific areas by 1 January 2007. Both countries will need to pay attention to reinforcing their administrative and judicial capacity in order to adequately implement and enforce the required legislation. Vigorous steps will need to be taken in the fight against corruption and in the reforms of the justice system and the public administration in order to ensure the proper functioning of the rule of law. This will involve, at all government levels, precise activity planning, setting priorities, adopting measures and ensuring an adequate allocation of the necessary financial and human resources. The Commission will continue its various monitoring activities until accession.

Financial assistance: The EU will continue to provide substantial financial assistance to both countries in order to help them prepare for membership. In 2006 approximately EUR 1 155 million will be reserved for Romania and approximately EUR 545 million for Bulgaria.

Depending on the nature of the problem, EU support could take the form of peer assistance, training seminars, advice missions, twinning (light) projects or similar instruments, which can be mobilized quickly and can be focused on well-targeted issues. Equally, a number of existing EU programmes (such as Customs 2007, Fiscalis, and other programmes) can be used to address gaps in both countries.

Next steps: The main remaining problems will be followed up in warning letters. On-site peer reviews and specific consultations will be held to ascertain the steps taken by Bulgaria and Romania; where needed, the Union will rapidly mobilise targeted assistance. The results of this follow-up will feed into a monitoring report which the Commission intends to present to the Council and Parliament in April/May 2006. At that moment, the Commission may recommend that the Council postpone the accession of Bulgaria or Romania until 1 January 2008 if there is a serious risk of any of those states being manifestly unprepared to meet the requirements of membership by January 2007 in a number of important areas. The Commission expects Bulgaria and Romania to take all necessary corrective actions until then so as to avoid having to issue such a recommendation.

Conclusion: The Report shows that both countries have made good progress in their preparations. They should be able to meet the requirements of EU membership at the envisaged date of accession on 1 January 2007 provided they concentrate all efforts on the reforms, with particular attention to their actual implementation.

Comprehensive monitoring report on the state of preparedness for Union membership of Bulgaria

2005/2204(INI) - 15/12/2005 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution based on the own-initiative report drafted by Geoffrey **VAN ORDEN** (EPP-ED, UK) on the state of preparedness for EU membership of Bulgaria. It urged the Bulgarian Government to show increased determination concerning those areas highlighted as needing 'increased efforts' and to demonstrate in a concrete manner that it has taken effective action to remedy areas identified as being of 'serious concern'. Parliament noted that Bulgaria is as close, or in many cases closer, to fulfilling accession criteria fourteen months before accession as any of the new Member States were at the same stage in the accession process of the fifth enlargement.

Recalling its position on the activation of one of the safeguard clauses in the Treaty of Accession, Parliament stated that it would take a position on this issue, and especially the timing of accession, in the light of the state of implementation of the necessary reforms, in particular the requirements of membership regarding the judiciary system and the fight against corruption, on the basis of the Commission's detailed assessment of the situation next spring.

Political criteria: Parliament noted that Bulgaria continues to fulfil the political criteria, and reminded the Bulgarian government of the need to step up its efforts to develop sufficient administrative and judicial capacity to implement and enforce the acquis, with particular reference to the Anti-Corruption Strategy and the urgently needed continued reform of the judiciary. It recognised that crime rates in Bulgaria have been lowered to the level of many Member States, but expressed concern at the brazen nature of Bulgarian organised criminal elements, their contempt for the law and challenge to the authority of the State, and their involvement with apparent impunity in a series of high-profile murders in recent years. Parliament pointed out the small proportion of serious criminal cases that result in penal convictions, and the few successful convictions of high-level officials for corruption.

Parliament went on to raise the following issues:

- further efforts are needed to improve all aspects of border control, including measures relevant to the fight against organised crime, people trafficking and drugs trafficking as well as to public health, such as animal disease control;
 - more resources need to be directed to improvement of orphanages and schools for disadvantaged children and those with special needs, including disabled persons, and to more rapid and effective implementation of the deinstitutionalisation plan, given that Bulgaria has a relatively high percentage of children in care;
- § whilst practical measures have been taken by Bulgaria to improve the integration of Roma into mainstream society but key reforms in combating discrimination in education, housing and healthcare remain to be achieved. Many Roma people still face discrimination and Roma women are especially vulnerable to trafficking and prostitution;
- the Strategy for Decentralisation must be implemented so that local administrative structures are considerably strengthened and have the necessary capacity to play a full and active role in Bulgaria's reforms.

Economic criteria: Parliament commended Bulgaria on taking action to further consolidate her economic performance via substantial structural reforms and sound fiscal policies, and encouraged further specific efforts to reduce the current account deficit. It welcomed the Commission's verdict on the positive effects of the privatisation programme in Bulgaria, and noted that the share of the private sector reached 67% of GDP in the first half of 2005, an increase of 2.2% from the same period in 2004. Parliament called for greater transparency in the processes of public procurement, tendering and contracting. It also recommended measures to bring greater flexibility to the labour market, to encourage innovation, to increase mobility of the workforce and to improve education and training programmes.

Acquis communautaire: Parliament welcomed progress made by Bulgaria in the agricultural sector but urges immediate action to ensure that control and paying agencies are in place to address concerns over outstanding legislative commitments in this field. There also needs to be a strong focus on improvements in land use and on resolving issues of land ownership. Parliament made a series of recommendations on agriculture and went on to remind Council and Commission that Bulgaria must fulfil its commitments regarding the closure date for Units 3 and 4 of the Kozloduy Power Plant under the Accession Treaty. Bulgaria should be assisted in filling the energy gap that will be created by that closure.

Finally, Parliament reiterated its support for the Bulgarian nurses held in custody since 1999 in Libya and currently under sentence of death and called upon the Libyan authorities at the highest level to respond to the widespread international appeals for early and satisfactory resolution of this appalling situation.

Comprehensive monitoring report on the state of preparedness for Union membership of Bulgaria

2005/2204(INI) - 12/12/2005

The Council adopted the following conclusions:

- **Acceding countries:** the Council welcomed the findings and recommendations presented by the Commission on 25 October 2005 to the Council and the European Parliament in its Comprehensive Monitoring Reports on Bulgaria and Romania. It noted with satisfaction the good progress highlighted in these reports. At the same time, it urged Bulgaria and Romania to address decisively and without delay the concerns highlighted in these reports, and to fulfil all commitments made in the Accession Treaty, in order to enable accession on 1 January 2007 as planned and, thus, the successful completion of the fifth enlargement. It welcomed the intention of the Commission to submit a monitoring report to the Council and Parliament in April /May 2006 in order to review the situation in line with the provisions of the Accession Treaty.

- **Enlargement Strategy:** the Council welcomed and held a preliminary exchange of views on the Commission's Communication on Enlargement presented on 9 November 2005. The Council concluded that the Enlargement Strategy Paper 2005 is a good basis for a necessary, further discussion on enlargement in 2006 and that, meanwhile, it should pay careful attention to the need to:

- anchor and develop support for the enlargement process across the EU. Particular account should be taken of the importance of communication and the views of EU citizens, while paying attention to the important issue of the absorption capacity of the Union;
- apply effective conditionality, at all stages of the process, in a fair and rigorous way;
- reiterate strong encouragement to candidate countries, and other countries in the Western Balkans, along the road to reform and stability by reconfirming their European perspective.

- **Croatia:** the Council recalled its decision to open accession negotiations with Croatia as well as the specific modalities of this process as set out in the Negotiating Framework. The Council welcomed political agreement on the Accession Partnership with Croatia, with the objective of providing support for overcoming particular problems with a view to accession. It underlined its commitment to this process while stressing the importance of Croatia making progress in relation to the priorities identified by the EU in the Accession Partnership, in particular by fulfilling its obligations in respect of the EU and its Member States. It encouraged Croatia to respond to its Accession Partnership by updating its national plan for implementing the identified priorities and recalled that the advancement of negotiations would be guided inter alia by progress in implementing the Accession Partnership.

- **Turkey:** the Council recalled its decision to open accession negotiations with Turkey as well as the specific modalities of this process as set out in the Negotiating Framework.

The Council welcomed political agreement on the Accession Partnership with Turkey, with the objective of providing support for overcoming particular problems with a view to accession. It encouraged Turkey to respond to its Accession Partnership by updating its national plan for implementing the identified priorities and recalled that the advancement of negotiations would be guided inter alia by progress in implementing the Accession Partnership.

Lastly, the Council recalled that it would ensure a follow-up in 2006 on the progress made on relevant

issues set out in the Declaration of the EC and its Member States of 21 September 2005.