



EU Enlargement process

Instruments for Delivering Good Governance Solutions

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Legal Basis



Art 49 TEU

- *“Any European State which respects the values referred to in Article 2 and is committed to promoting them may apply to become a member of the Union. [...]”*

Art. 2 TEU

- *“The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities.[...]”*

RoL: What it means



“[...] A system **where laws are applied and enforced** [...] but also the spirit of the law and fundamental rights, which are the ultimate foundation of all laws. The rule of law means a system in which no one [...] is above the law; it means **equality before the law**. The rule of law also means fairness and due process. It means guarantees that **laws cannot be abused** for alien purposes, or retrospectively changed. The rule of law means that justice is upheld by an **independent judiciary**, acting impartially. It means ultimately a **system where justice is not only done, but it is seen to be done**, so that the system can be trusted by citizens to deliver justice.”

Viviane REDING, Former Vice-President of the European Commission and EU Justice Commissioner, 4.9.2013



The quality of the public administration is important for economic competitiveness and societal well-being. (...) At the same time, good governance and legal certainty are necessary for a stable business environment. It is essential that the institutions that govern economic and social interactions within a country fulfil a number of key criteria, such as the absence of corruption, a workable approach to competition and procurement policy, an effective legal environment, and an independent and efficient judicial system.

Source : EU narrative on the EU growth Strategy "Europe 2020"



"Corruption undermines trust in public institutions and in democracy – crucial institutions and values protected by the Treaty. Corruption is also extremely costly. By discouraging investment, by harming fair competition, and by weakening legitimate business to the advantage of criminal groups corruption costs the EU some 120 billion Euros every year – the equivalent of the whole EU budget!"

C. MALMSTROM, Former Commissioner for Home affairs – 6 March 2014



Infiltration of public and private sectors by Organised Crime Groups via corruption is a serious threat. For some OCGs corruption is an integral part of their activities, linked to crimes facilitated with authorisation of administrations. Corruption enables OCGs to obtain / manipulate information, to clear the way for illegal activities or to manage risk and counter threats to their interest.

Source: Europol Serious and Organised Crime Threat Assessment – SOCTA

Corruption thus enables OC (to grow)





EU Enlargement Strategy paper : "Fundamentals first !"

2012 : a new approach to the **rule of law**.

2013 : a framework for strengthening **economic governance**, drawing on the experience of the European Semester.

2014 : focus on support for the **public administration** reform and strengthening of democratic institutions.

These three pillars are **interlinked**

Real results in all 3 areas will be key to determining when countries will be fully ready to join the EU.



Political and financial leverage to strengthen rule of law/promote the fight against corruption

- **Stabilisation Association Agreements (SAA)-conditionality**
- **Visa liberalisation process**
- **Targeted dialogues on rule of law**
- **EU funding (IPA) – technical assistance/TAIEX for know-how, capacity building, regional cooperation**
- **Accession negotiations (last step before accession but with strongest conditionality)**

Accession Negotiations



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1. Free movement of goods
2. Freedom of movement for workers
3. Right of establishment and freedom to provide services
4. Free movement of capital
5. **Public procurement**
6. Company law
7. Intellectual property law
8. **Competition policy**
9. Financial services
10. Information society and media
11. Agriculture
12. Food safety, veterinary and phytosanitary policy
13. Fisheries
14. Transport policy
15. **Energy**
16. Taxation
17. Economic and monetary policy
18. **Statistics**
19. Social policy and employment
20. Enterprise and industrial policy
21. Trans-European Networks
22. **Regional policy and coordination of structural instruments**
23. **Judiciary and fundamental rights (incl corruption)**
24. **Justice, freedom and security**
25. Science and research
26. Education and culture
27. Environment
28. Consumer and health protection
29. Customs union
30. External relations
31. Foreign security and defence policy
32. **Financial control**
33. **Financial and budgetary provisions**
34. Institutions
35. Other issues

New Approach



- New negotiation methodology (since December 2011).
- Based on lessons learned - during the negotiations with Croatia, previous enlargements (CVM - RO/BG).
- Focus moves from transposition to implementation – tangible results, incl. in preventing and fighting corruption!

New Approach



Give candidate countries a maximum amount of time to produce a solid track record (sustainability).

Therefore chapters 23 and 24 will be among the first to be opened and the last to be closed.

Comprehensive action plans with concrete commitments, clear budgets, timelines and impact indicators are the roadmap towards accession.

New Approach



Continuous and detailed monitoring of these Actions plans (peer-review missions), with special focus on interim and closing benchmarks to be full filled.

In case of problems in the course of the negotiations, the Commission will propose corrective measures. These may include amendments and/or additions to the action plans.

Disequilibrium clause !



Examples of (interim and closing) benchmarks:

(1) Proven effectiveness of the mechanisms for **prevention and removal of conflict of interest**;

(2) track record of transparency, effective supervision and dissuasive sanctioning of irregularities in the **financing of political parties and electoral campaigns**;

(3) Proven effectiveness of the supervision mechanisms of the public officials' **assets** and of potential unjustified differences between the declared income and the actual wealth;

(4) implementing systems for the recruitment, evaluation and promotion/demotion of civil servants and non-elected public officials based on **merits, transparency and professionalism**;

Results in Fighting Corruption



(5) effectiveness of **financial investigations** in corruption cases for tracing criminal assets or laundered proceeds of corruption and establishing a convincing track-record of **confiscations and asset recovery** in corruption (and crime) cases;

(6) **efficiency of court proceedings** in corruption cases and **track-record** of final rulings on high-level and political corruption cases and of **deterrent sanctions** applied;



New mode IPA II support = Sector Budget Support

Eligibility criteria:

- Stable macro-economic framework
- Sound public finance management
- Transparency and oversight of the budget
- Sector policies and reforms

→ Fight against fraud and corruption a key element →
need for active national engagement and effective mechanisms



Key role of CSO community

- Assist in shaping national anti-corruption agenda
- Monitor implementation of strategies/Action Plans with focus on deliverables
- Raise awareness on costs and damages of corruption for societies



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Thank
You!!

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