

FROM EU MEMBERSHIP APPLICATION TO ACCESSION NEGOTIATIONS: FREQUENTLY ASKED QUESTIONS

Who can apply for the EU membership?

The Treaty on the European Union states that **any European state** may apply for membership if it **respects the democratic values of the EU and is committed to promoting them.**

What are the conditions to join the EU?

The EU assesses the readiness of applicant countries according to three accession criteria defined at the European Council in Copenhagen in 1993 and hence referred to as '**Copenhagen criteria**'.

Specifically:

- **Political criteria:** stable institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;
- **Economic criteria:** a functioning market economy and the capacity to cope with competition and market forces in the EU;
- **EU acquis criteria:** the ability to take on and implement effectively the obligations of membership, including adherence to the aims of political, economic and monetary union.

At the same time, as defined by the 1995 Madrid European Council, applicant countries are expected to develop their administrative structures and the EU needs to be able to integrate new members.

What does the acquis cover?

The *acquis* is the body of common rights and obligations that is binding on all the EU member states. It is constantly evolving and comprises:

- the content, principles and political objectives of the Treaties;
- legislation adopted pursuant to the Treaties and the case law of the Court of Justice;
- declarations and resolutions adopted by the Union;
- instruments under the Common Foreign and Security Policy;
- international agreements concluded by the Union and those entered into force by the Member States among themselves within the sphere of the Union's activities.

Candidate countries have to accept the *acquis* before they can join the EU and make EU law part of their own national legislation. Adoption and implementation of the *acquis* are the basis of the accession negotiations.

Who processes the application?

The membership application is **submitted to the rotating EU Council Presidency**. Upon submission of an application, the Council decides when the application is forwarded to the European Commission, which is formally invited to prepare an Opinion (Avis) on the merits of the country's application in light of the membership criteria.

The European Parliament and national Parliaments of EU Member States are also notified of the application.

How does the Commission prepare its Opinion?

The Opinion is a document which thoroughly analyses the country's legal and constitutional framework as well as implementation of the country's legislation against the entire body of EU laws, norms and regulations, also known as the "EU *acquis*".

The analysis is prepared on the basis of a questionnaire, formal instrument through which the Commission assesses the state of play and readiness of applicant countries to move forward in the accession process.

If the country does not sufficiently meet the requirements of the membership criteria, the Commission outlines in the Opinion the specific reforms, also known as "key priorities", which need to be delivered upon by the applicant country in order to move forward.

How does the questionnaire look like and is there a maximum deadline to present it?

The **questionnaire includes both simple and complex questions aimed at providing precise information about the country**, from the respect for political and economic criteria, to the extent of compliance with EU legislation, as well as information on institutional and administrative capacities necessary for the

acceptance and implementation of European Union's legislation in each of the 33 policy areas of the EU acquis (e.g: agriculture, competition, public procurement, education and culture, etc).

Is the European Commission's Opinion based only on the answers to the questionnaire?

No. Answers to the Questionnaire are a core element of the information gathering process, but not the only one.

After the Opinion, where are the next steps in the process? The country is given candidate status?

Following the adoption of the Opinion, the Commission presents it to the EU Council. The Opinion provides a solid basis for discussion in order for the EU Council to take a political decision on the next steps in the country's EU accession process.

The decision(s) to open accession negotiations and/or grant candidacy status requires unanimity in the Council.

When can negotiations start?

Once a candidate country sufficiently fulfils the political criteria, the Commission recommends the opening of accession negotiations. Membership negotiations can only start when all EU governments agree on his as well as on the negotiating framework **by unanimity**.

The negotiating framework establishes the guidelines and principles for the accession negotiations with each candidate. The draft frameworks are divided into three parts: 1) principles governing the accession negotiations, 2) substance of the negotiations, and 3) negotiations procedure.

The European Commission, upon decision by the Council, draws up a draft negotiating framework.

Once the Member States have adopted the negotiating frameworks, the rotating Presidency of the Council of the European Union will present the agreed General EU Position in the first inter-governmental conference with

each country, marking the formal start of the accession negotiations. The negotiating frameworks will be made public at this stage.

How long do negotiations last?

It is not possible to anticipate how long the process will last. The pace of the negotiations depends on the speed of reform and alignment with EU laws in each country. **The duration of negotiations can vary** – starting at the same time as another country is no guarantee of finishing at the same time.

The focus on the fundamental reforms has been reinforced under the enhanced methodology starting with the rule of law, fundamental rights, the functioning of democratic institutions and public administration reform, as well as on economic criteria.

The objective of the negotiations is for the applicant to adopt the EU *acquis* in its entirety and ensure its full implementation and enforcement upon accession.

The whole negotiating process is concluded only after all 33 negotiating chapters covering the all EU *acquis*, grouped under 6 thematic clusters are closed.

Under the revised methodology, no chapter will be closed until the interim benchmarks on the rule of law chapters (23 – judiciary and fundamental rights - and 24 – justice, freedom and security) have been met.

Other issues discussed are:

- financial arrangements – such as how much the new member is likely to pay into and receive from the EU budget (in the form of transfers)
- transitional arrangements – sometimes certain rules are phased in gradually, to give the new member or existing members time to adapt.

How does the EU assess the progress of enlargement countries?

Each year the Commission adopts its "Enlargement package" - which includes a Communication on enlargement (setting out the way forward and taking stock of the situation in the enlargement countries) and individual country Reports.

In the Reports, the Commission presents its detailed assessment of the state of play in each candidate country and potential candidate, what has been achieved over the last year, and set out guidelines on reform priorities.

The assessments are based on the Commission's regular monitoring of the situation in the countries, input from the EU Delegations on the ground and from a variety of other sources, including: contributions from the EU Member States, European Parliament reports, contributions from the governments of the countries, and information from various international and non-governmental organisations.

Based on these assessments, the Council decides on the next steps to move forward in the negotiations.

How does the EU support reforms in the enlargement countries?

The EU helps the countries that wish to become members with political, financial and technical support. This makes it easier for them to make progress in meeting the well-established requirements of membership, in particular implementing far-reaching reforms and aligning with EU rules and regulations. The European Union provides the countries with financial support through the Instrument for Pre-accession Assistance.

The Commission and Member States also support the enlargement countries' public administrations with technical assistance to align, apply and enforce EU legislation as well as facilitating the sharing of EU best practices. This is done inter alia through TAIEX / Twinning workshops, expert missions and study visits.

What is the role of the other institutions?

Throughout the negotiations, the Commission monitors the candidate's progress in applying EU legislation and meeting its other commitments, including any benchmark requirements.

This gives the candidate additional guidance as it assumes the responsibilities of membership, as well as an assurance to current members that the candidate is meeting the conditions for joining.

The Commission also keeps the EU Council and European Parliament informed throughout the process, through regular reports, Communications, and clarifications on conditions for further progress.

What are the final steps once the negotiations are concluded?

The whole negotiation process is only concluded definitively once every chapter has been closed.

Once the Council adopts a decision on admission of the applicant to the EU based on a positive last progress report of the Commission, the candidate country and representatives of all existing EU countries have to sign and ratify the treaty of accession.

This is the document that cements the country's membership of the EU. It contains the detailed terms and conditions of membership, all transitional arrangements and deadlines, as well as details of financial arrangements and any safeguard clauses.

Once the treaty is signed, the candidate becomes an **acceding country**. This means it is expected to become a full EU member on the date laid down in the treaty, providing the treaty has been ratified.

In the interim, it benefits from **special arrangements**, such as being able to comment on draft EU proposals, communications, recommendations or initiatives, and “active observer status” on EU bodies and agencies (it is entitled to speak, but not vote).