

15.12.23

## Decision Of the Bundesrat

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### Opening of accession negotiations between the European Union and Ukraine, the Republic of Moldova, and Bosnia and Herzegovina

In its 1040th session on 15th December 2023, the Bundesrat adopted the following opinion pursuant to §§ 3 and 5, Act on Cooperation between the Federation and the Federal States in European Union Affairs (EUZBLG):

1. The Bundesrat welcomes the Commission's recommendation to the European Council to open negotiations on the accession of Ukraine and the Republic of Moldova to the EU. Both countries have initiated significant reforms since being granted candidate status on 23rd June 2022, demonstrating their commitment and dedication to the European project.
2. The Bundesrat acknowledges its responsibility to foster integration, as enshrined in Article 23 of the Basic Law, in order to ensure that Europe is strong, united, and capable of taking action; the federal states fulfil this responsibility in particular by exercising their rights of participation.
3. In the light of global developments, enlargement is in the European Union's own geopolitical interest. European integration makes a vital contribution to safeguarding peace, security, stability, reconciliation, and prosperity on our continent and requires the full support of EU Member States. In this context, the Bundesrat emphasises the right of sovereign states to come to a decision about membership of the European Union. Candidate countries seeking accession to the European Union must not be used as a geopolitical buffer zone between liberal democracies

and authoritarian states.

4. The Bundesrat welcomes the progress made by states in the Western Balkans and Georgia as outlined in the report. These countries must also be given realistic prospects of accession; in the case of candidate countries in the Western Balkans, the pace of negotiations should now be stepped up as a function of successful domestic reforms.
5. Full compliance with the accession criteria is a prerequisite for EU accession for all candidate states, including in particular a functioning democratic system based on the rule of law, a viable market economy, protection of minorities, and adoption of the *acquis communautaire* (Copenhagen criteria). The Bundesrat calls on the Federal Government to continue to advocate moves to draw these states closer to the European Union's shared standards and values, such as non-negotiability of the principle of the rule of law, and in particular to support their pro-European endeavours in the realm of civil society. In this context, the Bundesrat emphasises that the accession process plays an important role as a driving force and can support efforts to overcome ethnic conflicts.
6. The Bundesrat notes that accession to the European Union is essentially a performance-oriented process that depends on progress made by each candidate country. In order to ensure successful European integration, it is essential to make the most of the current momentum in the enlargement debate and to continue actively supporting the candidate countries in their efforts, as likewise affirmed by the federal states.
7. The Bundesrat notes that European Union enlargement raises questions about the next steps in the EU's institutional development and its capacity to absorb new members. In the Granada Declaration of 6th October 2023, the European Council emphasises the need to lay the internal groundwork for enlargement and implementation reforms. The Bundesrat is closely monitoring the Belgian Council Presidency's plans for the first half of 2024 in this respect and welcomes the Commission's announcement that it will present an impact assessment addressing the ramifications of enlargement for specific policy areas and for the European Union's budget. The Bundesrat emphasises the need for a comprehensive impact assessment in these areas. This is the only way to take realistic and fact-based decisions in the spirit of a stable European Union.

8. Partnerships and cooperations at all levels form the bedrock for successful integration of the candidate countries. All these forms of cooperation must be fully utilised and reinforced at an early stage by means of appropriate organisational measures:
  - a) The Bundesrat draws attention to the federal states' multi-faceted engagement in this context in the form of joint governmental committees and partnerships between the federal states and regions. This direct cooperation provides significant impetus, particularly in the fields of education, science, culture, the police and the judicial system, promotes the candidate countries' economic development, and helps them move toward integration into the internal market. The Bundesrat underlines the federal states' willingness to support the candidate countries in adopting the *acquis communautaire* within the framework of twinning projects.
  - b) Both long-standing and newly established local-authority partnerships between municipalities, cities, and rural districts play a prominent role. By exchanging experience gleaned with various administrative structures and decentralisation processes, such partnerships can make a crucial contribution to ensuring accession criteria are met in full. Last but not least, local-authority partnerships enable exchanges between citizens and draw our European societies closer together.
  - c) In addition, macro-regional strategies act as a driving force for European integration. Ukraine's successful presidency of the EU Strategy for the Danube Region (EUSDR) in 2022 during the Russian Federation's continuing war of aggression demonstrates the potential of macro-regional cooperation.
  
9. The Bundesrat notes that the European Commission's 2018 enlargement strategy stipulates that accession to the European Union is only possible when border conflicts have been resolved. At the same time, however, it is crucial to prevent external actors from using acts of war as a form of indirect veto in the context of accession processes. Clear military and logistical support for Ukraine in its defensive war against Russia is absolutely essential. In this context, the Bundesrat refers to its Resolution of 3rd March 2023 (Official Document 60/23 (Decision)) and reaffirms its support for Ukraine, also with regard to partnerships to reconstruct the country.

10. The Bundesrat recalls its constitutional right to participation in matters pertaining to the European Union as enshrined in Article 23 of the Basic Law and refers in this context to its Decision of 25th November 2022 (BR-Official Document 282/22 (Decision) (2)). Article 23(2) of the Basic Law provides for an extensive obligation for the Federal Government to provide information. Pursuant to the case law of the Federal Constitutional Court (c.f., for example, Federal Constitutional Court (BVerfG), ruling of 27th April 2021 (ref.:2 BvE 4/15), para. 64), the Federal Government must provide comprehensive information about all further steps to the Bundesrat as promptly as possible.