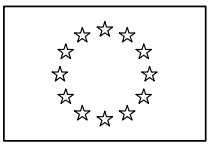

EUROPEAN COMMISSION

Brussels, 12.10.2011
COM(2011) 667 final

COMMISSION OPINION

on the application for accession to the European Union by the Republic of Croatia

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on European Union, and in particular Article 49 thereof,

Whereas:

(1) Any European state which respects the values of the European Union and is committed to promoting them may apply to become a member of the Union. The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities.

(2) The Republic of Croatia has applied to become a member of the European Union.

(3) In its Opinion of 20 April 2004 on Croatia[1], the Commission has already expressed its views on certain essential aspects of the issues arising in connection with this application.

(4) The European Council meeting in Copenhagen in June 1993 laid down the conditions for eligibility that guide the accession process and the Commission's regular assessments of Croatia's readiness for membership. The political criteria require Croatia to ensure the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities; these requirements are now enshrined in the Treaty on European Union and the Charter of Fundamental Rights of the European Union. The economic criteria require the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union. The acquis criterion refers to the ability to take on the obligations of membership arising from the Treaties and the Union's legislation, the *acquis*, including adherence to the aims of political, economic and monetary union. The Union's capacity to absorb new members, while maintaining the momentum of European integration, is also an important consideration in the general interest of both the Union and the candidate country.

(5) The Stabilisation and Association Process conditionality for the Western Balkan countries was defined by the Council on 31 May 1999 and includes cooperation with the International Criminal Tribunal for the Former Yugoslavia, and regional cooperation.

(6) In December 2006, the European Council agreed that an enlargement strategy based on consolidation, conditionality and communication, combined with the Union’s capacity to integrate new members, forms the basis for a renewed consensus on enlargement.

[1] COM(2004) 257 final.

(7) The conditions of admission and the adjustments to the Treaties were negotiated in a Conference between the Member States and Croatia. These negotiations were conducted in line with the negotiating framework, which provides for strict conditionality at the stage of opening and closing chapters. The negotiations were completed on 30 June 2011, and the agreed provisions are fair and proper.

(8) In joining the European Union, Croatia accepts, without reserve, the Treaty on European Union, the Treaty on the Functioning of the European Union and the Treaty establishing the European Atomic Energy Community including all their objectives and all decisions taken since their entry into force, as well as the options taken in respect of the development and strengthening of the European Union and that Community.

(9) It is an essential feature of the legal order introduced by these treaties that certain of their provisions and certain acts adopted by the institutions are directly applicable, that the law of the Union takes precedence over any national provisions which might conflict with it, and that procedures exist for ensuring the uniform interpretation of the law of the Union. Accession to the European Union implies recognition of the binding nature of these rules, observance of which is indispensable to guarantee the effectiveness and unity of the law of the Union.

(10) The Commission considers that Croatia meets the political criteria and expects Croatia to meet the economic and *acquis* criteria and to be ready for membership by 1 July 2013. Membership requires the continued respect of the values on which the Union is founded as well as the commitment to promoting them.

(11) Croatia has reached a high level of preparedness for membership. The Commission calls on Croatia to maintain its efforts to align with the *acquis* and further strengthen its administrative capacity, including through sustainable progress of its public administration reform. The Commission will continue to monitor closely Croatia's fulfilment of all the commitments undertaken in the accession negotiations, including those which must be achieved before the date of accession, and its continued preparations to assume the responsibilities of membership upon accession. Monitoring will focus in particular on commitments undertaken by Croatia in the area of the judiciary, the fight against corruption, and fundamental rights, in the area of justice, freedom, and security, including border management, as well as in the area of competition policy. If issues of concern are identified during the monitoring process and are not remedied by Croatia, the Commission will, when necessary, address early warning letters to the Croatian authorities and may propose to the Council to take all appropriate measures already prior to accession. The Commission also reserves the right to invoke the various safeguard clauses set out in the Accession Treaty as well as the specific mechanism for State aid to the Croatian shipbuilding and steel industries.

(12) The Commission calls on the Croatian 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 EU legislation.

(13) One of the objectives of the European Union is to deepen the solidarity between its peoples while respecting their history, their culture and their traditions.

(14) The enlargement of the European Union, through the accession of Croatia, will contribute to strengthening stability, freedom and prosperity in Europe. Croatia is expected to continue to play an active role in regional cooperation in the Western Balkans. The Commission welcomes Croatia's declaration on promoting European values in South-East Europe and in particular Croatia's commitment that bilateral issues should not obstruct the accession process of candidate countries. Croatia's accession confirms the EU's commitment to the European perspective of all the Western Balkan countries.

HEREBY DELIVERS A FAVOURABLE OPINION:

on the accession to the European Union of the Republic of Croatia.

This Opinion is addressed to the Council.