



EUROOPA ÜHENDUSTE KOMISJON

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**KOMISJONI TEATIS  
NÕUKOGULE JA EUROOPA PARLAMENDILE**

**Euroopa Komisjoni strategiadokument laienemisprotsessi edusammude kohta**

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# KOMISJONI TEATIS NÕUKOGULE JA EUROOPA PARLAMENDILE

## **Euroopa Komisjoni strategiadokument laienemisprotsessi edusammude kohta**

### **1. SISSEJUHATUS**

Euroopa Liidu laienemine 10 uue liikmesriigi võrra 1. mail 2004 on veelgi tugevdanud Euroopa kontinendi ühtsust. Laienemise ajaloolised ja poliitilised pooltargumendid ei tekita kahtlusi: see tagab rahu, õitsengu, stabiilsuse ja turvalisuse ning on lisaks kaasa toonud märkimisväärse majandusliku kasu.

Bulgaaria ja Rumeenia on 1997. aastal alanud laienemisprotsessi lahutamatuks osaks. Mõlemad riigid on läbirääkimiste lõppjärgus. EL eesmärk on võtta mõlemad riigid oma liikmeks 2007. aasta jaanuaris, kui nad on selleks valmis.

Käesoleva aasta korralistes aruannetes esitatud komisjoni hinnang kinnitab, et liidu ühinemiseelne strateegia Bulgaaria ja Rumeenia suhtes on olnud edukas. Mõlemas riigis on väljavaade Euroopa Liidu liikmeks saada kiirendanud ümberkujundamisprotsessi. Komisjon teeb kõik võimaliku täitmaks Euroopa Ülemkogu eesmärgi viia läbirääkimised Bulgaaria ja Rumeeniaga edukalt lõpule 2004. aastal, toetudes objektiivsetele näitajatele, et oleks võimalik ühinemislepingule alla kirjutada võimalikult peatselt 2005. aastal.

2004. aasta juunis otsustas Euroopa Ülemkogu, et läbirääkimisi Horvaatiaga alustatakse 2005. aasta alguses. Komisjon esitab allpool soovitud kõnealuste läbirääkimiste raamistiku kohta, toetudes käimasoleva laienemisprotsessi kogemustele. Komisjon esitab ka Horvaatia ühinemiseelse strateegia sisu, sealhulgas rahastamisvahendid.

Kooskõlas Euroopa Ülemkogu 2002. aasta detsembri otsustega, annab komisjon eraldi dokumendis hinnangu selle kohta, kas Türgi täidab Kopenhaageni poliitilisi kriteeriume ning kas ühinemisläbirääkimisi alustada või mitte.<sup>1</sup> Kõikidel Lääne-Balkani maadel on võimalus saada kandidaatriikideks. Endine Jugoslaavia Makedoonia Vabariik on juba liikmekssaamise taotluse esitanud ja nõukogu ülesandel valmistab komisjon ette arvamust selle taotluse kohta.

### **2. BULGAARIA JA RUMEENIA**

#### **2.1. Edusammud liikmelisuse kriteeriumide täitmisel**

Korralistes aruannetes hinnatakse Bulgaaria ja Rumeenia edusamme liikmesuse kriteeriumide täitmisel tegelikult vastuvõetud õigusaktide ja rakendatud meetmete alusel.

Käesoleva aasta korralised aruanded hindavad Bulgaaria ja Rumeenia suutlikkust täita ühinemise ajaks kõiki liikmesusega seotud kohustusi. Seal hinnatakse viimase aasta jooksul tehtud edusamme ja vaadeldakse ka kummagi riigi arengut pärast 1997. aasta arvamusi ja läbirääkimistel võetud kohustuste täitmist kajastavaid andmeid.

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<sup>1</sup> Euroopa Komisjoni soovitus Türgi edusammude kohta ühinemissettevalmistustes, KOM(2004) 656.

Bulgaaria ja Rumeenia täidavad jätkuvalt Kopenhaageni poliitilisi kriteeriume. Parandada tuleb eelkõige riigihalduse ümberkujundamist, kohtusüsteemi toimimist ja korrupsioonivastast võitlust.

Bulgaaria ja Rumeenia vastavad toimiva turumajanduse kriteeriumile. Reformide jätkumine Bulgaarias ja struktuurireformide programmi tõhus rakendamine Rumeenias peaksid võimaldama neil liidusisese konkurentsiturve ja turujõududega toime tulla.

Bulgaaria ja Rumeenia on jätkuvalt teinud edusamme *acquis*' ülevõtmisel ja on üldjoontes täitnud läbirääkimistel võetud kohustused. Nad on ühinemiseks nõutava seadusandluse ülevõtmisega lõppjärku jõudmas, kui säilitatakse praegune edasimineku tempo. Nad peavad jätkama jõupingutusi haldus- ja kohtuorganite suutlikkuse arendamiseks piisava tasemeni, et *acquis*'d rakendada ja jõustada.

Bulgaaria ja Rumeenia korraliste aruannete järeldused on esitatud lisas 1. Korralistes aruannetes juhitakse tähelepanu mitmetele valdkondadele, mida oleks veel vaja parandada poliitiliste ja majanduslike kriteeriumide suhtes ning pidades silmas *acquis*' ülevõtmist, rakendamist ja jõustamist. Nende paranduste nimel tuleb jõuliselt tegutseda, et tuvastatud puudused enne ühinemist likvideerida.

## 2.2. Ühinemisprotsessi lõpuleviimine

**Ühinemisläbirääkimised** on edenenud hästi. Bulgaaria ja Rumeenia ühinemise finantsraamistik määrati kindlaks 2004. aasta kevadel. See võimaldas Bulgaarial ajutiselt sulgeda kõik peatükid 2004. aasta juunis. Rumeenia puhul jätkuvad läbirääkimised kolme peatüki suhtes (konkurents, keskkond ning justiits- ja siseküsimused), samuti teatavate 31. peatüki (muud) osade suhtes. Eelkõige on vaja täiendavaid samme astuda konkurentsi peatüki riigiabi küsimustes ning justiits- ja siseküsimuste peatüki õigusosalase koostöö, korrupsiooni ja organiseeritud kuritegevuse vastase võitluse ning piirikontrolli küsimustes.

Arvestades varasemate ühinemisläbirääkimiste kogemusi, ei ole läbirääkimistel uue *acquis*' käsitlemisel võimalik teatavast ajahetkest kaugemale minna. Pidades silmas läbirääkimiste arenenud järku ja võimalust, et ühinemislepingule kirjutatakse alla võimalikult peatselt 2005. aastal, on komisjon seisukohal, et läbirääkimistel tuleb käsitleda kogu *acquis*'d, mis on vastu võetud ja avaldatud seisuga 1. oktoober 2004. Seetõttu peaksid Bulgaaria ja Rumeenia edastama oma seisukohad kogu nimetatud kuupäevani vastuvõetud uue *acquis*' kohta. See võimaldaks tegelda üleminekkorraldustega enne läbirääkimiste lõppu.

Ühinemisläbirääkimiste tulemused, mis puudutavad kokkulepitud üleminekkorraldusi ja laienemisest tingitud *acquis*' tehnilisi kohandusi, lisatakse ühinemislepingusse. Kõnealuse **ühinemislepingu** koostamine algas 2004. aasta juulis.

Kui kõik lepinguosalisel on lepingu suhtes kokkuleppele jõudnud vastavalt EL lepingu artiklile 49, esitab komisjon oma arvamuse. Euroopa Parlamendilt taotletakse nõusolekut, millele järgneb nõukogu otsus Bulgaaria ja Rumeenia vastuvõtmise kohta. Eesmärk on kirjutada ühinemislepingule alla võimalikult peatselt 2005. aastal, et see jõustuks 1. jaanuaril 2007. Pärast allkirjastamist esitatakse leping ratifitseerimiseks praegustele ja tulevastele liikmesriikidele.

Komisjon on seisukohal, et otsuste tegemise kord Bulgaaria ja Rumeenia taotluste suhtes võimaldada neile üleminekkorraldusi ajavahemikul 1. oktoobrist 2004 kuni ühinemiseni

vastuvõetud institutsioonide õigusaktide suhtes, peaks olema ühtlustatud, et tagada sujuv üleminek ühinemiseelselt otsuste tegemise korralt ühinemisjärgsele. Lisaks sellele võimaldatakse neile alates asutamislepingu allkirjutamisest aktiivse vaatleja staatus nõukogus ja komisjoni juhitavates komiteedes, samuti vastavalt vajadusele muudes institutsioonides.

Komisjon **jälgib** hoolikalt, kuidas Bulgaaria ja Rumeenia täidavad läbirääkimistel võetud kohustusi. On ülimalt tähtis, et nimetatud kohustusi täidetaks ettenähtud viisil. Seetõttu jätkab komisjon intensiivset järelevalvet ka pärast läbirääkimiste lõppu.

Korraliste aruannete analüüsile toetudes jälgib komisjon edusamme, kasutades intensiivselt assotsiatsioonilepingu struktuure ja kõik teisi järelevalve vahendeid, sealhulgas eksperthinnangud. Alates 2005. aasta novembrist esitab komisjon igal aastal tervikliku järelevalvearuande, mis käsitleb kõiki *acquis*' peatükke, haldusjuhtimist, kohtusüsteeme ja korrupsioonivastast võitlust ning andmeid majandusreformide kohta.

Komisjon teatab mis tahes viivitustest või probleemidest seoses majandusreformide või kohustuste täitmisega, kasutades selleks eelkõige varase hoiatamise kirju poliitilisel tasandil ja kehtiva korra kohaselt nõukogule esitatavaid aruandeid. Tõsiste puudustega seotud juhtumite puhuks on ühinemislepingus viimase abinõuna kolm **kaitseklauslit** (üldine majandus, siseturg ning justiits- ja siseküsimused).

Võttes arvesse, et ajavahemik läbirääkimiste lõppemisest kuni Bulgaaria ja Rumeenia eeldatava ühinemise kuupäevani on tõenäoliselt pikk, ning arvestades veel täitmata kohustuste suurt hulka, on komisjon seisukohal, et ühinemisleping peaks ettevaatusabinõuna sisaldama konkreetset kaitsemeetet. Seda kaitsemeetet, mille suhtes on Bulgaariaga juba kokkuleppele jõutud, tuleks kohaldada ka Rumeenia suhtes. See võimaldab komisjonil mis tahes ajal enne ühinemislepingu jõustumist esitada nõukogule soovitus lükata Bulgaaria või Rumeenia kavandatud ühinemiskuupäev ühe aasta võrra edasi 2008. aasta jaanuarisse, juhul kui on kindlaid tõendeid, et Bulgaaria või Rumeenia ei tule ilmselgelt 1. jaanuariks 2007 toime liikmelisusega seotud nõuete täitmisega paljudes olulistest valdkondades.

Kuni ühinemiseni aitab liit Bulgaariat ja Rumeeniat liikmelisuseks valmistumisel **ühinemiseelse strateegia** kaudu. See hõlmab olulist finantsabi, et toetada mõlemat riiki ühinemiskriteeriumide täitmiseks vajalike edasiste meetmete võtmisel.

### **2.3. Pärast Euroopa Liiduga ühinemist**

Haldus- ja kohtuorganite suutlikkuse oluline tugevdamine peab jätkuma pärast Bulgaaria ja Rumeenia ühinemist Euroopa Liiduga. Seetõttu teeb komisjon ettepaneku pakkuda nimetatud riikidele üleminekuaja erivahendit institutsioonide loomiseks. Sellega seoses jätkatakse teatavate oma kasulikkust tõestanud ühenduse rahastatud vahendite kasutamist, sealhulgas näiteks mestimine.

Euroopa Liidu lepingu kohaselt ei võta Bulgaaria ja Rumeenia kohe ühinemise järel kasutusele eurot. Sama kehtib Schengeni *acquis*' kohaldamise suhtes, mille puhul kontrolli kaotamine sisepiiridel toimub mõni aeg pärast ühinemist ja selle üle otsustatakse iga uue liikmesriigi puhul eraldi pärast seda, kui on täidetud Schengeni *acquis*' nõuded.

Bulgaaria ja Rumeenia peavad esitama taotluse Euroopa Majanduspiirkonnaga (EMP) ühinemiseks ja nimetatud ühinemine peaks toimuma samaaegselt Euroopa Liiduga

ühinemisega. Muid rahvusvahelisi lepinguid tuleb laienemisega seoses kohandada kohe pärast ühinemislepingu allakirjutamist.

## **2.4. Järeldused**

Käesoleva aasta korralised aruanded näitavad, et Bulgaaria ja Rumeenia on saavutanud edu Kopenhaageni kriteeriumide rakendamisel. Bulgaaria ja Rumeenia täidavad poliitilisi kriteeriume. Pidades silmas mõlemas riigis tehtud edusamme, andmeid kohustuste täitmise kohta ning arvestades käimasolevat ettevalmistustööd, leiab komisjon, et kõnealused riigid suudavad täita majanduslikke ja *acquis'* suhtes ettenähtud kriteeriume ning on valmis Euroopa Liidu liikmeks saama 1. jaanuaril 2007.

Komisjon teeb kõik võimaliku täitmaks Euroopa Ülemkogu eesmärgi viia läbirääkimised Bulgaaria ja Rumeeniaga edukalt lõpule 2004. aastal, toetudes objektiivsetele näitajatele, et oleks võimalik ühinemislepingule alla kirjutada võimalikult peatselt 2005. aastal.

## **3. HORVAATIA**

### **3.1. Ühinemiseelne strateegia**

Brüsselis 2004. aasta juunis kokkutulnud Euroopa Ülemkogu otsustas tunnistada Horvaatia kandidaatriigiks, kellega alustatakse ühinemisläbirääkimisi 2005. aasta alguses, ja tegi komisjonile ülesandeks töötada Horvaatia jaoks välja ühinemiseelne strateegia. Komisjon leiab, et 1997. aasta detsembris Euroopa Ülemkogu Luxembourgi kohtumisel sätestatud tõhustatud ühinemiseelset strateegiat tuleks kohaldada ka Horvaatia suhtes. Nimetatud strateegia elemente kirjeldatakse allpool.

Kandidaatriikide liikmelisuse suunas tehtud edusammude hindamiseks ette nähtud läbivaatamismenetlust hakatakse Horvaatia suhtes kohaldama alates 2005. aastast. See tähendab, et komisjon hakkab Horvaatia kohta korralisi aruandeid esitama alates 2005. aasta sügisest. Komisjon on stabiliseerimis- ja assotsieerimisprotsessi raames juba teinud ettepaneku seada sisse Euroopa partnerlus, toetudes Horvaatia liikmekssaamise taotlust käsitlevas arvamuses esitatud seisukohtadele. Horvaatia ühinemissete valmistuses juhindutakse nimetatud dokumendist.

Horvaatia kui kandidaatriik peaks saama toetusi kõikidest ühinemiseelsetest rahastamisvahenditest: Pharest institutsioonide loomiseks ning majandusliku ja sotsiaalse ühtekuuluvuse tagamiseks, ISPAST keskkonna ja transpordi jaoks, SAPARDist maaelu arenguks. Komisjon teeb ettepaneku nimetatud kolme ühinemiseelset vahendit käsitlevate määruste muutmiseks, et laiendada nende kohaldamisala Horvaatiale alates 1. jaanuarist 2005. Võttes arvesse vajadust Horvaatia ühinemiseks piisavalt ette valmistada, soovib komisjon 2005. aastal Horvaatiale eraldada 105 miljonit eurot (80 miljonit Pharest ja 25 miljonit ISPAST) ning 2006. aastal 140 miljonit eurot (80 miljonit Pharest, 35 miljonit ISPAST ja 25 miljonit SAPARDist). Nimetatud summad makstakse välja kehtiva finantsperspektiivi 7. rubriigis esitatud ühinemiseelsetest fondidest. Komisjon on teinud nõukogule ettepaneku luua praeguste ühinemiseelsete vahendite Phare, ISPA ja SAPARDi alusel uus ühinemiseelne rahastamisvahend (IPA), millest Horvaatia võiks toetust saada alates 2007. aastast. Horvaatiale alates 2007. aastast eraldatavate summade suurus otsustatakse järgmise finantsperspektiivi raames.

2001. aasta oktoobris Horvaatiaga sõlmitud stabiliseerimis- ja assotsiatsioonileping on nüüd ratifitseeritud. Stabiliseerimis- ja assotsiatsioonilepingu kaubandusaspektide rakendamiseks jõustati 2002. aasta märtsis vaheleping. Luuakse stabiliseerimis- ja assotsiatsiooninõukogu, -komitee ja allkomitee. Komisjon teeb ettepaneku, et stabiliseerimis- ja assotsiatsioonilepingu struktuure ei kasutataks üksnes lepingu rakendamisega seotud probleemide lahendamisel, vaid ka foorumitena, kus selgitatakse *acquis*'d ja tehakse ülevaateid Horvaatia edusammudest *acquis* ülevõtmisel vastavalt läbirääkimistel võetud kohustustele.

Raamleping, mis võimaldab Horvaatial osaleda ühenduse programmides ja asutuste tegevuses, peaks jõustuma 2005. aasta esimesel poolel – pärast seda, kui EL institutsioonid ja Horvaatia on selle ratifitseerinud. Horvaatia finantsosalust kõikides programmides võib osaliselt rahastada Phare vahenditest.

Lisaks tõhustatud ühinemiseelse strateegia eespool nimetatud elementidele, leiab komisjon, et Horvaatiaga peetava poliitilise dialoogi toetamine peaks jätkuma, et käsitleda arvamuses esile toodud teemasid. Kõnealuste teemade hulka kuuluvad suhted endise Jugoslaavia asjade rahvusvahelise kriminaalkohtuga, vähemuste õigused, pagulaste tagasipöördumine, kohtureform, piirkondlik koostöö ja korrupsioonivastane võitlus. Eelkõige peab Horvaatia pühenduma Lääne-Balkani stabiliseerimis- ja assotsieerimisprotsessi raames tehtavale piirkondlikule koostööle. Komisjon uurib kõnealuseid teemasid hoolikalt kohtumistel Horvaatia ametivõimudega ja teavitab nõukogu tulemustest.

### **3.2. Läbirääkimiste raamistik**

Brüsselis 2004. aasta juunis kokkutulnud Euroopa Ülemkogu otsustas, et „enne Horvaatiaga läbirääkimiste alustamist lepib nõukogu kokku üldise läbirääkimiste raamistiku suhtes, võttes täiel määral arvesse viienda laienemisprotsessi kogemusi.“ Komisjon soovib selle raamistiku loomisel lähtuda järgmistest põhimõtetest:

- Horvaatiaga peetavatel läbirääkimistel tuleks lähtuda 1993. aasta Euroopa Ülemkogu Kopenhaageni kohtumisel määratletud ühinemistingimustest. Nimetatud tingimused on piisav vahend, mille abil hinnata kandidaatriigi valmisolekut täita liikmelisusega seotud kohustusi, ning on selgeteks juhisteks reformiprotsessis.
- Läbirääkimiste edukus sõltub täiel määral poliitiliste reformide jätkusuutlikkusest ning sellest, kas Horvaatia täidab oma kohustusi piirkondliku koostöö suhtes teiste endise Jugoslaavia riikidega ja muid rahvusvahelisi kohustusi, nagu näiteks koostöö endise Jugoslaavia asjade rahvusvahelise kriminaalkohtuga (EJRK).
- Kooskõlas Euroopa Liidu lepingu ja Euroopa põhiseadusega, soovib komisjon läbirääkimised peatada, kui tõsiselt ja korduvalt on rikutud vabaduse, demokraatia, inimõiguste ja põhivabaduste austamise ja õigusriigi põhimõtteid, millele Euroopa Liit rajaneb. Nõukogu peaks selle soovitusel võtma vastu otsuse liikmesriikide kvalifitseeritud häälteenamusega.
- Läbirääkimisi peetakse objektiivsuse põhimõttel. Ülemineku korraldused peavad olema ajaliselt ja ulatuselt piiratud ning ei tohi avaldada olulist mõju konkurentsile ega siseturu toimimisele.

- Kohe pärast Horvaatiaga peetavate ühinemisläbirääkimiste ametlikku algust korraldab komisjon *acquis*’ ametliku ülevaatus (sõeluuringu), et seda Horvaatia ametivõimudele selgitada ning saada eelnev ülevaade probleemidest, mis tõenäoliselt läbirääkimistel arutlusele tulevad.
- Kui mingi peatükk on läbi vaadatud, esitab komisjon oma Horvaatiat käsitleva arvamuse põhjal soovitusel avada see peatükk läbirääkimisteks, tingimusel et Horvaatia on selleks valmis.
- Läbirääkimiste tempo sõltub sellest, kui kiiresti suudab Horvaatia *acquis*’ nõuetekohaselt üle võtta ja rakendada, kaasa arvatud selle tõhus kohaldamine asjaomaste haldus- ja kohtustruktuuride kaudu.
- Komisjon teeb nõukogule ettepaneku iga peatüki ajutise sulgemise kriteeriumide kohta enne, kui kõnealuse peatüki suhtes läbirääkimisi alustatakse. Need kriteeriumid võivad põhineda õigusaktide vastavusse viimisel või rahuldavatel andmetel rakendamise kohta. Selline lähenemine on osutunud edukaks eelkõige konkurentsi peatüki puhul.
- Läbirääkimiste edukus sõltub sellest, kas Horvaatia täidab stabiliseerimis- ja assotsiatsioonilepinguga võetud ülesandeid, eriti neid, mis kajastavad *acquis*’ nõudeid näiteks konkurentsi valdkonnas. Kõik sellised kohustused peavad olema täidetud, enne kui saab peatüki ajutiselt sulgeda.
- Komisjon jälgib hoolikalt Horvaatia ühinemissuunalisi edusamme, kasutades kõiki saadavaololevaid vahendeid.

#### 4. JÄRELDUSED JA SOOVITUSED

Võttes arvesse eespool esitatut, on komisjoni järeldused ja soovitused järgmised:

- (1) Käesoleva aasta korralised aruanded näitavad, et eelmise aastaga võrreldes on Bulgaaria ja Rumeenia saavutanud edu ühinemiskriteeriumide rakendamisel.
- (2) Bulgaaria ja Rumeenia täidavad poliitilisi kriteeriume. Pidades silmas mõlemas riigis tehtud edusamme, andmeid kohustuste täitmise kohta ning arvestades käimasolevat ettevalmistustööd, leiab komisjon, et kõnealused riigid täidavad majanduslikke ja *acquis*’ga ettenähtud kriteeriume ning on valmis Euroopa Liidu liikmeks saama 2007. aasta jaanuaris.

Komisjon teeb kõik võimaliku täitmaks Euroopa Ülemkogu eesmärgi viia läbirääkimised Bulgaaria ja Rumeeniaga edukalt lõpule 2004. aastal, toetudes objektiivsetele näitajatele, et oleks võimalik ühinemislepingule alla kirjutada võimalikult peatselt 2005. aastal.

- (3) Korralistes aruannetes juhitakse tähelepanu mitmetele valdkondadele, mida oleks veel vaja parandada seoses poliitiliste ja majanduslike kriteeriumidega ning pidades silmas *acquis*’ ülevõtmist, rakendamist ja jõustamist. Nende paranduste nimel tuleb jõuliselt tegutseda, et tuvastatud puudused enne ühinemist likvideerida. Edusammude analüüsimiseks ja Euroopa Liidu liikmeks saamisele kaasa aitamiseks kohaldab komisjon tõhusamat järelevalvet ja esitab nõukogule korrapäraselt aruandeid.

Komisjon esitab alates 2005. aasta novembrist igal aastal nõukogule ja Euroopa Parlamendile tervikliku järelevalvearuande. Komisjon on seisukohal, et ühinemislepingusse tuleb lisada konkreetne kaitsemeede, mis võimaldab komisjonil esitada nõukogule soovitus lükata Bulgaaria või Rumeenia kavandatud ühinemiskuupäev ühe aasta võrra edasi 2008. aasta jaanuarisse, juhul kui on kindlaid tõendeid, et Bulgaaria või Rumeenia ei tule ilmselgelt 1. jaanuariks 2007 toime liikmelisusega seotud nõuete täitmisega paljudes olulistes valdkondades.

- (4) Komisjon soovib 1997. aasta detsembris Euroopa Ülemkogu Luxembourgis kohtumisel sätestatud tõhustatud ühinemiseelset strateegiat kohaldada ka Horvaatia suhtes.
- (5) Komisjon tuleb meelde, et Euroopa Ülemkogu on otsustanud alustada läbirääkimisi Horvaatiaga 2005. aasta alguses ja soovib seetõttu lõpule viia Horvaatiaga peetavate läbirääkimiste raamistiku väljatöötamise, mille aluseks on käesolevas dokumendis sätestatud põhimõtted.



## ANNEX: CONCLUSIONS OF THE REGULAR REPORTS ON BULGARIA AND ROMANIA

### *Bulgaria*

Since the Commission concluded in its 1997 Opinion that Bulgaria fulfilled the political criteria, the country has further consolidated and deepened the stability of its institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities. This trend has been confirmed over the past year. Bulgaria continues to fulfil the political criteria.

Tangible progress was made in public administration reform with the adoption of amendments to the Civil service law. The specific structures for co-ordinating European integration continue to function well, and in view of Bulgaria's aim of building a qualified and efficient civil service by the time of accession this progress needs to spread throughout the public administration. Also, interdepartmental coordination should improve. Attention should be given to the legal framework for local and regional administration, which will play an important role in the implementation of the *acquis*.

Building on important reforms of the judiciary system achieved in recent years, there have been positive developments with regard to the recruitment and appointment of judges. Still, certain key parts of the reform of the judiciary remain to be adopted. The complexity and efficiency of the penal structures, in particular in the pre-trial phase, is a matter of concern. Strong efforts will be necessary to foster Bulgaria's capacity to prosecute organised crime and corruption, which involves further reforms in the structures of the judiciary and of the police.

Bulgaria has implemented several measures in the fight against corruption, but it remains a problem. Renewed efforts are needed, including tackling high level corruption.

Bulgaria continues to respect human rights and fundamental freedoms. Further progress should be pursued in specific areas to improve their implementation in practice. Comprehensive legislation on anti-discrimination was adopted but the independent body required by the law has not yet been established. The freedom of expression is ensured by law. However, the legal framework regarding libel and defamation by journalists needs to be revised. Efforts to address inadequate living conditions in certain prisons and problems of ill-treatment in custody need to be sustained. Trafficking in human beings is a serious problem and needs to be addressed. A new law on public health should address most of the issues related to the placement of mentally disabled people. The structures responsible for child welfare and their co-ordination with the relevant ministries need to be reinforced.

Efforts have been made in the past years to develop a framework to tackle the problems faced by minorities, but the situation on the ground has not evolved much. Sustained efforts including allocation of appropriate financial resources will be necessary to effectively implement the intentions and to combat in particular anti-Roma prejudice.

The 1997 Opinion already acknowledged the substantial reform efforts undertaken by the Bulgarian authorities to transform their economy. Since the Opinion economic structure and performance have significantly improved. Macroeconomic stability has been achieved soon after the Opinion, profound economic reforms have been carried out over the entire period while the Bulgarian authorities' commitment to the economic requirements of EU accession has been sustained.

Hence, it is concluded that Bulgaria is a functioning market economy. The continuation of its current reform path should enable Bulgaria to cope with competitive pressure and market forces within the Union.

Improvements can be made in sustaining macroeconomic stability and in deepening structural reforms. The current account deficit has widened substantially in 2003 and could, if continuing, warrant a further policy response. The business environment, in particular the efficiency of the administrative and judicial system as well as regulatory procedures, should be further improved to increase Bulgaria's attractiveness for investment. In spite of significant achievements, privatisation still needs to be completed. While the legal framework is largely in place, the actual restructuring and liberalisation of the network industries need to progress further in order to enhance competition and efficiency. The ongoing reduction in unemployment should be further supported by reducing rigidities in labour market regulation.

Since the Opinion, Bulgaria has made good progress in adopting the *acquis* and more recently, has also made progress in gradually building up the administrative capacity to implement and effectively enforce the *acquis*.

Over the past year, Bulgaria has made further progress in the vast majority of the chapters of the *acquis* and is on track to complete the required legislative transposition before the planned date of accession if the current pace of progress is maintained.

Overall, Bulgaria has now achieved a reasonable degree of alignment with the *acquis* in the large majority of areas. It is also on track in developing adequate administrative capacity to implement the *acquis* in a considerable number of fields. Bulgaria has established most of the necessary institutional structures. Nevertheless, in some sectors, further efforts and resources are required to strengthen the capacities of these institutions and to ensure their effective functioning. In order to cover the remaining gaps, due attention should be given to the full and timely implementation of the strategies and action plans for the reinforcement of administrative capacity already approved in these areas.

In the field of internal market, Bulgaria has continued to make progress in most areas as regards the *free movement of goods* in terms of transposition of the *acquis* and the development of the administrative capacity. However, further efforts are required to develop the administrative capacity to implement the *acquis* on industrial products and as regards foodstuff and food safety. Mutual recognition clauses are still to be introduced into the Bulgarian legislation falling under the non-harmonised areas. Alignment of the legislation on public procurement needs to be completed. As regards *free movement of persons*, some progress was made in the field of mutual recognition of professional qualifications but work is still needed on the framework legislation for mutual recognition and with regard to the future co-ordination of social security systems. As regard the right for establishment and the *freedom to provide services*, efforts are required to unequivocally eliminate the remaining restrictions and discriminatory measures on foreigners despite some corrective actions. As regard financial services, major parts of the *acquis* on insurance remain to be transposed. In the area of *free movement of capital*, Bulgaria still has to adopt legislation on capital movements and payment systems. Efforts to improve the framework in the fight against money laundering should be maintained.

As regards *company law*, particular attention should be paid to the effective enforcement of industrial and intellectual property rights, in particular through strengthening border controls and improving co-ordination between the law enforcement bodies. In the area of *competition*,

Bulgarian has further updated its legislative framework and further strengthened its administrative capacity. Sustained efforts are required in order to continue to improve the quality of its State aid enforcement.

Regarding *agriculture*, Bulgaria has continued to make good progress in the transposition process. Further strengthening of administrative structures has been noted. However, significant work is still needed in the veterinary field and in the setting up of the paying agency and IACS. With regard to *fisheries*, legal alignment has taken place according to schedule. However, further progress has to be made regarding the administrative and technical capacity for inspection and control.

As regard *transport*, Bulgaria has made steady progress in transposing the *acquis* in most sectors, however administrative capacity should be further strengthened. Further efforts are needed to align the inland waterway legislation. Particular attention should be devoted to improving the maritime safety record and to the building up and reinforcement of the necessary capacities and structures for Port State and Flag State control.

In the area of *taxation*, Bulgaria's indirect legislation is to a significant extent aligned with the *acquis*, notably as far as VAT is concerned. Further transposition is required as regards excise duties and direct taxation. Efforts should continue as concerns specifically interconnectivity with EU systems.

On *social policy and employment*, progress has continued in alignment with the *acquis*. Further efforts for the effective implementation of the transposed legislation need to be undertaken in particular in the areas of labour law, occupational safety and health, public health, anti-discrimination as well as equal opportunities for women and men. Administrative capacity needs to be strengthened, *inter alia* with regard to ESF management and implementation.

Regarding *energy*, Bulgaria is making good progress in its legislative alignment and in its preparation to the internal energy market. The restructuring and privatisation of the energy sector is progressing well but particular efforts are still needed to improve energy efficiency and the use of renewable energy. Bulgaria must continue to respect its commitments on nuclear safety, notably as regards closure commitments for certain units of the Kozloduy nuclear power plant, and to ensure a high level of nuclear safety in its installations.

Although a reasonable degree of alignment with *acquis* in the *telecommunications* has been reached, Bulgaria needs to adopt further implementing legislation and ensure that the regulatory body is strengthened.

Concerning *regional policy and co-ordination of structural instruments*, Bulgaria has made progress notably with regard to establishing the legal framework and designating institutional structures. However, considerable efforts are still needed to improve the administrative capacity in key Ministries and improving the capacity of other relevant bodies, such as the intermediate bodies, and other relevant players both at central and regional level. Priority must also be given to the setting up of efficient and integrated monitoring and evaluation systems as well as to further improving the financial management and control systems. Attention must be paid to observance of an ambitious planning schedule for the National Development Plan and to the full involvement of relevant partner organisations in this process.

With regard to the *environment*, Bulgaria has achieved a reasonable degree of alignment with the *acquis* and the necessary administrative structures are in place. However, further strengthening of the enforcement authorities notably at regional and local level is required as well as the provision of adequate financial resources for State and private sector investment.

In the area of *consumer and health protection*, a reasonable degree of alignment with the *acquis* has been reached in the area of safety related measures. However, further alignment is particularly needed with regard to the non-safety related measures and Bulgaria should ensure that the administrative structures in place can effectively enforce legislation and carry out market surveillance activities.

In the area of *justice and home affairs*, further good progress could be noted as regards the management of the future external borders. However, significant further efforts are needed to strengthen the law enforcement capacity and policy formulation in order to step up the fight against organised crime and corruption. Bulgaria needs to press ahead and dedicate adequate resources to fundamental reforms of the police and of the judiciary, including the reform of the pre-trial phase and the implementation of the strategies against crime. Overall, the full and timely implementation of the main strategies and action plans in the area of justice and home affairs, together with the entry into force-of the planned amendments to the legislation on the penal procedure, legal aid, asylum, mediation and forfeiture of criminal assets should address the bulk of the issues covered in this chapter.

Regarding *customs*, Bulgaria has achieved a high degree of legislative alignment and has improved its administrative capacity. Efforts should continue in the IT area as well as to further improve revenue-collection and controls.

Further progress has been made in strengthening *financial control* in Bulgaria. More effort is needed to ensure the protection of the EC financial interests and of the euro against counterfeiting, as to well as to further strengthening the administrative capacity to implement sound financial control systems.

Overall, the capacity of the law enforcement and regulatory bodies to ensure a level playing field within the internal market through effective implementation and enforcement of the *acquis* must be enhanced. The continued reinforcement of the judicial system and administrative structures in certain areas will require particular attention, notably as regards public procurement, competition and justice and home affairs. Bulgaria should devote more efforts and financial resources to make the necessary investments to apply the *acquis*, notably in agriculture (in particular in the veterinary field), transport and environment. Continued efforts are required to establish the necessary administrative capacity to ensure the sound and efficient management of EU funds, notably the Structural Funds.

In the accession negotiations, all 31 chapters have been provisionally closed. The commitments made in the negotiations are with a view to accession in 2007. Bulgaria is generally meeting the commitments that it has made during the negotiations although delays have been noted in specific areas.

Bearing in mind the progress achieved since the Opinion, the level of alignment and administrative capacity that Bulgaria has achieved at this point in time and its track record in implementing the commitments that it has made in the negotiations, and taking into account their preparatory work in progress, the Commission expects Bulgaria to assume the

obligations of membership in accordance with the envisaged timeframe. In the period leading up to accession, Bulgaria needs to continue its preparations, in line with the commitments it has made in the accession negotiations.

### ***Romania***

Since the Commission concluded in its 1997 Opinion that Romania fulfilled the political criteria, the country has further consolidated and deepened the stability of its institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities. This trend has accelerated over the past year. Romania continues to fulfil the political criteria.

Progress was made to address the need for administrative and judicial reforms. A public administration reform strategy was launched in May 2004, covering the area of civil service reform, decentralisation and deconcentration, and policy co-ordination. A positive start was made to the reform of the civil service. The establishment of the Chancellery of the Prime Minister should help to improve policy coordination and consistency. The use of emergency ordinances was restricted to “extraordinary circumstances”, but this has not yet led to a decrease of their use. The laws on the freedom of information and transparency in the legislative process should still be fully implemented. The revision of the Constitution in October 2003 contributed to streamlining the parliamentary process by giving both chambers primary responsibility for different types of legislation. Efforts to improve the policy-making and legislative process should continue. Further efforts are also needed to strengthen local and regional governance with a view to ensuring proper implementation of the *acquis* at those levels.

The management of court cases and the quality of judgments needs to improve. Official surveys confirm the possibility for the executive to influence the outcome of judicial proceedings. However, organisational and legislative changes introduced in Romania’s judicial system should help to make it more independent and efficient. Their implementation on the ground is a matter of priority.

Corruption in Romania continues to be serious and widespread. Romania’s anti-corruption legislation is generally well developed, but its ability to curb corruption will depend on the effective implementation of the law. In particular, additional efforts are required to ensure the independence, effectiveness and accountability of the National Anti-Corruption Prosecution Office. It should concentrate its resources on investigating high-level corruption.

Romania continues to respect human rights and fundamental freedoms and has made further progress in several areas. The introduction of national standards for child protection services and of strict rules on inter-country adoption, which appear to be in line with the UN Convention on the rights of the child, should further improve the protection of children’s rights. As regards freedom of expression, the legal situation of journalists has improved but the economic situation of many mass media organisations remains precarious and further efforts are necessary to guarantee media independence. Although the restitution of agricultural land is almost completed, a more speedy and transparent approach is needed to further the restitution of buildings and religious property. Efforts to address the problems of ill-treatment in custody, trafficking in human beings and prison overcrowding should be sustained.

The Roma Strategy, which is explicitly aimed at addressing discrimination, is being implemented but de facto discrimination against the Roma minority remains widespread. The support for an inclusive approach to education is a positive development. The same encouraging trend has been noted in health care and employment.

The 1997 Opinion already acknowledged the substantial reform efforts undertaken by the Romanian authorities to transform their economy. Since the Opinion economic structure and performance have significantly improved. Macroeconomic stability has been achieved, profound economic reforms have been carried out while the Romanian authorities' commitment to the economic requirements of EU accession has been sustained.

Hence, it is concluded that Romania complies with the criterion of being a functioning market economy. Vigorous implementation of its structural reform programme should enable Romania to cope with competitive pressure and market forces within the Union.

Improvements can be made in sustaining macroeconomic stability and in deepening structural reforms. Priority should be given to preserve the momentum in disinflation and safeguard the sustainability of the external position by maintaining a prudent policy mix and by further reducing the deficit of the broader public sector. To achieve this, significant improvements in enforcing financial discipline, continuous adjustments of energy prices towards cost recovery levels and improved financial performance of public enterprises are vital. Fiscal sustainability needs to be strengthened by advancing expenditure reform and further improving tax compliance. The privatisation process should be accomplished, post-privatisation disputes be settled and non-viable enterprises more actively dismantled. In key sectors, such as energy, mining and transport, perseverance in restructuring and a more manifest strive for privatisation should go hand in hand. Substantial progress in the functioning of the judiciary and the public administration, including an even and predictable application of law, is required to create an enabling business environment with a level playing field.

Since the opinion, Romania has made good progress in adopting the *acquis* and more recently, has also made progress in gradually building up the administrative capacity to implement and effectively enforce the *acquis*.

Over the past year, Romania has made further progress in the vast majority of the chapters of the *acquis* and is on track to complete the required legislative transposition before the planned date of accession if the current pace of progress is maintained.

Overall, alignment with the *acquis* has reached a fair level in the large majority of areas. The administrative capacity has been strengthened in the majority of areas but there is still room for improvement since not all the necessary institutions are yet in place. In order to cover the remaining gaps, due attention should be given to the full and timely implementation of the strategies and action plans for the reinforcement of administrative capacity already approved in these areas.

In the area of *internal market*, Romania has continued to make progress with the transposition of legislation in the field of the *free movement of goods*. However, transposition of the public procurement legislation must be completed. In addition, practices which put Romania's commitment to open and transparent procurement procedures into question should be discontinued. Legislation has been further aligned in the area of *free movement of persons*, in particular as regards mutual recognition of professional qualifications and free movement of workers. Alignment needs to be completed as regards citizens' rights and administrative and

training capacities should be enhanced in general. In particular in the field of financial services, Romania achieved substantial progress in *freedom to provide services*. Romania should continue to pay attention to the removal of identified barriers against the right of establishment and the freedom to provide services and to the development of the insurance and financial securities markets. While alignment with the *acquis* on *free movement of capital* has further improved, outstanding restrictions to capital movements and payments should be removed and the enforcement record of the National Office for the Prevention and Control of Money Laundering needs to be improved.

Romania has continued to make progress in transposing the *company law acquis* as such and the *acquis* concerning the protection of intellectual and industrial property rights. However, the level of enforcement of such rights has not kept pace with this. Romania's legislative alignment on accounting and auditing should be completed. While the Romanian *competition* legislation is broadly in line with EC anti-trust rules, current proposals needed to complete alignment of the state aid legislation are being prepared. The enforcement record of the Romanian competition authority still needs to be considerably improved in state aid matters. Recent efforts in this respect need to be stepped up. Romania needs to ensure that restructuring aid given to steel companies is in line with the Europe Agreement.

Romania made significant progress to further transpose the *agricultural*, veterinary and phytosanitary *acquis* and has strengthened its administrative capacity. However, overall administrative and enforcement capacities should be further enhanced. Particular attention should be paid to reinforcing the SAPARD Agency and to establishing the necessary elements of a functioning IACS. Upgrading plans for non-complaint establishments in the veterinary sector should be introduced with no delay. Steady progress has taken place in the *fisheries* sector in terms of alignment and administrative capacity. However, sustained efforts are needed to recruit sufficient staff in the Fisheries Inspectorate and provide it with adequate inspection tools. The fishing database should be established.

Romania has continued to make progress with the transposition of the *transport acquis* and building up the administrative structures in the areas of road, rail and aviation transport. Alignment is fairly advanced in the maritime sector. The technical state of the inland waterway fleet should be improved.

Romania has made some progress in aligning with the *acquis* on *taxation* and particular attention should now be paid to completing alignment and strengthening administrative capacity. Transposition of the *acquis* on *social policy and employment* has continued. Future efforts should focus on completing legislative alignment in the area of labour law and on strengthening the Labour Inspectorate to ensure proper implementation in the area of health and safety at work. Due attention should be paid to the promotion of social dialogue and to the improvement of the health status of the population, which is well below the EU average. Administrative capacity with regards to ESF management should be strengthened as a matter of priority. Legislative progress in the *energy* sector should be matched by full implementation and increased administrative capacity, in particular with regard to the internal energy market structures. The restructuring of energy markets process needs to be completed.

Romania has performed steady progress as far as *industrial policy* is concerned, but the key challenge is its implementation as structural weaknesses limit the capacity for enforcement. Transparency of the privatisation process should be fully ensured. Progress has continued in the area of *telecommunications* with liberalising the telecommunications market and completing the transposition of the *acquis*.

As regards *regional policy and co-ordination of structural instruments*, progress has been made in preparing for the implementation of structural policies with the designation of the Managing and Paying Authorities and establishing their tasks and adoption of the 2004-2006 National Development Plan. Efforts need to be continued to bring the administrative capacity up to the level required in order for Romania to reap full benefits of the structural instruments. *Environment* is an area where Romania has achieved a good level of alignment with the *acquis* in most of the sectors, whereas implementation is, in general, still lagging behind. Further transposition should concentrate on completing the alignment in the areas of horizontal legislation, air quality, waste management, water quality, nature protection and a number of other sectors. Implementation of the transposed *acquis* remains a key challenge and, therefore, requires enhanced efforts. It is of utmost importance that the environmental administration at all levels obtains sufficient resources in order to cope with the increasing recruitment, training and equipment needs. Strategic planning, adequate investment and financing plans also have to remain in the focus of the public services in the field of environment.

Legislative alignment on *consumer and health protection* is well on track and Romania has made good progress as regards improvement of administrative capacity and the general co-ordination of market surveillance activities. These efforts should be maintained and consumer movement should be strengthened.

Legislative progress has been made in many areas of *justice and home affairs* and especially so in migration, asylum and judicial co-operation in civil and criminal matters. However, implementation capacity should be significantly strengthened in almost all areas, as should inter-agency co-operation. Many agencies and institutions involved in law enforcement are still affected by staff shortages, which will also require enhanced training capacity. The independence of the judiciary must be ensured on the ground. As regards the fight against corruption, implementation capacity should also be significantly strengthened and the existing legislation should be rigorously enforced. Romania should implement its current plans to fully address the above issues of concern and in particular increase its administrative capacity in the relevant institutions, implement an effective reform of the judicial system, recruits and train the necessary staff and take measures that have a significant impact on corruption.

Limited progress has been made in the area of *customs* and legislative alignment should be completed. Internal co-ordination improved. Furthermore, any customs duties and charges having equivalent effect with regard to export and import to and from the Community will have to be abolished. Romania has pursued its efforts in the *financial control* area. However, the legislative framework should be completed in the area of external audit and protection of the Communities' financial interests. Administrative capacity should be strengthened to implement sound financial system.

In a number of important sectors, the overall *capacity of the public administration* to implement and enforce the newly adopted legislation should be enhanced. Romania has started to address this issue through the comprehensive reform of its public administration. These concerns extend beyond the adoption of the *acquis* and also apply to the management of EU financial assistance. Furthermore, there are a number of areas where further efforts will be needed to complete the work, in particular as regards company law, competition policy, environment and justice and home affairs, customs and financial control.



In the accession negotiations, 27 chapters have been provisionally closed. Romania is generally meeting the commitments that it has made during the negotiations, although delays have been noted in specific areas.

Bearing in mind the progress achieved since the Opinion, the level of alignment and administrative capacity that Romania has achieved at this point in time and its track record in implementing the commitments that it has made in the negotiations, and taking into account their preparatory work in progress, the Commission expects Romania to assume the obligations of membership in accordance with the envisaged timeframe. In the period leading up to accession, Romania needs to continue its preparations, in line with the commitments it has made in the accession negotiations.