Basic information

2005/2205(INI) INI - Own-initiative procedure	Procedure completed
Comprehensive monitoring report on the state of preparedness for Union membership of Romania **Subject** 8.20.01 Candidate countries **Geographical area** Romania	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
AFET Foreign Affairs	MOSCOVICI Pierre (PSE)	19/10/2005

Committee for opinion	Rapporteur for opinion	Appointed
DEVE Development	The committee decided not to give an opinion.	
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)1354	Summary

17/11/2005	Committee referral announced in Parliament		
23/11/2005	Vote in committee		Summary
28/11/2005	Committee report tabled for plenary	A6-0344/2005	
12/12/2005	Resolution/conclusions adopted by Council		Summary
14/12/2005	Debate in Parliament		
15/12/2005	Decision by Parliament	T6-0531/2005	Summary
15/12/2005	Results of vote in Parliament		
15/12/2005	End of procedure in Parliament		

Technical information	
Procedure reference	2005/2205(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/6/31579

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Amendments tabled in committee		PE365.000	21/11/2005	
Committee report tabled for plenary, single reading		A6-0344/2005	28/11/2005	
Text adopted by Parliament, single reading		T6-0531/2005	15/12/2005	Summary

European Commission

Document type	Reference	Date	Summary
Document attached to the procedure	COM(2005)0534	25/10/2005	Summary
Document attached to the procedure	SEC(2005)1353	25/10/2005	Summary
Non-legislative basic document	SEC(2005)1354	25/10/2005	Summary

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

2005/2205(INI) - 15/12/2005 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution based on the own-initiative report drafted by Pierre **MOSCOVICI** (PES, FR) on the extent of Romania's readiness for accession to the European Union. (Please see the summary of 23/11/2005.) Parliament recalled its previous position on invoking the safeguard clauses and stated that it would take a position on these issues and especially the timing of accession, in the light of the state of implementation of the necessary reforms, in particular of 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 in spring 2006.

Parliament recognised Romania's significant contribution to the stability of the wider south-east European region, but was concerned at persistent delays in a number of areas, such as improving administrative capacity, combating corruption and implementing the 'acquis communautaire' in certain areas of agriculture, public procurement and the environment. It also expressed concern at persistent reports of ill-treatment by law-enforcement personnel, including excessive use of force and use of lethal force, where many of the victims are Roma, and called on Romania to improve the judicial review of such cases.

One of the highest priorities is to combat corruption, particularly high-level corruption, corruption at every level of the judiciary, law-enforcement agencies and the public administration, as well as large-scale corruption. This must be pursued with rigorous enforcement of the law and successful prosecutions as well as a proper understanding of the gravity of this problem and its consequences.

Parliament also raised the following issues:

-Romania should adopt the revised Penal Code, which aims at removing criminal defamation provisions and at bringing the code into line with the legislation of all EU Member States;

-human and material resources must be strengthened with a view to substantially improving the management and security of frontiers, in order to combat illegal trafficking, organised crime and illegal immigration;

-further efforts are needed in the implementation of legislation on the environment, with special attention being paid to large-scale mining projects having substantial environmental implications as in the case of Rosia Montana;

-the implementation of the law on the restitution of property must be speeded up, as must the implemention of the law on intellectual property, so as to prevent piracy and counterfeiting;

-there is urgent need to protect people with a learning disability whose living and care conditions still are not satisfactory, in particular disabled persons with intellectual disabilities and mental health problems living in residential care. Parliament called for immediate action by the Romanian Government to dismantle the large residential institutions for disabled persons in favour of smaller, community-based residential services with substantial earmarked funding support from the Commission.

Parliament went on to note that implementation of the anti-discriminatory measures adopted on behalf of the Roma is a step forward, but considered that the effort to achieve integration, particularly through applying a policy of zero-tolerance on racism against Roma as well as ensuring better access to quality education and the employment market, must be continued while making sure that the media are fully involved. Parliament was disappointed over the continued delay in the adoption of the law on minorities. Discriminatory measures are still contained in the electoral laws and repeated in the draft law on minorities. The law on minorities must be approved as soon as possible, respecting the Copenhagen political criteria. Additional measures need to be taken to ensure the protection of the Hungarian minority.

Parliament reaffirmed its wish, supported by a strong political will, to see Romania join the Union on 1 January 2007, but pointed out that fulfilment of this aim depends first on the Romanian authorities" ability to fulfil the commitments made in the Accession Treaty, failing which the safeguard clauses will be activated. It called on the Romanian authorities to make good in a satisfactory manner the shortcomings identified, so as to enable Romania to accede in accordance with the intended timetable.

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

2005/2205(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.

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

2005/2205(INI) - 25/10/2005 - Document attached to the procedure

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 Romania in order to provide the Commission and the Union as a whole with the necessary knowledge of the current situation and outlook in Romania. The Commission publishes its findings and recommendations in a Communication to Council and European Parliament.

In the case of Romania, 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 Romania 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 Romania 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 Romania. 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 Romania (measures that need to be taken by Romania, 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 Romania 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 Romania 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 Romania 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 Romania

2005/2205(INI) - 25/10/2005 - Non-legislative basic document

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

CONTENT: This report assesses the progress made by Romania 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 regards the political requirements for membership, Romania continues to meet them. Romania has taken decisive steps to further reform the judiciary system towards more independence and to improve the situation on media freedom, property restitution, minorities and child protection. However, a number of shortcomings still exist and significant efforts will be required in the following areas:

- the reform of public administration and of the justice system;
- The fight against corruption should receive high priority. Efforts should focus on the effective enforcement of anti-corruption legislation and on preventive measures, fighting high-level corruption and corruption within law enforcement bodies;
- In the area of human rights and the protection of minorities further efforts are needed to combat ill-treatment in custody, strengthen the administrative capacity of the national office for preventing trafficking in human beings, continue efforts to improve the situation of disabled and mentally ill people, raise awareness on new legislation on children's rights, and ensure the effective integration of the Roma minority in particular as regards access to housing, social services and the labour market.

2) economic criteria: Romania continues to comply with the criterion of being a functioning market economy. Vigorously implementing its structural reform programme should enable it to cope with competitive pressure and market forces within the Union. Romania has broadly maintained macroeconomic stability, even if the policy mix turned less prudent and raised concerns about the sustainability of recent stabilisation achievements. It continued implementing its structural reform programme, although not vigorously in all fields.

As regards the areas where 2004's report emphasised the need for further improvements, some progress – although uneven – has been made on the majority of these issues. However, disinflation has slowed down, external imbalances have widened and growth was increasingly unbalanced due to buoyant household consumption and slowing export growth. Priority should be given to re-establishing a prudent fiscal policy, notably by implementing additional measures to permanently strengthen the revenue base, and by a cautious public sector wage policy within the framework of a clear medium-term expenditure strategy aimed at growth potential and preparing for EU accession. Continuation of the privatisation programme, active dismantling of non-viable enterprises, further improvement in enforcing financial discipline and substantial progress in the functioning of the judiciary are required to establish a positive business environment and free the economy from mis-allocated resources.

transposition and implementation of EU laws and standards: Romania 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:

a) those areas in which Romania 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, transport, application of anti-trust policy, mutual recognition of vocational qualifications (vital for the implementation of the principle of free movement of persons);

b) those sectors where increased effort is necessary to harmonise Romanian policy with European standards: this relates in particular to the control of state aids, the implementation of customs rules and the effective application of controls in relation to Community assistance granted to Romanian beneficiaries;

c) 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 field of public procurement, as well as the protection of intellectual and industrial property rights. Many issues still remain to be addressed in the field of *agriculture*, in particular regarding Romania's preparations to set up its paying agencies and implement the integrated administration and control system. Furthermore, this concerns in the area of veterinary issues, measures relating to transmissible spongiform encephalopathies (TSEs) and animal by-products (in particular the collection system of cadavers, the absence of rendering plants, the introduction of the feed ban) but also the veterinary control system in the internal market (identification and registration of animals, the establishment of border inspection posts), animal disease control measures and veterinary public health. Other issues of serious concern the administrative capacity in the *taxation* area, notably the slow pace of achieving IT system interoperability; the urgent need to strengthen institutional structures and financial management and control mechanisms to deal with *regional policy and coordination of structural instruments* as well as industrial pollution and overall administrative capacity in the field of *environment*. Lastly, 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 the fight against fraud and corruption, if Romania is to be ready for membership by the envisaged date.

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

2005/2205(INI) - 25/10/2005 - Document attached to the procedure

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.