



COMMISSION OF THE EUROPEAN COMMUNITIES

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COMMISSION OPINION

of 22 February 2005

**on the applications for accession to the European Union by the Republic of Bulgaria and
Romania**

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THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Whereas:

- (1) The Republic of Bulgaria and Romania have applied to become members of the European Union.
- (2) In its opinions of 15 July 1997 on the Republic of Bulgaria and Romania, the Commission has already had an opportunity to express its views on certain essential aspects of the problems arising in connection with these applications.
- (3) The European Council meeting in Copenhagen in June 1993 laid down for the first time the political, economic and *acquis* criteria for membership, that have guided the accession process and the Commission's regular assessments of the readiness of the Republic of Bulgaria and Romania. The political criteria require the Republic of Bulgaria and Romania to ensure the stability of institutions guaranteeing democracy, the rule of law, human rights and the respect for and protection of minorities; these requirements are enshrined as constitutional principles in the Treaty on European Union and have been emphasised in the Charter of Fundamental Rights of the European Union. The economic criteria require the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union. The *acquis* criterion refers to the ability to take on the obligations of membership arising from the Union's legislation, the *acquis communautaire*, including adherence to the aims of political, economic and monetary Union.
- (4) The conditions and arrangements for admission of both States have been negotiated in Conferences between the Member States and the Republic of Bulgaria and Romania.
- (5) In its Strategy Paper on progress in the enlargement process adopted on 6 October 2004, The Commission considered that the Republic of Bulgaria and Romania fulfilled the political criteria. Bearing in mind the progress achieved by both countries, and their track record in implementing their commitments, and taking into account their preparatory work in progress, it expected these countries to fulfil the economic and *acquis* criteria and to be ready for membership by 1 January 2007. On this basis, the Commission stated that it would make every effort in order to meet the European Council's objective to bring the negotiations with the Republic of Bulgaria and Romania to a successful conclusion in 2004, on the basis of own merits, with a view to signing the Treaty of Accession as early as possible in 2005.

- (6) These negotiations were completed in December 2004, and it is apparent that the provisions so agreed are fair and proper; this being so, the enlargement of the European Union, while preserving its internal cohesion and dynamism, will enable it to take a fuller part in the development of international relations.
- (7) In joining the European Union, the Republic of Bulgaria and Romania accept, without reserve, the Treaty establishing a Constitution for Europe, and until its entry into force, the Treaty on European Union and the Treaties establishing the European Communities including all their objectives and all decisions taken since their entry into force, and the options taken in respect of the development and strengthening of those Communities and of the Union.
- (8) It is an essential feature of the legal order introduced by the Treaties establishing the European Communities and, at its entry into force, the Treaty establishing a Constitution for Europe that certain of their provisions and certain acts adopted by the institutions are directly applicable, that the law of the Union takes precedence over any national provisions which might conflict with it, and that procedures exist for ensuring the uniform interpretation of the law of the Union; accession to the European Union implies recognition of the binding nature of these rules, observance of which is indispensable to guarantee the effectiveness and unity of the law of the Union.
- (9) The Commission calls on the Republic of Bulgaria and Romania to pursue vigorously the improvements that still need to be made in the context of the political and economic criteria for membership and in relation to the adoption, implementation and enforcement of the *acquis*. The Commission will continue to closely monitor the implementation of the commitments and obligations taken on by both countries, and will assist them with the available instruments. Based on this continuous monitoring, the Commission reserves its rights, as set out in the Accession Treaty, in particular in Article 38 of the Accession Protocol, to present a proposal recommending to postpone accession by one year to 1 January 2008, should it consider that there is clear evidence that the state of preparations for adoption and implementation of the *acquis* in the Republic of Bulgaria or Romania is such that there is a serious risk of either of those States being manifestly unprepared to meet the requirements of membership by the date of accession of 1 January 2007 in a number of important areas, including specific commitments and requirements applicable to Romania in the areas of Justice and Home Affairs and Competition. As a result of this monitoring, the Commission also reserves its rights to invoke the various safeguard clauses foreseen in the Accession Treaty for both countries, as well as, the specific mechanism on State aid set out in the Accession Treaty for Romania in case this country does not fulfil its commitments related to its enforcement record in this field.
- (10) The Commission calls on the Bulgarian and Romanian authorities to complete the translation and revision of the *acquis* before the date of accession in order to ensure legal certainty in the implementation of the legislation.
- (11) One of the objectives of the European Union is to deepen the solidarity between its peoples while respecting their history, their culture and their traditions.
- (12) Enlargement of the European Union through the accession of the Republic of Bulgaria and Romania will help to strengthen safeguards for peace and freedom in Europe.

HEREBY DELIVERS A FAVOURABLE OPINION:

on the accession to the European Union of the Republic of Bulgaria and Romania.

This opinion is addressed to the Council of the European Union.

Done at Brussels, 22 February 2005.

For the Commission
José Manuel Barroso
The President

For the Commission
Olli Rehn
Member of the Commission responsible for enlargement