

Conclusions of the Brussels European Council: extract concerning enlargement (16 and 17 December 2004)

Caption: On 16 and 17 December 2004, at the Brussels European Council, the Heads of State or Government of the Twenty-Five welcome the prospect of Bulgarian and Romanian accession to the European Union in January 2007 and call on the Council to reach an agreement with a view to the opening of accession negotiations with Croatia on 17 March 2005 and with Turkey on 3 October 2005.

Source: Brussels European Council-Presidency conclusions - 17 December 2004. [ON-LINE]. [s.l.]: Council of the European Union, [09.02.2005]. 16238/1/04 rev. Available on http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/ec/83201.pdf.

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Brussels European Council (16 and 17 December 2004) Presidency Conclusions

[...]

Enlargement

General

4. The European Council welcomed the findings and recommendations presented by the Commission on 6 October 2004 to the Council and the European Parliament in its Regular Reports on Bulgaria, Romania and Turkey, Strategy Paper on Bulgaria, Romania and Croatia, Recommendation on Turkey and document on Issues Arising from Turkey's Membership Perspective.

5. With the accession of ten new Member States to the European Union successfully accomplished, the European Council expressed its determination to continue the process it has engaged in with the candidate countries, thus contributing to Europe's prosperity, stability, security and unity. In this connection, it recalled that the Union's capacity to absorb new members, while maintaining the momentum of European integration, is an important consideration in the general interest of both the Union and the candidate countries.

Bulgaria

6. The European Council recalled that all of the outstanding chapters in the accession negotiations with Bulgaria had been provisionally closed earlier in 2004. It welcomed the successful completion of these negotiations with Bulgaria on 14 December 2004 and accordingly looked forward to welcoming it as a member from January 2007.

7. Taking due note of the relevant assessments and recommendations by the Commission, the European Council considered that Bulgaria will be able to assume all the obligations of membership at the envisaged time of its accession, provided that it continues its efforts to that end and completes in a successful and timely way all necessary reforms and commitments undertaken in all areas of the acquis. Safeguard clauses will provide for measures to address serious problems that may arise before accession or in the three years after accession.

8. The European Union will continue to monitor closely Bulgaria's preparations and achievements, including the effective implementation of the commitments undertaken in all areas of the acquis and in particular Justice and Home Affairs; to this end the Commission will continue to submit annual reports on Bulgaria's progress towards accession, together with recommendations if appropriate.

9. Anticipating the successful completion by Bulgaria of its preparations for accession to the Union, the European Council called for the finalisation of the Accession Treaty with Bulgaria and Romania with a view to its signing in April 2005 on the occasion of the meeting of the General Affairs and External Relations Council, provided the European Parliament has given its assent.

Romania

10. The European Council noted with satisfaction that progress made by Romania in implementing the acquis and commitments entered into as regards, in particular, Justice and Home Affairs and Competition, has made it possible to close formally all of the outstanding chapters with this candidate on 14 December 2004 and accordingly looked forward to welcoming it as a member from January 2007.

11. Taking due note of the relevant assessments and recommendations by the Commission, the European Council considered that Romania will be able to assume all the obligations of membership at the envisaged time of its accession, provided that it continues its efforts to that end and completes in a successful and

timely way all necessary reforms and commitments undertaken in all areas of the acquis, in particular the important commitments regarding Justice and Home Affairs, Competition and Environment. Safeguard clauses will provide for measures to address serious problems that may arise, as the case may be, before accession or in the three years after accession, in particular in the areas of Justice and Home Affairs and Competition as well as Environment.

12. The European Union will continue to monitor closely Romania's preparations and achievements, including the effective implementation of the commitments undertaken in all areas of the acquis, and in particular in the areas of Justice and Home Affairs, Competition and Environment; to this end the Commission will continue to submit annual reports on Romania's progress towards accession, together with recommendations if appropriate.

13. Anticipating the successful completion by Romania of its preparations for accession to the Union, the European Council called for the finalisation of the Accession Treaty with Bulgaria and Romania with a view to its signing in April 2005 on the occasion of the meeting of the General Affairs and External Relations Council, provided the European Parliament has given its assent.

Croatia

14. The European Council noted with satisfaction the progress made by Croatia in preparation for the opening of accession negotiations.

15. Reaffirming its conclusions of June 2004, it urged Croatia to take the necessary steps for full cooperation with ICTY and reiterated that the remaining indictee must be located and transferred to the Hague as soon as possible.

16. It invited the Commission to present to the Council a proposal for a framework for negotiations with Croatia, taking full account of the experience of the fifth enlargement. It requested the Council to agree on that framework with a view to opening the accession negotiations on 17 March 2005 provided that there is full cooperation with ICTY.

Turkey

17. The European Council recalled its previous conclusions regarding Turkey, in which, at Helsinki, it agreed that Turkey was *a candidate state destined to join the Union on the basis of the same criteria as applied to the other candidate states* and, subsequently, concluded that, if it were to decide at its December 2004 meeting, *on the basis of a report and recommendation from the Commission, that Turkey fulfils the Copenhagen political criteria, the European Union will open accession negotiations with Turkey without delay.*

18. The European Council welcomed the decisive progress made by Turkey in its far-reaching reform process and expressed its confidence that Turkey will sustain that process of reform. Furthermore, it expects Turkey to actively pursue its efforts to bring into force the six specific items of legislation identified by the Commission. To ensure the irreversibility of the political reform process and its full, effective and comprehensive implementation, notably with regard to fundamental freedoms and to full respect of human rights, that process will continue to be closely monitored by the Commission, which is invited to continue to report regularly on it to the Council, addressing all points of concern identified in the Commission's 2004 report and recommendation, including the implementation of the zero-tolerance policy relating to torture and ill-treatment. The European Union will continue to monitor closely progress of the political reforms on the basis of an Accession Partnership setting out priorities for the reform process.

19. The European Council welcomed Turkey's decision to sign the Protocol regarding the adaptation of the Ankara Agreement, taking account of the accession of the ten new Member States.

In this light, it welcomed the declaration of Turkey that "the Turkish Government confirms that it is ready to

sign the Protocol on the adaptation of the Ankara Agreement prior to the actual start of accession negotiations and after reaching agreement on and finalising the adaptations which are necessary in view of the current membership of the European Union".

20. The European Council, while underlining the need for unequivocal commitment to good neighbourly relations welcomed the improvement in Turkey's relations with its neighbours and its readiness to continue to work with the concerned Member States towards resolution of outstanding border disputes in conformity with the principle of peaceful settlement of disputes in accordance with the United Nations Charter. In accordance with its previous conclusions, notably those of Helsinki on this matter, the European Council reviewed the situation relating to outstanding disputes and welcomed the exploratory contacts to this end. In this connection it reaffirmed its view that unresolved disputes having repercussions on the accession process, should if necessary be brought to the International Court of Justice for settlement. The European Council will be kept informed of progress achieved which it will review as appropriate.

21. The European Council noted the resolution adopted by the European Parliament on 15 December 2004.

22. The European Council welcomed the adoption of the six pieces of legislation identified by the Commission. It decided that, in the light of the above and of the Commission report and recommendation, Turkey sufficiently fulfils the Copenhagen political criteria to open accession negotiations provided that it brings into force these specific pieces of legislation.

It invited the Commission to present to the Council a proposal for a framework for negotiations with Turkey, on the basis set out in paragraph 23. It requested the Council to agree on that framework with a view to opening negotiations on 3 October 2005.

Framework for negotiations

23. The European Council agreed that accession negotiations with individual candidate states will be based on a framework for negotiations. Each framework, which will be established by the Council on a proposal by the Commission, taking account of the experience of the fifth enlargement process and of the evolving acquis, will address the following elements, according to own merits and specific situations and characteristics of each candidate state:

- As in previous negotiations, the substance of the negotiations, which will be conducted in an Intergovernmental Conference with the participation of all Member States on the one hand and the candidate State concerned on the other, where decisions require unanimity, will be broken down into a number of chapters, each covering a specific policy area. The Council, acting by unanimity on a proposal by the Commission, will lay down benchmarks for the provisional closure and, where appropriate, for the opening of each chapter; depending on the chapter concerned, these benchmarks will refer to legislative alignment and a satisfactory track record of implementation of the acquis as well as obligations deriving from contractual relations with the European Union.

- Long transition periods, derogations, specific arrangements or permanent safeguard clauses, i.e. clauses which are permanently available as a basis for safeguard measures, may be considered. The Commission will include these, as appropriate, in its proposals for each framework, for areas such as freedom of movement of persons, structural policies or agriculture. Furthermore, the decision-taking process regarding the eventual establishment of freedom of movement of persons should allow for a maximum role of individual Member States. Transitional arrangements or safeguards should be reviewed regarding their impact on competition or the functioning of the internal market.

- The financial aspects of accession of a candidate state must be allowed for in the applicable Financial Framework. Hence, accession negotiations yet to be opened with candidates whose accession could have substantial financial consequences can only be concluded after the establishment of the Financial Framework for the period from 2014 together with possible consequential financial reforms.

- The shared objective of the negotiations is accession.

These negotiations are an open-ended process, the outcome of which cannot be guaranteed beforehand.

While taking account of all Copenhagen criteria, if the Candidate State is not in a position to assume in full all the obligations of membership it must be ensured that the Candidate State concerned is fully anchored in the European structures through the strongest possible bond.

- In the case of a serious and persistent breach in a candidate state of the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law on which the Union is founded, the Commission will, on its own initiative or on the request of one third of the Member States, recommend the suspension of negotiations and propose the conditions for eventual resumption. The Council will decide by qualified majority on such a recommendation, after having heard the candidate state, whether to suspend the negotiations and on the conditions for their resumption. The Member States will act in the IGC in accordance with the Council decision, without prejudice to the general requirement for unanimity in the IGC. The European Parliament will be informed.

- Parallel to accession negotiations, the Union will engage with every candidate state in an intensive political and cultural dialogue. With the aim of enhancing mutual understanding by bringing people together, this inclusive dialogue also will involve civil society.

[...]