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**Enlargement Weekly - 22 October 2002**



Enlargement

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Welcome to Enlargement Weekly. This weekly bulletin provides an overview of where European Union enlargement has got to, who's doing what in the EU, in the institutions and candidate countries, and how the main challenges are being met.

**IRISH REFERENDUM RESULT BRINGS CLARITY TO ENLARGEMENT**

Irish voters backed the Nice Treaty in their second referendum on Saturday October 19 - and brought relief to the candidate countries and to the EU. The 62.89% vote in favour allows the Irish government to at last ratify the Treaty, which will bring in the internal changes needed for an enlarged EU to function effectively.

European Commission President Romano Prodi said: "We are closer to our goal, but not there yet." The positive Irish vote, and the work that had gone into winning it, constituted "a substantial contribution to the historic mission of enlargement", he said, and "We can now get on with finalising preparations".

Danish prime minister Anders Fogh Rasmussen - who, as current President of the European Council, is responsible for driving the enlargement process forward at two upcoming EU summits, said the result was "very satisfactory", and that "The Irish people have taken an important decision, not only for Ireland, but for the EU as a whole, and not least for the enlargement."

"The results of the referendum send a clear and positive signal to the central and eastern European countries that all EU countries take the enlargement seriously. The Treaty of Nice is the enlargement Treaty of the EU", said Rasmussen. It paves the way for the European Council in Copenhagen in December to conclude the accession negotiations and welcome the first new member states, he said. It also, he added, provided a firm base for the October 24-25 summit in Brussels, where "it is of decisive importance that we make the necessary decisions on the offer from the EU member states to the candidate countries."

Javier Solana, EU High Representative for the Common Foreign and Security Policy, said he was "delighted" by the decision of the Irish people, which he sees as an expression of "a firm belief in a new Europe, united by common values and a common purpose".

European Parliament President Pat Cox said the result "demonstrates that the only people in the EU to have been consulted have, after a period of reflection, given the clearest possible signal that Europe's rendezvous with history cannot be further delayed or postponed."

The president of the Socialist Group in the European Parliament, Enrique Baron, today welcomed the outcome of the Irish referendum as a good day for Europe and an important step forward to the further unification of the continent

For the European Liberal Democrats, Graham Watson MEP welcomed the results: "The Irish people have removed one of the last remaining hurdles to enlargement of the European Union", he said.

And German Chancellor Gerhard Schroeder said: "I welcome the positive result of the Irish referendum on the Nice treaty. The people of Ireland were aware of their great responsibility."

#### NEGOTIATIONS AIM TO NARROW THE TARGET DOWN

The special accession negotiating session held in Brussels on October 18 involved only four candidates, and yielded the closure of only one chapter - competition with Malta. But the EU Presidency said it had still "come a long way" towards meeting its goal of closing all the non-financial chapters before the final intensive phase of negotiations is due to start after the Brussels summit this week.

Hungary also negotiated on competition, and - in the words of its negotiator, Endre Juhasz - many elements of the EU common position on competition were acceptable, the question had been "conceptually clarified", and "the scope of the problems is shrinking". Agreement still has to be reached with the EU on promised Hungarian state aid provisions between now and 2011 for some 48 companies that generate more than 40% of Hungary's exports and up to 10% of Hungary's employment: "They must be given equitable conditions", he insisted. The Presidency said after the meeting that "very constructive views" had been put on the table, giving grounds for optimism.

Poland negotiated only on the veterinary and phytosanitary part of the agriculture chapter. Its negotiator, Jan Truszczyński, said "very substantive progress" had been made. Agreements were reached that allow more time to reach full EU standards for more than 100 milk processing establishments and the dairy farms which supply them, more than 300 meat and poultry processing establishments, and 40 fish-processing establishments. This will allow them to stay viable while they adapt to EU rules, says Poland. The only issue now needing agreement in this part of the agriculture chapter relates to how many milk processing plants would be allowed to continue producing milk for domestic use alongside production that meets EU standards.

But for Poland too, the competition chapter is still to be closed, with the debate focusing on the details of Poland's steel restructuring plan and on fiscal treatment of investors in Poland's special economic zones before 2001. Poland's negotiator nevertheless said that despite recent turbulence in European affairs, it is "still more likely than unlikely that solutions can be found".

EU reserves on the Czech steel restructuring plan and Spanish reserves on the Slovak aid regime for the car industry prevented negotiations with these two candidates on the competition chapter, but the Presidency put these two issues on the agenda of the October 21 General Affairs and External Relations Council, and says it hopes to close them quickly in further negotiating sessions.

Estonia revisited the environment chapter (which had already been closed) to agree the insertion of a provision taking account of new EU acquis on limitation of emissions of pollutants

Looking ahead to the Brussels summit, the Presidency suggested that wide agreement had been reached on the European Commission approach to budgets, and on the methodology of calculation, although agreement is still absent on the overall figure. Similarly, on direct payments for candidate country farmers, no member state fundamentally contests the principle of income support, even if some are continuing to link final agreement on this

concession to other aspects of EU policy. The problems might be difficult politically, says the Presidency, but the texts and draft instruments will be on the table in Brussels, and progress will be a question of political will among the member states. The Presidency is "still optimistic" on reaching a solution on the financial package.

### **SAFEGUARDS IN FACE OF DUTCH ELECTIONS**

The demise of the government in the Netherlands last week is bound to throw further attention onto the nature of the safeguard clauses the European Commission has proposed for the first two years after the next enlargement. Although the collapse of the Dutch government was not directly related to enlargement, pressures to seek greater reassurances about the readiness of the acceding countries was certainly part of the background.

New elections will be held within the statutory three months under Dutch law, but key decisions by EU leaders will now have to be made in what is a pre-electoral period in the Netherlands. Certainly this will be the case at the Brussels summit this week, when member states have to decide whether to back the Commission's recommendation that ten candidates should be able to complete negotiations this year. And if no new government is yet in place by the Copenhagen summit in December, the finalisation of the negotiations with the candidates will have to be conducted in the same circumstances.

The Commission's October 9 recommendations were accompanied by a number of cautions: notably, preparations of the ten countries for membership will continue and will be strictly monitored by the Commission, it insisted. In order to analyse progress, the Commission will regularly monitor the candidates and report to the Council of Ministers. Six months before the envisaged date of accession the Commission will produce a comprehensive monitoring report for the Council and the European Parliament. And after enlargement, the Commission will ensure proper implementation of EU law in the new member states with the same methods and rigour as in present member states.

"To ensure a smooth phasing in of an unprecedented number of new Member States in EU policies", the Commission recommends a two-year safeguard clause for the Internal Market (including food safety) and in the area of justice and home affairs, allowing flexible reaction to possible problems associated with the initial period of membership. The Commission will reorganise its own departments to allow reinforced monitoring and post-accession support for the new member states, together with continued pre-accession aid for countries that will follow the first wave.

Announcing the safeguard clause on October 9, European Enlargement Commissioner Günter Verheugen said the ten countries "must carry on preparing for membership even after the negotiations have closed, until they actually join the EU. In particular, they must honour the commitments that they have made to the EU during the negotiations".

"We have left nothing to chance; we have unequivocally pointed out all shortcomings that still need to be addressed and all areas where specific preparatory measures are still required", said the Commissioner. Verheugen said the safeguard clause would enable the Commission "to intervene if the *acquis* is not implemented or in case of 'disturbances' on the Internal Market. The safety clause is particularly important in relation to the Internal Market." It will guarantee the possibility of "swift and purposeful measures taken if in any way the Internal Market - in its broadest definition - is being disturbed. Because we cannot know now what difficulties may arise in such a complex enlargement, and this will provide assurance in the light of the debate now underway in the member states".

The EU decisions on the financial conditions for enlargement will also have to be made in this pre-electoral period, and the absence of a majority government in the Netherlands will tend to complicate those discussions too. Caretaker prime minister Jan Peter Balkenende is to seek backing from the

Dutch parliament for a clear stance on the enlargement discussions in a debate on October 23, even though his fragmented coalition now no longer commands a majority there.

The European Commission has declined to comment formally on the Dutch situation. "As a matter of principle, the Commission does not comment on internal political developments in member states", it said as the news broke of the Dutch governing coalition's collapse. All it added was: "Obviously, it is up to the Netherlands to decide, in the current situation, whether or not they can take a position on the next steps of the enlargement process and if so, which position. The Commission is confident that the Netherlands, as they always have done as a founding member state, will continue to play a constructive role in the development of the European Union".

Per Stig Moller, the President of the EU Council of Ministers, expressed conditional optimism that a solution would be found. On October 16 he promised that "as a Presidency we will spare no effort in order to reach a decision on all outstanding financial issues in Brussels". And he stressed: "I trust that all our EU partners are fully aware about the immense importance of our decisions. We have a historical obligation to secure a success in Copenhagen".

European Parliament President Pat Cox said on October 17 that "member states must honour their commitments and bring closure to the enlargement process.". There should be "no backsliding", he insisted, urging an avoidance of what he called "micro-detail", and a "focus on the big picture and the prospect of hope and reconciliation which enlargement brings." He said his traditional EP President message to EU leaders at the European Council in Brussels next week will "recall to our Dutch friends that the Dutch Finance Minister who agreed to the financial perspectives in Berlin is today's leader of the VVD, Gerrit Zalm". He will "tell our Dutch friends that no-one is asking for one euro outside the financial perspectives that had been agreed."

Every member state agreed that the ideal date for enlargement, if all the preparation is done, would be in time for the applicant states to take part in the European elections in June 2004. Not one of the 15 Member States demurred, he will insist. "All of these commitments were entered into by all member states. The applicant states have acted in good faith on this basis. They have a right to ask: is our word our bond? Will we deliver on what we promised? It is time now to seize the moment and bring closure to this challenge."

#### **MEMBER STATES AND CANDIDATES REVIEW JUSTICE AND HOME AFFAIRS**

The EU Justice and Home Affairs Council in Luxembourg on October 14-15 not only held a joint session with ministers from the candidate countries - during which it looked at Schengen and the enlargement, mutual recognition of judicial decisions in criminal matters, and joint action on the protection of commercial drivers against violent assaults - but also reached conclusions on a number of matters directly related to enlargement and the candidate countries.

One Council declaration noted that the negotiations with the candidates "have made considerable progress, in particular in the field of justice and home affairs", and insisted that "upon accession, those candidate states will become bound by the protocol on asylum for nationals of member states of the European Union" - because of "the level of protection of fundamental rights and freedoms by the candidate states". In the meantime, as from the day of signature of accession treaties, member states will deal with applications for asylum lodged by nationals of those candidates on the basis of the presumption that they are manifestly unfounded", on the basis that candidate states with which an accession treaty is being negotiated are safe countries of origin for all legal and practical purposes in relation to asylum matters, as from the date of signature of the accession treaty.

Another joint declaration by all 28 countries reaffirmed their shared commitment to providing citizens with a high level of safety by developing common action to prevent and to combat crime, organised or otherwise, and particularly to protect all exposed groups in society. It highlighted the risks to vehicles engaged in export trade - "an easy target for property crime in the eyes of many criminal organisations owing to the high-value goods, which they often carry, and the low level of manning and protection that they usually enjoy". And because commercial drivers involved in export trade form an exposed group, and trade and transport between the countries of Europe "is of the highest importance in securing the economic and political development in the region", the declaration expressed determination to ensure that measures are taken so that commercial drivers engaged in export trade do not fall victims of organised crime. The measures will include improved security on sections of road and parking sites generally, and especially in identified problem areas, with a stepped-up presence and visibility of law enforcement officials.

There was discussion between member states and candidate countries on the introduction of guidelines for the process that will lead to the implementation and application of the full Schengen acquis in the new member states. Candidates reported the state of play in their preparations for implementing their Schengen Action Plans as well as specific questions to be dealt with in the guidelines. The guidelines will include a general description of the evaluation procedure for new member states, including information on the order of events of the Schengen evaluations, as well as practical and procedural aspects of the evaluation. There was general support for the initiative and it was agreed that the guidelines would be approved in the JHA Council on 28-29 November 2002 and subsequently handed over to the candidates.

There was also discussion of how to ease implementation of the EU acquis on Justice and Home Affairs against the background of necessary and efforts underway to make the candidates' judicial systems function more smoothly. In particular, the debate focused on how the candidates would apply the principle of mutual recognition of decisions in criminal matters. Although accession negotiations have been provisionally closed with many candidates, it was felt important to keep focusing on all the candidates' implementation of the JHA acquis. "The candidate countries should continue the reforming of their legal systems and their judicial systems in order to implement and apply not only the EU acquis on Justice and Home Affairs as already adopted but also the new legislation on Justice and Home Affairs, which is to be adopted in the period from now until the accession date", the Council agreed. The Council also approved the possibility for candidates to be considered for participation in all programmes concerning the plan for the management of the external borders of member states of the European Union.

## **Enlargement news in brief**

### **Giving LIFE to candidates' involvement**

Estonia, Hungary, Latvia, Slovenia, Slovakia and Romania are one step closer to participating in the EU's LIFE programme for the environment, following a series of European Commission decisions on their financial contributions over the 2003-2004 and related procedures. The links have been established via the Association Councils with the candidates. Now it has been agreed that Slovakia's financial contribution for 2003 should be Euro 570,000. Slovenia will pay Euro 820,000, Romania Euro 1,410,000, Latvia Euro 480,000, Hungary Euro 900,000, and Estonia Euro 440,000.

### **Road transporters' views on enlargement scenario**

"Practical measures will be needed to ensure that the political 'big bang' enlargement of the EU is not immediately followed by a damaging economic free-for-all", according to the International Road Transport Union. It is worried

that opening up the road haulage market too suddenly into central and eastern Europe could lead to severe disruption, and damage the EU's overall economic performance. It cites wide variations in wage levels, social regulations, technical standards, infrastructure, financial resources, and managerial competence as potential risk areas. So IRU is calling for a market monitoring system to provide early warning of potentially harmful developments in the marketplace; stricter criteria on authorisations to operate in the sector, to minimise unsustainable competitive practices, and uniform interpretation and enforcement of existing social regulations.

#### **Support for a date for Turkey**

Although the European Commission's October 9 strategy paper did not recommend a starting date for accession negotiations for Turkey, there is still some pressure within the EU and beyond for firmer encouragement for reforms there. As soon as the regular reports were published, Greece suggested that Turkey could be given a start date at the Copenhagen summit. UK foreign affairs minister Jack Straw said on October 17 that Turkey, as "a key member of NATO and a vital ally in the campaign against terrorism", merited a reward for its progress towards meeting the Copenhagen political criteria. And the US has also weighed into the debate with some strongly-worded public messages about Turkey's strategic importance and the significance of close EU-Turkey relations.

#### **Hungary, Bulgaria and Turkey and excel in EURO 2004**

In the latest round of qualifying matches for EURO 2004, played on October 16, Hungary managed a 3-0 win over San Marino at the Megyeri úti stadium in Budapest, thanks to a second-half hat-trick from substitute Zoltán Gera, which took his side to the top of its qualifying group (for those unfamiliar with the system, the teams are at this stage playing in groups of five). This leaves Hungary ahead of Latvia on goal difference with four points from two matches, and with one point more than Poland, their next opponents, who they face in March. Bulgaria's 42,000 fans at the Vasilij Levski stadium also had something to celebrate when their team's 2-1 victory against a defiant Andorra side gave them their third win in a row, and firmly establish Bulgaria at the top of its group, too. As team coach Plamen Markov remarked: "What is important is that we won another three points and are moving closer to EURO 2004". Three goals in the first 23 minutes put Turkey in command of its tie with Liechtenstein at the Ali Sami Yen stadium, and the final score of 5-0 leaves Turkey comfortably at the top of its group.

Elsewhere, Romania put seven past goalless hosts Luxembourg, with Cosmin Contra scoring a hat-trick. The Czech Republic earned its second victory, with a 2-0 win against Belarus in Teplice. But Lithuania went down 0-3 away to Iceland, Estonia was beaten 0-1 by Belgium in Tallinn, and Malta gave France its third consecutive win by losing 0-4 in Valletta. Next for Malta is a trip to Cyprus in November, while France's next game is the return with Malta, to be played in Lens in March.

So at the end of this batch of matches - the next qualifying rounds are not due until late November - Hungary, Bulgaria and Turkey are each at the top of their groups. The Czech Republic, Latvia and Romania are in number two position in their respective groups. Poland and Estonia are in third position in their groups, and Lithuania fourth in its. Slovakia is ranked number five in its group. But Slovenia, Cyprus and Malta are in the bottom three slots of the group they find themselves together in.

#### **UNICE urges caution for Brussels summit**

The European industry lobby, UNICE, is urging the EU summit in Brussels this week to adopt the European Commission's proposals on enlargement "taking account of comments made by European business". The ten leading countries "may indeed be ready for membership in 2004", UNICE says, but insists that "further progress is made by each country individually in preparing

efficiently and transparently for full implementation of EU laws and standards before accession". Developments are impressive, but many countries still have "considerable shortcomings", it warns - highlighting administrative and judicial capacity, the need for "immediate restructuring and privatisation" in utilities, the energy sector, heavy industries and the financial sector, the gaps in state aid rules and procedures, and the problems posed to business by excessive regulation, and by continued corruption: "standards are far from acceptable yet". It says the proposed safeguard mechanism should, if necessary, be extended for individual countries beyond the envisaged two years.

**"Benes decrees no obstacle to Czech accession"**

The Czechoslovak Presidential decrees - commonly known as the "Benes decrees" - do not represent any obstacles to the Czech Republic's accession to the EU, according to an internal study conducted by the European Commission. These legislative acts, concerning criminal liability and property rights at the end of World War II, along with others from the early 1990s, dealing with restitution in the post-communist era, have given rise to heated debate in the Czech Republic and beyond - particularly in Germany. But the Commission assessment, conducted in co-operation with Czech legal authorities, examines each of the contentious legal instruments in turn, and finds that none of them conflict with the EU acquis, and that legislative changes will not be necessary for the Czech Republic to accede to the EU.

**Agenda**

See also the new "Enlargement events calendar" on the DG Enlargement web site at <http://europa.eu.int/comm/enlargement/events/calendar.htm>. This gives a run-down of public events related to the enlargement of the EU taking place in al current and future member states.

| Date           | Event  |
|----------------|--|
| <b>October</b> |  |
| Tuesday 22nd   | <ul style="list-style-type: none"> <li>▪ President of Hungary Ferenc Madl addresses the European Parliament and meets European Commission President Romano Prodi, Strasbourg</li> <li>▪ Candidate countries take part in EU Council of Ministers working party on immigration, frontiers and asylum, Brussels</li> <li>▪ The foreign ministers of the "Laeken ten" candidate countries meet in Prague to discuss the European Commission's enlargement strategy paper, the proposed financing of the enlargement, and co-operation among the candidate countries in the final stage of the accession negotiations.</li> </ul>  |
| Wednesday 23rd | <ul style="list-style-type: none"> <li>▪ European Enlargement Commissioner Günter Verheugen meets Estonian foreign minister Kristiina Ojuland for talks on the current status of the accession negotiations and the next stages of the enlargement process; Brussels.</li> <li>▪ Estonian foreign minister Kristiina Ojuland at European Policy Centre seminar, Brussels</li> <li>▪ European Parliament debate on the Brussels summit of 24-25 October, and enlargement and Kaliningrad.</li> <li>▪ EU Council of Ministers working group on enlargement meets, Brussels</li> <li>▪ CEPS conference on Turkey's future in Europe, with Abdullah Gul, vice-president of the AK Party, Brussels</li> </ul> |
| Thursday       | <ul style="list-style-type: none"> <li>▪ European Council, Brussels: the EU Presidency draft</li> </ul>  |

- 24th-Friday  
25th
- agenda currently envisages discussion of enlargement and of Kaliningrad. On enlargement, decisions are expected about which candidate countries negotiations can be concluded with by the Copenhagen European Council on 12-13 December, as well as about decisions to be taken at Copenhagen on updated pre-accession strategies and roadmaps for Bulgaria and Romania and on the next stage of Turkey's candidature; budgetary and financial issues, monitoring, and institutional arrangements will also be on the agenda.
- Thursday 24th  
- Sunday 27th
- International Tour Salon, Poznan
- Friday 25th-  
Saturday 26th
- Czech Senate elections
- Sunday 27th
- Polish regional elections
- Monday 28th-  
Thursday 31
- East-west cluster summit organised by OECD on the importance of small and medium-sized enterprises in economic growth and job creation; Udine/Trieste.
- Monday 28th-  
Tuesday 29th
- European Budget Commissioner Michael Schreyer visits Malta
  - European Employment and Social Affairs Commissioner Anna Diamantopoulou visits Bulgaria and Romania.
- November**
- Sunday 3rd
- Turkish parliamentary elections
- Monday 4th
- Danish Energy Agency conference on energy supply and demand in the Kaliningrad Region, Kaliningrad
- Wednesday  
6th
- CEPS conference on the impact of the enlargement on evolving standards for anti-corruption policy and judicial reform in the EU, Brussels.
- Thursday 7th-  
Friday 8th
- EU-Hungary joint parliamentary committee, Brussels
  - Franz Fischler, European Commissioner for Agriculture, Rural Development and Fisheries visits the Czech Republic
- Sunday 10th
- Slovenian presidential elections
- Monday 11th
- EU-Russia summit in Copenhagen will discuss Kaliningrad
- Monday 11th-  
Tuesday 12th
- European Justice and Home Affairs Commissioner Antonio Vitorino visits the Czech Republic
- Wednesday  
13th-Friday  
15th
- Central European Initiative summit and economic forum, Skopje,
- Thursday 14th
- European Enlargement Commissioner Günter Verheugen visits Poland
- Details tbc
- Local elections, Czech Republic (including first elections for the Prague region)
- Details tbc
- Local elections, Estonia

Details tbc Ecofin Council discusses the report on economic dialogue with the candidate countries

Details tbc Lithuania presidential elections

Tuesday 12th- Wednesday 13th ■ Meeting of the European Economic and Social Committee EU-Slovakia joint co-operation committee, Brussels.

Tuesday 19th - Wednesday 20th ■ Baltic Sea Regional Energy Co-operation ministerial conference, Vilnius  
 ■ Meeting of the European Economic and Social Committee EU-Slovenia joint co-operation committee, Brussels.

Wednesday 20th- Thursday 21st Meeting of the European Economic and Social Committee EU-Poland joint co-operation committee, Brussels

Thursday 21st-Friday 22nd Meeting of the European Economic and Social Committee EU-Czech Republic joint co-operation committee, Brussels.

Monday 25th- Tuesday 26th Meeting of the European Economic and Social Committee EU-Estonia joint co-operation committee, Brussels.

Wednesday 27th and Thursday 28th ■ Meeting of the Presidents of the supreme audit institutions of the member states and the candidate countries in Luxembourg  
 ■ Meeting of the European Economic and Social Committee EU-Turkey joint co-operation committee, Brussels.

Thursday 28th and Friday 29th Meeting of the presidents of the supreme audit institutions of the member states and the candidate countries, Luxembourg

**December**

Tbc Meeting of the European Economic and Social Committee EU-Lithuania joint co-operation committee, Brussels.

Wednesday 4th-Thursday 5th Meeting of the European Economic and Social Committee EU-Hungary joint co-operation committee, Brussels.

Thursday 5th- Friday 6th Meeting of the European Economic and Social Committee EU-Bulgaria joint co-operation committee, Brussels

Monday 9th- Tuesday 10th Meeting of the European Economic and Social Committee EU-Romania joint co-operation committee, Brussels.

Thursday 12th, Friday 13th ■ Copenhagen European Council - enlargement may be on the agenda again, taking account of the aim of concluding accession negotiations by the end of the year.  
 ■ European Court of Auditors meeting with heads of the supreme audit institutions of the candidate countries, Bucharest  
 ■ OECD conference on governance and partnerships in transition economies, Český Krumlov, Czech Republic

Sunday 22nd Presidential elections, Lithuania (second round on January 5, 2003)

**January 2003**

Details tbc Presidential elections, Czech Republic

**February 2003**

9th and 16th Presidential, elections, Cyprus

**March 2003**

Details tbc Parliamentary elections, Estonia

**July/August 2003**

Details tbc Presidential elections (elected by the parliament), Latvia

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