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**RELATIONS WITH THE EU:
EXPERIENCES OF A CANDIDATE COUNTRY**

by
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The objective of the seminar is to present the experience of the Republic of Croatia as a candidate country.

The presentation is going to have five parts:

1. Introduction
2. Experience of the candidate country - negotiations with the Republic of Croatia
3. Lessons learned
4. What's next?
5. Educating and informing on EU

INTRODUCTION

Definition of the accession negotiations is the following:

- *it is the process by which a candidate country accedes to the European Union and adopts its founding treaties.*

Participants in the negotiations are:

- the candidate country on one side and
- the EU Member States on the other,
- in the course of negotiations, the negotiating positions of the EU are represented by the Council of the EU, on behalf of the Member States.

Negotiations are conducted on behalf of the candidate country by the State Delegation for Negotiations. Apart from the Head of the State Delegation (usually elected at the ministerial level, in Croatia it is the Deputy Prime Minister and Minister of Foreign Affairs and European Integration), the State Delegation includes the Chief Negotiator and the Negotiating Team.

The negotiations are conducted within the framework of a bilateral Intergovernmental Conference (IGC) held by the representatives of the EU Member States on one side and representatives of the candidate country on the other. Representatives of the European Commission take part in the Conference.

Sessions of the IGC on accession could be held:

- at the level of heads of delegations for negotiations, usually ministers of foreign affairs, and
- at the level of deputy heads of delegations.

When the sessions are held at the level of deputy heads of delegations, EU Member States are represented by their permanent representatives to the EU in Brussels, while the candidate country is represented by the Chief Negotiator, or, in some cases, by the Head of the Mission to the European Communities. Sessions of the IGC at the level of heads of delegations are held once during each Presidency of the EU, which is to say twice a year. Sessions at the level of deputies are held by agreement, in between the sessions of the heads of delegations.

Accession to the EU is conditioned by the adoption of the *acquis communautaire*, which presents the body of legislations and rules, political orientations, practice and obligations.

The actual process of negotiations starts following the European Council's political decision to open negotiations and to convene the bilateral IGC on accession. The formal opening of the process is followed by the analytical overview and evaluation of the degree of harmonization of

national legislation with the *acquis communautaire*, known as screening. The screening process has to determine the differences that exist between the national legislation and the *acquis* for every chapter with which the national legislation needs to be harmonized by the date of the accession. On the basis of this analysis, the candidate country is required to state whether it will be able to fully harmonise national legislation with the *acquis communautaire* by the date of accession, or if it will require transition periods for complete harmonization with, and implementation of, the *acquis communautaire*. Screening is conducted for every country and every chapter individually. The duration of the screening process depends on the extent and the amount of the *acquis communautaire* for the respective chapter, and can last from one day to several weeks. The whole process for all the chapters lasts up to one year.

After the screening is completed, the decision on the opening of negotiations for individual chapters is made by the Member States within the Council of the EU. Then the substantial phase of the negotiations starts. Negotiations are conducted on the basis of the negotiating positions of the EU and the candidate country, which are prepared for each negotiating chapter. After the agreement has been reached between the EU and the candidate country on the respective chapter of negotiations, the chapter is considered temporarily closed.

After all the chapters are closed, the European Council adopts conclusion by which it marks the end of negotiation process with the respective country. All the results of the negotiations are then incorporated into the provisions of the draft Accession Treaty, which is drawn up jointly by representatives of the EU Member States, representatives of EU institutions and representatives of the candidate country. Before the Treaty is signed, the European Commission has to give its final opinion on the application for membership of the candidate country of the basis of the draft Treaty.

The European Parliament also has to give its consent, and finally, the European Council must reach a unanimous decision on acceptance of the new candidate country and its application for EU membership. From that time on, the country becomes an acceding country.¹

Here I have to stop with the general introduction, and start with the experience of the Republic of Croatia as a candidate country. Negotiations conducted with the Republic of Croatia were a bit different than all the other previous negotiations, and I will show here why.

EXPERIENCE OF THE CANDIDATE COUNTRY - NEGOTIATIONS WITH THE REPUBLIC OF CROATIA

What are the most important dates connected to the negotiations? There are many, and I will state here only the most important ones:

- 29 October 2001 – Stabilisation and Association Agreement signed (entered into force on 1st February 2009). Main goals of the SAA were: political dialogue, regional cooperation, freedom of movement, legal harmonization, cooperation in justice and home affairs
- 21 March 2003 – membership application
- 10 July 2003 – questionnaire/opinion on membership application
- 9 October 2003 – answers to the questionnaire
- 20 April 2004 – positive opinion (avis) in which it was stated that the conditions for membership (Copenhagen criteria) were met. Following this opinion, recommendation was given to the European Council to open the negotiations with the Republic of Croatia, and Draft European Partnership document submitted. Conclusion of the European Commission was that the Republic of Croatia is a functioning democracy with

¹ More on the topic at www.mvpei.hr

stable institutions and functional market economy, which present guarantee for the rule of law.

- 18 June 2004 – the European Council granted Croatia an EU membership candidate status
- 6 October 2004 – EU adopted Pre-accession Strategy for the Republic of Croatia
- 19 January 2005 – Alliance for Europe – consensus of the parliamentary parties upon the EU accession process + establishment of the National Committee for monitoring of the Croatian EU accession negotiations, as the mechanism of parliamentary control of the accession negotiations
- 3 October 2005 – start of the accession negotiations
- 30 June 2011 – Accession negotiations closed

The negotiations with Croatia were different than the negotiations with the “big bang” countries in many ways:

- a) New structure of accession process – Stabilisation and Association Process/ Agreement
- b) Benchmarks
- c) 35 chapters
- d) Monitoring or not?
- e) Emphasis on the political criteria/regional cooperation

Stabilisation and Association Agreement was a complex document, that was negotiated for a few years. At that time, it presented a new concept of association document, and Croatia was the first country to sign such a document. The idea was to combine all the elements of the EU negotiations in the document that is giving a country perspective of EU integration, but without clear date or commitment of the EU.

Croatia was different than other countries, that have started negotiations at the end of nineties (“big bang”), also in a sense that it was a post-conflict society in transition. The economy of the country was, at the beginning of millennium, still ravaged, partly because of the war, partly because of the “wild” privatization. Many aspects were under surveillance, including, in particular, judiciary, human rights, minority rights, war crimes prosecution, etc.

When Croatia became a candidate country, it was already clear that existing negotiating process was not elaborate enough to secure full harmonization of the perspective candidate countries with EU values and standards. In order to ensure that the mistakes of the last enlargement do not happen again, the negotiation process was changed. Croatia was negotiating 35, instead of 31 chapters. The most important change was the new chapter on judiciary and fundamental rights, dealing with strengthening of administrative capacity, independence and expertise of judiciary, fight against corruption, and securing of the high standards of human and minority rights protection. Important issues include fight against organized crime, better control of public spending, developed stronger structure in the fight against discrimination, and free legal aid. The reform package included some constitutional changes that ensured independence and efficiency of judiciary, together with the change of process laws, and rationalization of courts and state prosecutor offices.

Benchmarks, as minimal pre-conditions to be met before opening and closing of the chapters, present a new instrument to ensure full harmonization with the EU standards and laws. For the first time there were benchmarks both for opening and closing the chapters. This was a new concept, developed in order to provide clear guidance and framework for reforms, but also to confirm that the set criteria are met. For example, Croatia had 134 benchmarks for opening chapters, and around 400 measures, that are parts of benchmarks.

Between 1998, when the process of European integration was initiated, through 2001, when the Stabilisation and Association Agreement was signed, until the end of June 2011, when we believe the negotiations are going to be closed, besides the chapters, benchmarks, and other negotiations-related issues, we also had a very intensive information campaign. The main idea of the campaign was to inform the Croatian public on advantages of membership. Many different tools were used to answer to “myths&legends” of EU membership. As in many other countries, the issues raised were:

- possibility of losing our national identity and sovereignty;
- it would lead us to new regional associations;
- the prices would rise;
- our products would not be able to find their way to EU customers;
- it would lead to higher unemployment;
- foreigners would buy all our property;
- national products and customs would disappear or would not be allowed to be performed;
- wine and olive oil makers would not succeed in selling their products on EU markets;
- no more domestic brandy and cheese and cream.

The tools used are different, and they include public opinion polls, publications, the Internet; the Europe in Croatia project; Europe week; promotional materials; free info telephone line; media campaign; press conferences; co-operation with NGO-s; the National forum on the Accession to the EU; conferences, presentations, lectures, seminars, workshops, etc.

LESSONS LEARNED

Main messages:

- a) New model of negotiations
- b) Building institutional capacity/changes
- c) Broad national consensus
- d) De-mystification of open issues with neighbors
- e) Participation of minorities
- f) National catharsis / Post-conflict country in transition
- g) GDP is not the most important factor
- h) Changes are irreversible

WHAT'S NEXT?

Before the final step, full membership in the EU, there are some steps to be done:

- signature of the Accession Treaty with the EU
- referendum
- ratification of the Accession Treaty by the Member States
- full membership

Together with the process of negotiations, there were some other parallel processes, developed in order to inform the Croatian public on what is being done.

- a) Training on EU affairs – including training needs analyses and evaluation sets. The intention was to provide civil and public servants and general public with general knowledge and skills on the EU (history of the EU integration, EU institutions, functioning and policies, legal instruments, and decision making, management of EU funds, etc.), but also of most relevant

and up to date information (e.g. Lisbon Treaty, Europe 2020, etc.). Set of 8 modules was developed, "The ABC of the EU", in which both general issues and particular policies were explained. Complementary to these programs, many conferences, study visits, traineeships, language courses, and scholarships were organized.

b) Informing on the EU affairs – complementary to the educational activities, many informative actions and activities were developed, publications issued, and questions answered. In order to answer questions regarding EU toll-free telephone line – Halo EU – was established. Communication Strategy on EU is major tool for informing the public on the EU, especially now, when we are involved in the referendum campaign.