

27.09.01

Decision of the Bundesrat

Second Bundesrat Resolution on enlargement of the European Union

In its 767th session on 27th September 2001 the Bundesrat adopted the appended Resolution

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Second Bundesrat Resolution on enlargement of the European Union

1. The Bundesrat recognises the progress made under the Swedish Presidency towards enlargement of the European Union and welcomes the conclusions of the European Council in Göteborg in June 2001. Accession negotiations have taken on greater impetus, as the Member States of the European Union have succeeded in adopting common positions on particularly important issues in the negotiations, such as freedom of movement for workers and some sensitive chapters of the negotiations have been provisionally closed.
2. The Bundesrat endorses the intention stated in the Belgian Presidency's programme of work to address enlargement of the European Union as a particular priority during their presidency in the second half of 2001 and to move ahead with accession negotiations on the basis of the timeframe adopted by the Nice European Council in December 2000. Ongoing progress in negotiations, with successful interim outcomes, will help to make the accession negotiations transparent and to enhance public acceptance of enlargement both in the Member States of the European Union and in the accession countries.
3. The Bundesrat recognises the approach taken to date in accession negotiations, which has concentrated in each chapter on transposition of the Community acquis, and has not linked individual chapters to other policy sectors.
4. As further policy areas are now due for negotiation pursuant to the negotiation timeframe, the Bundesrat requests the Federal government to advocate during accession negotiations that
 - a) in the chapter on competition policy
account is taken of the great importance of EU competition law, in particular provisions on state aids, to secure viable and fair competition in

the enlarged Single Market. For that reason, transitional rules should not be accepted for anti-trust legislation or for the control of state aids. This also applies to special economic areas.

The Bundesrat recalls the agreements in the existing Europe Agreements on transposition of the relevant Community acquis prior to accession.

b) in the chapter on transport

the opening-up of mutual market access be made dependent on the fundamental principle of agreement on reciprocal transitional arrangements.

The Bundesrat supports the three-phase plan proposed by the Federal government for liberalisation of road freight, which envisages gradual market opening for cross-border transport in the pre-accession phase, with gradual opening of national freight markets after accession.

The Bundesrat expects accession countries to adopt and apply the Community acquis on transport, particularly technical and safety standards, environmental and social provisions, together with rules governing taxation and tolls. Transitional arrangements can be granted only as an exception. Furthermore, they must be limited in time and not distort competition in the single transport market.

c) in the chapter on agriculture (phyto-sanitary matters)

agricultural products shall not be placed on markets across the European Union until all pertinent Single Market provisions on protection of the environment, consumer protection, public health, veterinary matters, animal welfare and plant health have been fully implemented in the country of production.

In this context, the Bundesrat stresses that the internal market control systems for phyto-sanitary and veterinary issues must be fully transposed and implemented effectively as a necessary condition for joining the Single Market. Should this not be the case, the related border controls for the accession countries cannot be suspended.

d) in the chapter on Justice and Home Affairs

no transitional provisions be conceded that would seek to reduce the level

of security attained in the European Union.

In this context the Bundesrat stresses in particular the need to avoid security shortfalls in some areas of the community which would impede the development of an area of freedom, security and justice for the European Union. It is particularly important to ensure effective control of external borders, full and durable implementation of the Schengen compensatory mechanisms, such as the Schengen Information System, cross-border police co-operation including visa regimes, together with measures to prevent and combat organised crime, terrorism and drug trafficking, and to strengthen police and judicial co-operation.

The Bundesrat points out that the Schengen acquis is to be adopted and applied in its entirety by the accession countries. Consideration should be given to appropriate measures to promote cross-border contacts between minorities in this context.

Passport controls at internal borders cannot be removed until the necessary conditions for compliance with this acquis have been established. For its part the Community is urged to make it possible to remove passport controls at borders within the European Union by rapidly introducing the second generation of the SIS. Further unanimous decisions by the Council are required for the Schengen Implementation Agreement to come into force.

It is fundamentally important that efficient, democratic structures be set up and developed, particularly an independent and well-equipped judiciary, to guarantee compliance with the Community acquis and to impose penalties should such legislation be infringed.

5. As negotiation has been closed provisionally for a growing number of chapters, providing a sound basis for planning, the Bundesrat stresses again that efficient administrative structures play a key part in implementation of the Community acquis, which means that accession countries must rapidly develop such structures. The Bundesrat is aware that accession countries must make an enormous effort in political, financial and social terms as they strive in parallel to achieve far-reaching reform of administrative and legal systems, to set up and develop state and private sector infrastructure, and to make further headway in developing all the institutions required in a market economy.

6. Administrative structures that satisfy the respective EU standards must, as a general rule, be established at the time of accession, unless waivers are granted in transitional provisions on administrative implementation of the Community acquis. The Bundesrat emphasises that it is especially important that the pre-accession instruments, PHARE, ISPA and SAPARD, also be used effectively for administration-building. The Bundesrat requests the Federal government to urge the European Commission to particularly concentrate during monitoring on the administration's capability to enforce the Community acquis. Furthermore, particular attention must be paid to ensuring that the accession countries concerned comply with the implementation and financing plans that served as the basis for according transitional arrangements.

The Bundesrat requests its authorised representatives to continue to observe the accession negotiations and to prepare supplementary and/or more specific resolutions in the light of progress in the negotiations.