

German Bundestag

19th electoral term

Decision

The German Bundestag, at its 115th sitting, held on 26 September 2019, acting on the basis of Bundestag printed paper 19/13508, has adopted the following decision:

Establishing agreement between the Bundestag and the Federal Government on the application of the Republic of North Macedonia for accession to the European Union and on the recommendation made by the European Commission and the High Representative on 29 May 2019 that accession negotiations be opened

The Bundestag notes:

- I. The Heads of State or Government of the European Union (EU), at their summit meeting with the States of the Western Balkans on 21 June 2003, offered the Balkan States the prospect of accession to the EU if they fulfilled the conditions for membership. On 22 March 2004, North Macedonia applied for accession to the EU in accordance with Article 49 of the Treaty on European Union (TEU). In December 2005, the European Council, having duly consulted the European Commission, granted the Republic of North Macedonia candidate status.

On 29 May 2019, the Commission presented a report on North Macedonia's progress towards fulfilment of the conditions for the opening of accession negotiations. In that report, the Commission recommends that accession negotiations be opened with the Republic of North Macedonia on the basis of the country's progress. On 20 June 2019, the European Council agreed to reach a substantive decision as soon as possible and no later than October 2019 to open accession negotiations with North Macedonia.

In a letter dated 6 September 2019, the Federal Government notified the Bundestag that North Macedonia's progress was to be assessed and a decision taken on the opening of accession negotiations with the Republic of North Macedonia by the General Affairs Council on 15 October 2019 and by the European Council at its meeting of 17 and 18 October 2019. The Federal Government referred to the right of the Bundestag to deliver an opinion on decisions relating to the opening of negotiations on any country's accession to the EU. Under section 9 of the Act on Cooperation between the Federal Government and the German Bundestag in Matters concerning the European Union, the Federal Government is to reach agreement with the Bundestag before consenting to accession negotiations.

In view of the progress made in past years, the Commission had already recommended in the preceding years that accession negotiations be opened with the Republic of North Macedonia. In June 2018, the General Affairs Council mapped out the route to the start of negotiations in June 2019 by laying down specific reform requirements.

In its report of 29 May 2019, the Commission acknowledged the successes that had been achieved since the summer of 2018. North Macedonia continued to pursue the reform process, and in key areas it achieved results that were noted in the Council conclusions of June 2018. In addition, the Prespa Agreement with Greece, which entered into force in February 2019, settled the dispute over the country's official name.

The Bundestag supports North Macedonia's prospective membership of the EU and acknowledges the country's reform efforts. The accession process is a crucial driving force for reform and stability in the region. Germany and the EU have a special interest in stabilisation and good neighbourly relations in the region. By overcoming the internal political standstill of recent years, the country has paved the way for major adjustments relating to the rule of law, the economy and structural policy and has initiated political reforms with a view to meeting the conditions for the opening of accession negotiations. North Macedonia attaches high priority to the process of convergence with the EU and has registered creditable successes. Since the summer of 2018, further efforts have been made to implement urgent reforms, followed by the devising and drafting of long-overdue strategies and legal provisions.

In an inclusive and open political climate, the country has continued to undergo fundamental change. Besides reforms to the judicial system, advances in the fight against corruption and organised crime and reform of the intelligence services and the public administration, North Macedonia has also succeeded in nurturing a culture of compromise in the political arena and particularly in increasing the involvement of civil society in decision-making processes.

With the conclusion of the Prespa Agreement of 18 July 2018 and its implementation, a historic deal was struck between Greece and North Macedonia on the latter's official name, settling a 27-year-old dispute between neighbours.

Following the completion of the '3-6-9' reform plan, the Government introduced 'Plan 18' at the end of October 2018 as a further basis for the implementation of reforms. A number of new legislative bills relating to the rule of law, the fight against corruption and organised crime, the intelligence services and public administration are going through Parliament or have already become law. The Government is showing resolve to create or adapt important legal bases for action in key areas.

On the basis of the Commission's report of 29 May 2019, however, the Bundestag also notes that shortcomings still persist in North Macedonia, especially with regard to the independence and reform of the judiciary and the fight against corruption and organised crime.

- II. The Bundestag welcomes the progress that North Macedonia has made since June 2018.
- The Prespa Agreement has been implemented, settling the dispute between Greece and North Macedonia over the latter's constitutional name and so fulfilling one of the prerequisites for further steps towards the EU.
 - Progress has been made in restoring the independence of the judiciary, in particular through the implementation of the Urgent Reform Priorities and of the Venice Commission's recommendations concerning the rule of law, with a view to creating a sound basis for further progress. For example, a Courts Act has been adopted which regulates the appointment and qualification of judges and prosecutors. A bill for the incorporation of the Special Prosecutor's Office into the criminal prosecution system is being prepared, and other bills are going through the parliamentary process.

- Good progress has been made in the reform of the public administration, for instance through the establishment of the strategic framework for public administration reform, better public consultations and more transparency in policymaking and in the development and coordination of policy measures. An electronic consultation system for public employees is a work in progress, and a Public Finances Administration Bill is at the preparatory stage.
 - The adoption of the Anti-Corruption Act has stepped up the fight against organised crime and corruption. More legislation, focusing on increased transparency, corruption prevention and financial scrutiny, is being prepared. In addition, the track record for investigations, criminal prosecutions and final convictions has improved; this also applies to high-level corruption cases.
- III. In accordance with section 9 of the Act on Cooperation between the Federal Government and the German Bundestag in Matters concerning the European Union, the Bundestag declares its agreement that the Federal Government should consent to a decision of the European Council at its meeting of 17 and 18 October 2019 that negotiations be opened on the accession of the Republic of North Macedonia to the EU.

In addition, the Bundestag calls on the Federal Government:

1. to ensure that the negotiating framework is structured in such a way as to guarantee that North Macedonia will pursue its reform course systematically and, in particular, that adopted reforms will be implemented; the opening and closure of negotiations on individual chapters must be subject to clear criteria;
2. to make it clear that North Macedonia still has considerable additional efforts to make if it is to meet the accession criteria, especially in the following areas:
 - the rule of law, including fundamental rights, and the efficiency of the Special Prosecution Service, both now and after reorganisation of the prosecution system,
 - the fight against corruption and organised crime, including the establishment of a sound track record of law enforcement that also covers money laundering and financial crimes, and
 - the reinforcement of institutions for the protection and promotion of human rights;
3. to ensure that the Commission and the European External Action Service provide regular information on reform measures during the accession negotiations, particularly on measures relating to the aforementioned key areas;
4. to ensure that the discussion of these chapters, particularly Chapter 23 (Judiciary and fundamental rights) and Chapter 24 (Justice, freedom and security), takes place at the start of the negotiations and is not concluded until the end of the negotiations; the plans of action proposed by the Commission for these chapters must specify clear time limits and targets, compliance with which is the prerequisite for the opening of new chapters; negotiations must not be opened on any other chapter until this condition has been met; the Commission must report regularly on the implementation of the plans of action in addition to presenting annual progress reports; the opening and closure of relevant chapters must depend on progress in these areas;

the Bundestag reserves the right to exercise its general entitlement to deliver an

opinion under section 8 of the Act on Cooperation between the Federal Government and the German Bundestag in Matters concerning the European Union if it concludes that the conditions for the opening of negotiations on new chapters have not been fulfilled;

5. to ensure that the following subjects are prioritised during the accession negotiations:
 - functioning democratic institutions,
 - reform of the public administration,
 - economic development and competitiveness,
 - good neighbourly relations and regional cooperation,
 - freedom of the press and media,
 - rights of the most vulnerable groups and of members of minorities, and
 - a vibrant civil society;
6. to ensure that North Macedonia fully meets the political and economic criteria if it accedes to the European Union; strict fulfilment of the Copenhagen Criteria remains the prerequisite for accession; there must be no element of automatism such as setting an accession date before the negotiations have been completed;
7. to endeavour to ensure that convergence with the *acquis communautaire* involves agreement on the fewest possible transitional arrangements and exemptions; North Macedonia wishes to accede to the EU and must accept that the *acquis* is not open to dilution by negotiation;
8. to endeavour to ensure that North Macedonia already subjects itself to the provisions of the European Stability and Growth Pact in the negotiating process and that, if and when it accedes to the Union, it fulfils the stability criteria set out in the Maastricht Treaty before it is able to sign up officially to monetary union;
9. to keep the Bundestag continuously informed of the state of the accession negotiations in accordance with sections 3 to 6 of the Act on Cooperation between the Federal Government and the German Bundestag in Matters concerning the European Union and, in so doing, to make its own position clear; progress towards accession should not be assessed by the Commission alone but also by the Federal Government on a regular basis in consultation with its diplomatic missions.