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# DRAFT 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))

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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 farwith 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. 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, considerable shortfalls must be highlighted, and accordingly human trafficking and drug smuggling remain significant problems;

6. 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;

7. 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;

8. Welcomes the safeguard clause in Article 38 of the Accession Treaty 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;

9. 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 Accession Treaty concerning the postponement of accession to 2008.