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27.11.2006

## **REPORT**

on the accession of Bulgaria to the European Union  
(2006/2114(INI))

Committee on Foreign Affairs

Rapporteur: Geoffrey Van Orden

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## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

### on the accession of Bulgaria to the European Union (2006/2114(INI))

*The European Parliament,*

- having regard to its assent of 13 April 2005 to the application by the Republic of Bulgaria to become a member of the European Union<sup>1</sup>,
  - having regard to the Treaty of Accession of the Republic of Bulgaria and Romania to the European Union<sup>2</sup>, signed on 25 April 2005 (the Accession Treaty),
  - having regard to its many resolutions and reports on Bulgaria since the opening of accession negotiations,
  - having regard to the Commission's regular reports on the state of preparedness of Bulgaria for accession and, in particular, its Communication of 26 September 2006 entitled "Monitoring report on the state of preparedness for EU membership of Bulgaria and Romania" (COM(2006)0549),
  - having regard to Rule 45 of its Rules of Procedure,
  - having regard to the report of the Committee on Foreign Affairs and the opinions of the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Women's Rights and Equal Opportunities (A6-0420/2006),
- A. whereas Parliament welcomes the confirmation from the Commission and the Council that Bulgaria is sufficiently prepared for EU membership on 1 January 2007,
- B. whereas Bulgaria applied to join the European Union on 14 December 1995, was formally recognised as a candidate on 16 July 1997, opened negotiations on 15 February 2000, successfully concluded its accession negotiations on 14 December 2004, signed the Accession Treaty on 25 April 2005 and has ratified it, and, with Romania, will complete the historic fifth round of EU enlargement,
- C. whereas the direction, speed and rhythm of reform have been consistent and the process of modernisation should be seen as beneficial in its own right and not merely as a prerequisite to accession to the EU,
- D. whereas Bulgaria's enormous achievement during the transformation process deserves unqualified respect, principally for the people of Bulgaria who have borne with great patience an unparalleled series of drastic political and economic measures,

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<sup>1</sup> OJ C 33 E, 9.2.2006, p. 409.

<sup>2</sup> OJ L 157, 21.6.2005, p. 11.

- E. whereas, as in many other Member States, it is recognised that the reform process in Bulgaria will continue for many years after accession but there are areas of specific concern with a possibility of certain accompanying measures in order to encourage timely action,
- F. whereas it is a matter for national governments, through the transitional arrangements in the Accession Treaty and other powers, to take decisions relating to migration issues such as restrictions on the freedom of movement for workers, recognising that this issue has become a matter of concern as a result of chaotic asylum and immigration policies unrelated to EU enlargement in a number of Member States,
1. Congratulates Bulgaria and welcomes its accession on 1 January 2007, looks forward to the arrival in due course of its 18 Members of the European Parliament as well as its Commissioner and officials in the EU institutions, and recognises the excellent contribution made by Bulgaria's observers in the European Parliament since September 2005;
  2. Congratulates the Commission's Directorate-General for Enlargement on the very professional and dedicated manner in which it has conducted its monitoring work, particularly over the past year as progress towards accession has accelerated, and welcomes its balanced assessments of Bulgaria's preparations;
  3. Notes those areas that require further progress, the urgent and continuing need for the delivery of tangible results, and the various safeguards and other accompanying measures that are available, if necessary, to address continued shortcomings; calls on the Bulgarian authorities to act with urgency and thoroughness to obviate or minimise the requirement for such measures, insists on a continuing role for Parliament in monitoring developments and insists that the Commission continue fully to involve Parliament in monitoring developments and to associate Parliament fully in any consideration of activation of safeguard clauses, as the President of the Commission agreed to involve Parliament in the case of activation of the safeguard clause in Article 39 of the Act concerning the conditions of accession concerning the postponement of accession to 2008;
  4. Urges speedy ratification of the Accession Treaty by the Member States that have yet to do so;

***Political criteria***

5. Insists on maximum transparency in every sector, including the handling of privatisation, tendering and public procurement processes, appointments and promotions in the public service and judiciary, and in the judicial process at all levels, in order to promote good governance, efficiency and public confidence;
6. Calls for a strengthening of the role of the Bulgarian Ombudsman in order to correct administrative mistakes and to act as an anti-corruption mechanism that could increase transparency within institutional practices;

7. Applauds the continuing efforts of the Bulgarian authorities to fulfil the commitments made in the area of justice and home affairs and the steps taken to combat organised crime and corruption and to complete the reform of the judiciary; expects measures such as more and better training for police investigators with regard to the pre-trial phase, better coordination of the anti-corruption strategy between the bodies involved and strengthening of the institutional competences of the inspectorates within the public administration to be implemented vigorously and to produce tangible and visible results, including successful indictments and convictions of those engaged in serious crimes;
8. Expects urgent and highly focused attention to address the benchmarks specified in the Commission's latest Monitoring Report in order to avoid any triggering of the safeguard mechanisms; calls for more effective action to identify, prosecute and confiscate the assets of those engaged in organised crime; and insists on tangible results in terms of enforcement and prosecution of cases of money laundering;
9. Welcomes the improvements in the organisation and management of the police and security services, with the implementation of the new Law on the Ministry of the Interior; calls for the expansion of the specialised police units engaged in the fight against organised crime, corruption - in particular at the borders -, drugs and people trafficking, and further calls for improvements in salaries and conditions of service, fast-track promotion for outstanding officers, and provision of state-of-the-art equipment; at the same time Member States are requested to offer specialised training and further secondment of police officers with special expertise to the Bulgarian police in order to assist in clearing the backlog of high-profile crimes and curtailing the activities of crime bosses;
10. Applauds the changes that have taken place in the prosecution service under the new Prosecutor-General, including fast-track procedures and steps to prevent the premature closure of investigations; calls for legal provisions to suspend magistrates who are under internal disciplinary investigation and for serious action to be taken against prosecutors who have obstructed justice or have closed cases for improper reasons;
11. Welcomes the decision to provide access to the files of the secret service, a measure that will help build public confidence and demonstrate a clear break with the past, and recommends that such disclosures be controlled by a non-partisan and respected commission;
12. Reiterates its call for upgrading of living and sanitary conditions in children's homes and homes for the mentally and physically disabled, recognising that existing projects and priorities do not sufficiently meet the needs of those in the institutions, and therefore calls for the problems of institutional care to become a national priority with higher quality and well thought-through de-institutionalisation programmes and cohesion funds targeted at achieving massive and visible improvements in buildings, living conditions and care; reiterates the call for the promotion of reforms in the legislation regarding adoption practices;
13. Recognises the many steps that have been taken to integrate the Roma and calls for even

greater concerted efforts to improve their linguistic skills, to give them better access to higher education, vocational training and employment and to provide them with better healthcare and family planning, whilst encouraging them to do all that they can to adapt to the wider society and to take advantage of opportunities made available to them;

14. Calls on the Commission to closely monitor, prior to and after accession, the implementation of Bulgaria's commitments as regards the protection of minorities, and therefore to include this issue in the newly established cooperation and verification mechanism after accession;

### *Economic criteria*

15. Congratulates Bulgaria on its continued economic improvement, which has delivered 6.1% GDP growth, higher real wages, falling unemployment (8.7%) and excellent foreign direct investment; and stresses the importance of prudent macro-economic policies and structural reforms in order to maintain stability and further reduce the trade and current account deficits, and to stimulate growth and employment;
16. Calls for intensified efforts to improve micro-economic conditions in Bulgaria to encourage the development of the private sector and especially of SMEs, based on transparent legal, administrative and regulatory structures and more flexible employment laws;
17. Expresses concern at continuing invisible barriers to foreign investors; insists that tendering and regulatory measures be transparent, impartial and easily understood; urges the Bulgarian Government to address failures to provide timely administrative decisions which may jeopardise the development of a positive investment climate in Bulgaria; recommends tax incentives to promote inward investment and improved communication and openness between officials and business;

### *Acquis communautaire*

18. Congratulates the Bulgarian authorities on bringing close to completion a wide range of complex activities relating to agriculture; recognises the substantial progress that has been made in relation to the trade in live animals and animal welfare, where the highest standards must be respected, for example in the transportation and slaughter of animals and treatment of animal by-products; stresses the importance of the rendering system being fully operational upon accession and expects this to be the case; calls for finalisation of the required border inspection posts and vigorous action to control classical swine fever and other animal diseases, especially where there is any risk to public health or to the safety of food supplies;
19. Insists that Bulgaria seize the opportunity to introduce the highest standards of airport and aircraft security, given the nature of the terrorist threat where an attack on one country could be facilitated by weaknesses in security procedures in another; urges

urgent and verifiable completion of all corrective actions to overcome deficiencies in the airworthiness and maintenance of aircraft, operating procedures and flight crew licensing;

20. Recognises that not merely Bulgaria but countries throughout Europe are facing an energy gap in the years ahead, with increasing reliance on imports of energy from Russia and areas of instability; stresses the crucial importance for Bulgaria of ensuring energy supplies, which will meet future requirements both nationally and in the region, and the importance of supporting new generating and transmission capacities from competitive and sustainable energy sources while improving energy conservation efforts and respecting the Kyoto Protocol targets; acknowledges the sacrifice that Bulgaria will have to make in complying with the requirement for the definitive closure of Kozloduy Units 3 & 4 in 2006 and their subsequent decommissioning; reiterates its call for Council to be prepared to view the closure dates for these units with flexibility, which might involve an eight-month delay in closure in order to allow a review to take place, without in any way compromising safety requirements, which remain an absolute priority;
  21. Stresses the importance of the proper management and control of EU funds, to ensure financial rectitude and to target them most effectively, applying procedures that are accessible and easily understood by those outside the bureaucracy;
  22. Points out that where temporary measures could be taken during the first three years after accession, similar measures were applied following the last accession round, to the benefit of all parties involved; expresses the wish that such mechanisms be applied only in specific areas; points out that appropriate measures to ensure the proper functioning of EU policies can be lifted only when the benchmarks, as set by the Commission, have been fully met;
  23. Congratulates Bulgaria on the contribution it has made to regional and international stability and security, in particular as a member of NATO, and sees its agreement with the USA for the use of military facilities as a tangible commitment to the transatlantic alliance;
  24. Expresses continued support for the Bulgarian nurses and Palestinian doctor, in custody in Libya since 1999; insists that the ongoing retrial be brought to a speedy and satisfactory conclusion and that the Libyan authorities then provide appropriate compensation for the misery that has been inflicted on these innocent people;
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25. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and the Government and National Assembly of the Republic of Bulgaria.

22.11.2006

## **OPINION OF THE COMMITTEE ON CIVIL LIBERTIES, JUSTICE AND HOME AFFAIRS**

for the Committee on Foreign Affairs

on the accession of Bulgaria  
(2006/2114(INI))

Draftsman: Hartmut Nassauer

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### **SUGGESTIONS**

The Committee on Civil Liberties, Justice and Home Affairs calls on the Committee on Foreign Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Recognises the efforts made by Bulgaria to adapt its legislation and administration to the laws and rules of the European Union in general, and more particularly since the Commission issued its previous report in May 2006;
2. Underlines the fact that the progress made so far with respect to the reform of the justice system has been limited and calls on Bulgaria to achieve further improvements with respect to the necessary amendments to the Constitution, the ability of the Supreme Judicial Council to act in a credible and efficient manner, the implementation of the new code of criminal procedure, the reliability of the pre-trial phase and the adoption of the new code of civil procedure;
3. Is deeply concerned about the fact that although measures and institutions have been introduced in order to fight against organised crime and corruption, they have not led to satisfactory results with the consequence that public administration, local governments and tax collecting bodies remain highly vulnerable; therefore strongly insists that Bulgaria must intensify its efforts in improving and implementing its strategy in the fight against high-level corruption and organised crime;
4. Stresses that despite the positive fact that Bulgaria's legislation in the area of money laundering is now largely in line with the *acquis*, there remains a substantial shortfall in the implementation of the legislation and therefore noticeable results; calls on Bulgaria to overcome this unsatisfactory situation;
5. Stresses the need to improve the situation of ethnic minorities in Bulgaria, such as Roma and Turks, and calls on the Bulgarian Government to ensure that these groups are not



discriminated against with regard to access to national education, social security, health care and employment systems and to counter vigorously any discriminating pronouncements or actions against them;

6. Recognises that with respect to the external dimension of the justice and home affairs chapter, progress has been made in relation to asylum and judicial cooperation; however, with regard to the preparations for applying the Schengen acquis and managing the future EU external border, shortfalls must be highlighted, and accordingly human trafficking and drug smuggling remain significant problems;
7. Emphasises that the implementation of reforms remains a general problem due to a lack of efficient structures, sufficient awareness and efficient training of the entities involved; urges the Bulgarian authorities to show real determination in improving this situation and thus avoid the risk that EU financial assistance could fall victim to corruption after accession;
8. Welcomes and supports the accompanying measures provided for by the Commission, such as the suggested mechanism for cooperation and verification of the necessary progress after accession and the setting of specific benchmarks which must be met; considers that any kind of benchmark to be defined by the Commission in relation to these policies should be public and should reflect the average situation existing in the other EU Member States as an objective reference and as an objective to be progressively implemented;
9. Welcomes the safeguard clause in Article 38 of the Act concerning the conditions of accession particularly relating to mutual recognition in the area of criminal law under Title VI of the Treaty on European Union and in civil matters under Title IV of the Treaty establishing the European Community, and urges the Commission not to hesitate to make strict use of the safeguard clause if the accompanying measures do not lead to satisfying results or if there are serious shortcomings or any imminent risks of such shortcomings in the transposition, implementation or application of the EU rules, until the situation is remedied;
10. Calls on the Commission to fully involve Parliament and its relevant committees in any consideration of activating this safeguard clause, as the President of the Commission agreed to involve Parliament in the case of activation of the safeguard clause in Article 39 of the Act concerning the conditions of accession concerning the postponement of accession to 2008.

## PROCEDURE

<b>Title</b>	Accession of Bulgaria			
<b>Procedure number</b>	2006/2114(INI)			
<b>Committee responsible</b>	AFET			
<b>Opinion by</b> Date announced in plenary	LIBE 18.5.2006			
<b>Enhanced cooperation – date announced in plenary</b>				
<b>Drafts(wo)man</b> Date appointed	Hartmut Nassauer 20.6.2006			
<b>Previous drafts(wo)man</b>				
<b>Discussed in committee</b>	12.9.2006	5.10.2006	6.11.2006	22.11.2006
<b>Date adopted</b>	22.11.2006			
<b>Result of final vote</b>	+: 40	-: 0	0: 0	
<b>Members present for the final vote</b>	Roberta Angelilli, Edit Bauer, Johannes Blokland, Mihael Brejc, Giusto Catania, Carlos Coelho, Fausto Correia, Panayiotis Demetriou, Agustín Díaz de Mera García Consuegra, Kinga Gál, Elly de Groen-Kouwenhoven, Lilli Gruber, Lívia Járóka, Timothy Kirkhope, Ewa Klamt, Magda Kósáné Kovács, Barbara Kudrycka, Stavros Lambrinidis, Claude Moraes, Inger Segelström, Ioannis Varvitsiotis, Donato Tommaso Veraldi, Manfred Weber, Stefano Zappalà, Tatjana Ždanoka			
<b>Substitute(s) present for the final vote</b>	Bárbara Dührkop Dührkop, Ignasi Guardans Cambó, Sophia in 't Veld, Sylvia-Yvonne Kaufmann, Vincent Peillon, Marie-Line Reynaud			
<b>Substitute(s) under Rule 178(2) present for the final vote</b>	Pilar Ayuso, Iratxe García Pérez, Esther Herranz García, Mary Honeyball, Antonio López-Istúriz White, Ana Mato Adrover, Manolis Mavrommatis, María Isabel Salinas García, Alejo Vidal-Quadras			
<b>Comments (available in one language only)</b>				

5.10.2006

## **OPINION OF THE COMMITTEE ON WOMEN'S RIGHTS AND GENDER EQUALITY**

for the Committee on Foreign Affairs

on Accession of Bulgaria  
(2006/2114(INI))

Draftswoman: Lidia Joanna Geringer de Oedenberg

### **SUGGESTIONS**

The Committee on Women's Rights and Gender Equality calls on the Committee on Foreign Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Welcomes the implementation of the Strategy to Combat Poverty and Social Exclusion (2003-2006), while insisting that it should be assessed as part of the gender mainstreaming approach in order to improve the status of women and to help central and local government authorities to take gender equality issues into account when developing and implementing their activities;
2. Underlines the fact that it is necessary to provide gender-related data and statistics in many areas where there are gender-specific risks and where such data and statistics are relevant to poverty and social exclusion, in order to help implement the gender mainstreaming approach;
3. Calls on the Bulgarian authorities to speed up the introduction of social, educational and medical services that will make it possible to combat social exclusion and facilitate the effective integration into society of vulnerable groups such as minorities or the disabled; urges the competent authorities to take additional measures and actions to improve the living conditions of children, the disabled and the mentally disturbed who are living in institutions;
4. Stresses that greater efforts should be made to improve the living conditions of the Roma population, with due regard for their specific situation and the need to offer them equal access to education, training, employment and health;

5. Expects Bulgaria to follow carefully the specific situation of women from minorities, especially Roma women, who are subject to two-fold discrimination: on the basis of gender and on the basis of belonging to a minority;
6. Calls on the Bulgarian authorities to increase the financial and staffing resources available to the new anti-discrimination commission in order to make it fully operational;
7. Points out that Bulgaria has ratified the Hague Convention on Intercountry Adoption, which lays down vital safeguards for combating the trafficking of children and gives primacy to the rights of the child;
8. Draws the attention of the Bulgarian authorities to the need to scrupulously respect the fundamental rights included in the Hague Convention on Intercountry Adoption, which is included among the criteria for accession to the European Union;
9. Underlines the importance of the role of the social partners in the field of social dialogue and the sector of civil society and non-governmental organisations especially with regard to the promotion of gender equality and combating all forms of discrimination; calls on Bulgarian authorities and on the EU to ensure appropriate financial support for civil society structures in general and for NGOs working in the field of gender policy in particular;
10. Underlines the importance of combating social exclusion and calls on Bulgarian authorities to adopt appropriate measures for involving women more extensively in the labour market while giving them the same access as men to vocational training and positions of responsibility, together with measures to reconcile professional and family life;
11. Expects to see tangible results as regards combating trafficking in human beings, particularly women, and a crackdown on criminal networks; urges the competent national authorities to apply existing legal instruments at national and European level with regard to investigations, proceedings and victim protection and to step up cooperation with the Member States and with competent European and international organisations;
12. Stresses that the adoption of legislation is only the first important step and that it has to be followed by the careful implementation thereof.

## PROCEDURE

<b>Title</b>	Accession of Bulgaria
<b>Procedure number</b>	2006/2114(INI)
<b>Committee responsible</b>	AFET
<b>Opinion by</b> Date announced in plenary	FEMM 18.5.2006
<b>Drafts(wo)man</b> Date appointed	Lidia Joanna Geringer de Oedenberg 22.6.2006
<b>Previous drafts(wo)man</b>	
<b>Discussed in committee</b>	12.9.2006      4.10.2006
<b>Date adopted</b>	4.10.2006
<b>Result of final vote</b>	+:            16 -:            1 0:            0
<b>Members present for the final vote</b>	Emine Bozkurt, Hiltrud Breyer, Edite Estrela, Věra Flasarová, Lissy Gröner, Zita Gurmai, Rodi Kratsa-Tsagaropoulou, Urszula Krupa, Siiri Oviir, Marie Panayotopoulos-Cassiotou, Amalia Sartori, Eva-Britt Svensson, Corien Wortmann-Kool, Anna Záborská
<b>Substitute(s) present for the final vote</b>	Lidia Joanna Geringer de Oedenberg, Anna Hedh, Bernadette Vergnaud
<b>Substitute(s) under Rule 178(2) present for the final vote</b>	-
<b>Comments (available in one language only)</b>	-

## PROCEDURE

<b>Title</b>	Accession of Bulgaria to the European Union				
<b>Procedure number</b>	2006/2114(INI)				
<b>Committee responsible</b> Date authorisation announced in plenary	AFET 18.05.2006				
<b>Committee(s) asked for opinion(s)</b> Date announced in plenary	LIBE 18.5.2006	FEMM 18.5.2006			
<b>Not delivering opinion(s)</b> Date of decision	PETI 20.11.2006	AFCO 18.5.2006	JURI 21.6.2006	CULT 29.5.2006	PECH 13.6.2006
	AGRI 30.5.2006	REGI 30.5.2006	TRAN 15.5.2006	IMCO 12.7.2006	ITRE 30.5.2006
	ENVI 16.5.2006	EMPL 21.6.2006	ECON 15.5.2006	CONT 20.6.2006	BUDG 5.7.2006
	INTA 30.5.2006	DEVE 28.8.2006			
<b>Enhanced cooperation</b> Date announced in plenary					
<b>Rapporteur(s)</b> Date appointed	Geoffrey Van Orden 18.01.05				
<b>Previous rapporteur(s)</b>	-				
<b>Discussed in committee</b>	13.11.06	22.11.06			
<b>Date adopted</b>	23.11.06				
<b>Result of final vote</b>	+ 44 - 0 0 2				
<b>Members present for the final vote</b>	Panagiotis Beglitis, Bastiaan Belder, André Brie, Elmar Brok, Philip Claeys, Véronique De Keyser, Giorgos Dimitrakopoulos, Alfred Gomolka, Klaus Hänsch, Richard Howitt, Anna Ibrisagic, Georgios Karatzaferis, Helmut Kuhne, Vytautas Landsbergis, Francisco José Millán Mon, Pierre Moscovici, Pasqualina Napoletano, Baroness Nicholson of Winterbourne, Tobias Pflüger, Paweł Bartłomiej Piskorski, Bernd Posselt, Raül Romeva i Rueda, Jacek Emil Saryusz-Wolski, György Schöpflin, Gitte Seeberg, Marek Siwiec, István Szent-Iványi, Charles Tannock, Paavo Väyrynen, Jan Marinus Wiersma, Luis Yañez-Barnuevo García, Josef Zieleniec				
<b>Substitute(s) present for the final vote</b>	Carlos Carnero González, Alexandra Dobolyi, Árpád Duka-Zólyomi, Kinga Gál, Milan Horáček, Tunne Kelam, Jaromír Kohlíček, Alexander Lambsdorff, Doris Pack, Aloyzas Sakalas, Csaba Sándor Tabajdi				
<b>Substitute(s) under Rule 178(2) present for the final vote</b>	Adamos Adamou, Marios Matsakis, Kyriacos Triantaphyllides				
<b>Date tabled</b>	27.11.2006				
<b>Comments</b> (available in one language only)					