



KOMISIA EURÓPSKÝCH SPOLOČENSTIEV

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**OZNÁMENIE KOMISIE
RADE A EURÓPSKEMU PARLAMENTU**

Strategický dokument Európskej komisie o postupe procesu rozširovania

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OZNÁMENIE KOMISIE RADE A EURÓPSKEMU PARLAMENTU

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1. Úvod

Rozšírenie EÚ o desať nových členov 1. mája 2004 ďalej posilnilo súdržnosť európskeho kontinentu. Historické a politické argumenty v prospech tohto rozšírenia sú presvedčivé: posilňuje mier, prosperitu, stabilitu a bezpečnosť a ponúka aj podstatné ekonomické výhody.

Neoddeliteľnou súčasťou tohto procesu rozširovania, ktorý sa spustil v r. 1997, sú Bulharsko a Rumunsko. Obe krajiny sa blížia k ukončeniu rokovaní. Cieľom EÚ je prijať obidve krajiny za členov v januári 2007, ak budú pripravené.

Hodnotenie Komisie v tohtoročných pravidelných správach potvrdzuje, že predvstupová stratégia EÚ s Bulharskom a Rumunskom je úspešná. V obidvoch krajinách urýchlila transformačný proces vyhládka rozšírenia. Komisia sa bude maximálne snažiť splniť cieľ Európskej rady do viesť v r. 2004 rokovania s Bulharskom a Rumunskom podľa stupňa pripravenosti do úspešného záveru s cieľom podpísať Zmluvu o pristúpení čo možno najskôr v r. 2005.

Európska rada v júni 2004 dospela k záveru, že rokovania o pristúpení s Chorvátskom je potrebné otvoriť začiatkom roka 2005. Komisia nižšie uvádza podnety na rámec týchto rokovaní na základe skúseností zo súčasného procesu rozširovania. Predkladá aj obsah predvstupovej stratégie pre Chorvátsko vrátane finančných nástrojov.

V súlade so závermi Európskej rady z decembra 2002 Komisia v samostatnom dokumente hodnotí, či Turecko spĺňa kodanské politické kritériá, a či by sa mali začať rokovania o pristúpení.¹ Všetky krajiny západného Balkánu majú perspektívu stať sa kandidátskymi krajinami. O členstvo už požiadala Bývalá juhoslovanská republika Macedónsko a Komisia na žiadosť Rady pripravuje stanovisko k tejto žiadosti.

2. BULHARSKO A RUMUNSKO

2.1. Pokrok v plnení kritérií členstva

Pokrok, ktorý sa urobil v Bulharsku a Rumunsku v plnení kritérií členstva sa hodnotí v pravidelných správach podľa skutočne prijatých alebo implementovaných právnych predpisov a opatrení.

Tohtoročné pravidelné správy hodnotia schopnosť Bulharska a Rumunska prijať povinnosti členstva do pristúpenia. Hodnotia pokrok, ktorý sa urobil za posledný rok, a zohľadňujú aj pokrok dosiahnutý každou krajinou od stanovísk r. 1997 a záznamy o implementácii záväzkov prijatých v rokovaníach.

¹ Odporúčanie Európskej komisie k postupu Turecka k pristúpeniu, KOM(2004) 656.

Bulharsko a Rumunsko pokračujú v plnení kodanských politických kritérií. Úpravy treba robiť najmä v reforme ich verejnej správy, fungovaní ich justičného systému a v boji proti korupcii.

Bulharsko a Rumunsko spĺňajú kritérium fungujúceho trhového hospodárstva. Pokračovanie reformnej cesty Bulharska a rózna implementácia programu štrukturálnej reformy Rumunska by im mali umožniť zvládnuť konkurenčný tlak a sily trhu v rámci Únie.

Bulharsko a Rumunsko naďalej dobre pokračujú v prijímaní *acquis* a zhruba splnili svoje záväzky prijaté na rokovaníach. Sú na najlepšej ceste ukončiť požadovanú transpozíciu legislatívy do prístúpenia za predpokladu zachovania súčasného tempa pokroku. Musia pokračovať vo svojom úsilí vývoja dostatočnej správnej a justičnej kapacity na implementáciu a presadzovanie *acquis*.

Záveru pravidelných správ o Bulharsku a Rumunsku sú v prílohe 1. Pravidelné správy poukazujú na viacero oblastí, kde treba vykonať ďalšie úpravy v kontexte politických a hospodárskych kritérií a v súvislosti s prijatím, implementáciou a presadzovaním *acquis*. Tie by sa mali rózne presadiť, aby sa identifikované nedostatky napravili ešte pred prístúpením.

2.2. Ukončenie procesu prístúpenia

Rokovania o prístúpení sú v pokročilom stave. Rámec financovania prístúpenia Bulharska a Rumunska bol definovaný na jar 2004. Umožnil predbežné uzavretie všetkých kapitol s Bulharskom v júni 2004. V prípade Rumunska zostáva prerokovať ešte tri kapitoly (hospodárska súťaž, životné prostredie a záležitosti spravodlivosti a vnútra), ako aj časti kapitoly 31 (iné). Ďalšie snahy sú potrebné najmä v kapitole o hospodárskej súťaži v súvislosti so štátnou pomocou a v kapitole o záležitostiach spravodlivosti a vnútra v súvislosti s justičnou spoluprácou, bojom proti korupcii a organizovanému zločinu, riadením hraníc.

V súlade s praxou dodržiavanou v predchádzajúcich rozširovaniach nebude možné prekročiť určitý bod v momente prerokovania nového *acquis* v rokovaníach. Vzhľadom na veľmi pokročilý stav rokovaní a perspektívu podpísania Zmluvy o prístúpení čo možno najskôr v r. 2005 je Komisia toho názoru, že rokovania by mali pokrývať všetky *acquis* prijaté a uverejnené do 1. októbra 2004. Bulharsko a Rumunsko by preto mali predniesť svoje názory na všetky nové *acquis* prijaté do tohto dátumu. Potom by sa dalo zaoberať akýmikoľvek prechodnými opatreniami ešte pred ukončením rokovaní.

Výsledky rokovaní o prístúpení v zmysle dohodnutých prechodných opatrení a technickej adaptácie na *acquis* v dôsledku rozšírenia budú obsiahnuté v **Zmluve o prístúpení**. Práca na návrhu tejto Zmluvy sa začala v júli 2004.

Po schválení textu Zmluvy všetkými stranami v súlade s článkom 49 Zmluvy o EÚ Komisia vydá svoje stanovisko. Európsky parlament bude požiadaný o udelenie súhlasu, po ktorom bude nasledovať rozhodnutie Rady o prijatí Bulharska a Rumunska. Cieľom je podpísanie Zmluvy o prístúpení čo možno najskôr v r. 2005, aby mohla vstúpiť do platnosti 1. januára 2007. Po podpísaní bude Zmluva predložená na ratifikáciu súčasným a budúcim členským štátom.

Komisia je toho názoru, že rozhodovacie procedúry týkajúce sa žiadostí Bulharska a Rumunska o prechodné opatrenia na akty o inštitúciách prijaté od 1. októbra 2004 do dátumu

pristúpenia by mali byť efektívnejšie, aby zabezpečovali hladký prechod od predvstupového k povstupovému rozhodovaniu. Navyše budú mať od podpísania Zmluvy udelený štatút aktívneho pozorovateľa v Rade, vo výboroch, ktorým predsedá Komisia, ako aj v ďalších inštitúciách podľa vhodnosti.

Komisia starostlivo **monitoruje**, ako Bulharsko a Rumunsko plnia svoje záväzky prijaté v rokovaní. Je veľmi dôležité, aby sa tieto záväzky implementovali podľa predpokladu. Komisia ich bude preto po uzavretí rokovaní naďalej intenzívne monitorovať.

Na základe analýzy v pravidelných správach bude Komisia monitorovať pokrok intenzívnym využívaním štruktúr asociačných dohôd a všetkých ostatných monitorovacích nástrojov vrátane porovnávacích revízií. Od novembra 2005 bude Komisia každoročne vydávať komplexné správy z monitorovania pokrývajúce všetky kapitoly *acquis*, verejnú správu, justíciu a boj proti korupcii, ako aj záznam úspechov a neúspechov v hospodárskych reformách.

Akékoľvek omeškania alebo problémy hospodárskej reformy alebo plnenia záväzkov bude Komisia signalizovať najmä prostredníctvom každoročných signalizačných listov na politickej úrovni a hlásiť Rade podľa bežných postupov. Pre prípady závažných nedostatkov bude Zmluva o pristúpení obsahovať tri **bezpečnostné** klauzuly ako mechanizmus poslednej inštancie (všeobecnú hospodársku, pre vnútorný trh a záležitosti spravodlivosti a vnútra).

Okrem toho, keďže obdobie od ukončenia rokovaní do očakávaného dátumu pristúpenia Bulharska a Rumunska bude zrejme dlhé, a keďže treba ešte splniť veľký počet záväzkov, Komisia je toho názoru, že Zmluva o pristúpení by mala ako bezpečnostné opatrenie obsahovať aj špecifickú záruku. Táto záruka, ktorá sa už dohodla v rokovaní s Bulharskom, by sa mala rozšíriť aj na Rumunsko. Komisii by umožnila odporúčať Rade kedykoľvek pred vstupom Zmluvy o pristúpení do platnosti odložiť predpokladaný dátum pristúpenia Bulharska a Rumunska o jeden rok na január 2008, ak má jasný dôkaz o existencii závažného rizika, že Bulharsko alebo Rumunsko budú preukázateľne nepripravené plniť požiadavky členstva k 1. januáru 2007 vo viacerých dôležitých oblastiach.

Až do pristúpenia bude Únia pomáhať Bulharsku a Rumunsku v prípravách na členstvo prostredníctvom **predvstupovej stratégie**. Tá zahŕňa aj výraznú finančnú pomoc na podporu oboch krajín pri uskutočnení zostávajúcich krokov potrebných na úplné splnenie kritérií pristúpenia.

2.3. Po vstupe do Únie

Proces podstatného posilnenia správnej a justičnej kapacity bude musieť pokračovať aj po vstupe Bulharska a Rumunska do Únie. Komisia preto navrhuje sprístupniť špeciálnu prechodnú nástroj na budovanie inštitúcií. V tomto kontexte sa aj naďalej budú používať určité nástroje financované Spoločenstvom, ako napr. twinning, ktoré už dokázali svoju úspešnosť.

V súlade so Zmluvou o EÚ neprijmú Bulharsko a Rumunsko euro ihneď po pristúpení. Podobne aj v súvislosti s uplatňovaním Schengenského *acquis* dôjde k zrušeniu kontrol na vnútorných hraniciach až nejaký čas po pristúpení a bude sa o ňom rozhodovať pre každý nový členský štát osobitne po splnení Schengenského *acquis*.

Bulharsko a Rumunsko budú musieť požiadať o pridruženie k Európskemu hospodárskemu priestoru (EHP) a do EHP by mali vstúpiť v rovnakom čase ako do EÚ. Ďalšie medzinárodné dohody bude treba v dôsledku rozšírenia upraviť ihneď po podpísaní Zmluvy o pristúpení.

2.4. Závěry

Tohtoročné pravidelné správy ukazujú, že Bulharsko a Rumunsko urobili ďalší pokrok v implementácii kodanských kritérií. Bulharsko a Rumunsko spĺňajú politické kritériá. Vzhľadom na pokrok dosiahnutý v oboch krajinách, na záznam o implementácii ich záväzkov a vzhľadom na postup ich prípravnej práce Komisia očakáva, že tieto krajiny splnia ekonomické kritériá a kritériá *acquis* a budú pripravené na členstvo do 1. januára 2007.

Komisia sa bude maximálne snažiť splniť cieľ Európskej rady doviest' v r. 2004 rokovania s Bulharskom a Rumunskom podľa stupňa pripravenosti do úspešného záveru s cieľom podpísať Zmluvu o pristúpení čo možno najskôr v r. 2005.

3. CHORVÁTSKO

3.1. Predvstupová stratégia

V júni 2004 došla Európska rada v Bruseli k záveru, že Chorvátsko je kandidátska krajina, s ktorou sa rokovania o pristúpení začnú začiatkom roka 2005, a požiadala Komisiu pripraviť pre Chorvátsko predvstupovú stratégiu. Komisia je toho názoru, že na Chorvátsko by sa mala rozšíriť posilnená predvstupová stratégia pre kandidátske krajiny, o ktorej rozhodla Európska rada v decembri 1997 v Luxemburgu. Prvky tejto stratégie sú uvedené nižšie.

Revízy proces zameraný na hodnotenie postupu kandidátskych krajín k členstvu sa začne uplatňovať na Chorvátsko od r. 2005. To bude znamenať, že Komisia začne vydávať pravidelné správy o Chorvátsku od jesene 2005. V kontexte procesu stabilizácie a asociácie Komisia už navrhla európske partnerstvo na základe nálezov jej stanoviska k žiadosti Chorvátska o členstvo. Týmto dokumentom sa budú riadiť prípravy Chorvátska.

Chorvátsko by ako kandidátska krajina mala profitovať zo všetkých troch predvstupových finančných nástrojov: Phare na budovanie inštitúcií a hospodársku a sociálnu kohéziu, ISPA na životné prostredie a dopravu a SAPARD na rozvoj vidieka. Komisia navrhne zmeny a doplnenia nariadení pre tieto tri predvstupové nástroje, aby rozšírila ich rozsah na Chorvátsko od 1. januára 2005. Vzhľadom na potreby adekvátnej prípravy Chorvátska na pristúpenie Komisia odporúča prideliť Chorvátsku 105 miliónov EUR v r. 2005 (80 miliónov EUR na Phare a 25 miliónov EUR na ISPA) a 140 miliónov EUR v r. 2006 (80 miliónov EUR na Phare, 35 miliónov EUR na ISPA a 25 miliónov EUR na SAPARD). Tieto sumy budú financované z predvstupových fondov, ktoré sú k dispozícii pod názvom 7 bežných finančných perspektív. Komisia navrhla Rade vytvoriť nový predvstupový nástroj (IPA) založený na súčasných predvstupových nástrojoch Phare, ISPA a SAPARD, z ktorého by Chorvátsko profitovalo od r. 2007. O sumách pridelovaných Chorvátsku od r. 2007 sa bude rozhodovať v kontexte ďalšej finančnej perspektívy.

Stabilizačná a asociačná dohoda (SAA) podpísaná s Chorvátskom v októbri 2001 sa teraz ratifikuje. Na implementáciu obchodných aspektov SAA vstúpila v marci 2002 do platnosti predbežná dohoda. Bude založená Stabilizačná a asociačná rada, výbor a podvýbory. Komisia navrhuje, aby sa štruktúry SAA používali nielen na pokrytie otázok súvisiacich s

implementáciou dohody, ale aby slúžili aj ako fóra na vysvetľovanie *acquis* a kontrolu postupu Chorvátska v harmonizácii *acquis* v súlade so záväzkami prijatými na rokovaníach.

Rámcová zmluva umožňujúca Chorvátsku zúčastňovať sa v programoch a agentúrach Spoločenstva by mala vstúpiť do platnosti v prvej polovine r. 2005 po ratifikácii inštitúciami EÚ a Chorvátskom. Finančný vklad Chorvátska do každého programu možno čiastočne financovať z Phare.

Okrem vyššie uvedených prvkov na posilnenie predvstupovej stratégie je Komisia toho názoru, že lepší politický dialóg s Chorvátskom by mohol pokračovať tak, aby sa zaoberal otázkami zdôraznenými v stanovisku. Tieto otázky zahŕňajú vzťahy s Medzinárodným trestným tribunálom pre bývalú Juhosláviu, práva národnostných menšín, návrat utečencov, reformu súdnictva, regionálnu spoluprácu a boj proti korupcii. Chorvátsko potrebuje najmä zostať zaviazané k regionálnej spolupráci v rámci stabilizačného a asociačného procesu pre štáty západného Balkánu. Komisia bude starostlivo monitorovať tieto otázky na pravidelných stretnutiach s chorváckymi orgánmi a priebežne o nich informovať Radu.

3.2. Rokovací rámec

V júni 2004 Európska rada v Bruseli rozhodla, že “skôr, než sa začnú rokovania s Chorvátskom, Rada dohodne všeobecný rokovací rámec s plným zohľadnením skúseností z piateho procesu rozšírenia”. Komisia navrhuje, aby bol rámec postavený na nasledujúcich princípoch:

- Rokovania s Chorvátskom by sa mali riadiť podmienkami prístúpenia definovanými na kodanskom zasadnutí Európskej rady v r. 1993. Tieto podmienky sú adekvátnymi nástrojmi na meranie pripravenosti kandidátskej krajiny plniť povinnosti členstva a zabezpečujú jasné riadenie reformného procesu.
- Postup rokovaní bude úplne závisieť od udržateľnosti politických reforiem a plnenia povinností Chorvátskom v súvislosti s regionálnou spoluprácou s ostatnými krajinami bývalej Juhoslávie a ďalších súvisiacich medzinárodných povinností, ako je napr. spolupráca s ICTY.
- V súlade so Zmluvou o Európskej únii a európskou ústavou bude Komisia odporúčať odloženie rokovaní v prípade závažného a neustáleho porušovania princípov slobody, demokracie, rešpektovania ľudských práv a základných slobôd a pravidla zákona, na ktorých je založená Únia. Rada by mala byť schopná rozhodnúť o tomto odporúčaní kvalifikovanou väčšinou členských štátov.
- Rokovania sa budú viesť na princípe vlastných zásluh. Akékoľvek prechodné opatrenia by mali byť časovo i rozsahovo obmedzené a nemali by výrazne ovplyvňovať hospodársku súťaž alebo fungovanie vnútorného trhu.
- Okamžite po oficiálnom otvorení rokovaní o prístúpení s Chorvátskom zorganizuje Komisia oficiálny proces skúmania *acquis*, tzv. screening, aby ho vysvetlila chorváckym orgánom a získala predbežné náznaky o otázkach, ktoré zrejme vyvstanú v rokovaníach.
- Po screeningu kapitoly bude Komisia na základe svojho nedávneho stanoviska k Chorvátsku odporúčať otvorenie rokovaní za predpokladu, že Chorvátsko bude dostatočne pripravené.

- Tempo rokovaní bude určovať správna transpozícia a implementácia *acquis* Chorvátskom vrátane efektívneho a účinného uplatňovania prostredníctvom vhodných správnych a súdnych štruktúr.
- Komisia navrhne Rade kritériá pre predbežné uzavretie každej kapitoly pred otvorením rokovaní podľa tejto kapitoly. Tieto kritériá by sa mohli vzťahovať na harmonizáciu zákonov alebo na uspokojivý záznam úspechov a neúspechov v implementácii. Tento prístup sa ukázal ako úspešný predovšetkým v kapitole o hospodárskej súťaži.
- Postup rokovaní bude závisieť od toho, ako bude Chorvátsko plniť svoje záväzky podľa stabilizačnej a asociačnej dohody, najmä tie, ktoré odzrkadľujú požiadavky podľa *acquis* napríklad v oblasti hospodárskej súťaže. Akýkoľvek takýto záväzok musí byť úplne splnený skôr, než možno kapitolu predbežne uzavrieť.
- Komisia bude starostlivo monitorovať postup Chorvátska k pristúpeniu pomocou všetkých dostupných nástrojov.

4. ZÁVERY A ODPORÚČANIA

Na základe uvedeného sú závery a odporúčania Komisie takéto:

- (1) Tohtoročné pravidelné správy ukazujú, že Bulharsko a Rumunsko urobili za posledný rok ďalší pokrok v implementácii kritérií pristúpenia.
- (2) Bulharsko a Rumunsko spĺňajú politické kritériá. Pamätajúc na pokrok dosiahnutý týmito krajinami, záznam úspechov a neúspechov v implementácii ich záväzkov a vzhľadom na ich postupujúcu prípravnú prácu Komisia očakáva, že tieto krajiny splnia ekonomické kritériá a kritériá *acquis* a budú pripravené na členstvo do januára 2007.

Komisia sa bude maximálne snažiť splniť cieľ Európskej rady doviest' rokovania s Bulharskom a Rumunskom v r. 2004 k úspešnému záveru na základe vlastných zásluh s cieľom podpísať Zmluvu o pristúpení čo možno najskôr v r. 2005.

- (3) Pravidelné správy poukazujú na viacero oblastí, kde treba urobiť ďalšie úpravy v kontexte politických a hospodárskych kritérií a vo vzťahu k prijatiu, implementácii a uplatňovaniu *acquis*. Treba ich rázne dodržiavať, aby sa identifikované nedostatky napravili ešte pred pristúpením. Na analýzu pokroku a uľahčenie úspešného členstva v Európskej únii bude Komisia vykonávať dokonalejšie monitorovanie a pravidelne informovať Radu. Komisia bude od novembra 2005 každoročne vydávať komplexné správy z monitorovania pre Radu a Európsky parlament. Komisia je toho názoru, že do Zmluvy o pristúpení treba zaviesť špecifické záruky, ktoré by Komisii umožnili odporučiť Rade odložiť dátum pristúpenia Bulharska alebo Rumunska o jeden rok na január 2008, ak existuje jasný dôkaz o závažnom riziku, že Bulharsko alebo Rumunsko budú preukázateľne nepripravené plniť požiadavky členstva do 1. januára 2007 vo viacerých dôležitých oblastiach.
- (4) Komisia odporúča rozšíriť posilnenú predvstupovú stratégiu pre kandidátske krajiny, o ktorej rozhodla Európska rada v decembri 1997 v Luxemburgu, aj na Chorvátsko tak, ako sa uvádza vyššie.

- (5) Komisia pripomína, že Európska rada rozhodla začať rokovania s Chorvátskom začiatkom roka 2005, a navrhuje, aby bol v tomto zmysle dokončený aj rokovací rámec pre Chorvátsko na základe princípov načrtnutých v tomto dokumente.

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.