

Ministerie van Buitenlandse Zaken

Aan de Voorzitter van de
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Bijlage(n)

Datum 7 december 2011
Betreft Verslag van de Raad Algemene Zaken van 5 december 2011

Geachte voorzitter,

Graag bieden wij u hierbij het verslag aan van de Raad Algemene Zaken van 5 december jl.

De Minister van Buitenlandse Zaken,

De Staatssecretaris van Buitenlandse Zaken,

Dr. U. Rosenthal

Dr. B. Knapen

Verslag Raad Algemene Zaken d.d. 5 december 2011

Vorbereiding Europese Raad

Economische Groei-agenda

De Raad sprak over groeibevorderende maatregelen. De Commissie benadrukte in dit verband de noodzaak tot uitvoering van wetgeving en maatregelen gericht op economische groei die reeds zijn overeengekomen.

Een groot aantal lidstaten, waaronder Nederland, wees op het belang van doorvoeren van concrete maatregelen ter versterking van de interne markt, zoals volledige implementatie van de dienstenrichtlijn, het terugdringen van administratieve lasten voor bedrijven en het completeren van de digitale interne markt. Nederland verwees in dit verband bij monde van staatssecretaris Knapen naar de groeibrief die premier Rutte eerder met zijn Zweedse en Finse collega's stuurde aan ER-voorzitter Van Rompuy en Commissievoorzitter Barroso.

Tevens sprak de Raad over de uitvoering tot nog toe van de verplichtingen die de daaraan deelnemende lidstaten zijn aangegaan onder het Europlus Pact. De Europese Commissie zal de stand van uitvoering beoordelen in het kader van het Europees Semester dat één van de centrale agendapunten zal zijn tijdens de aanstaande voorjaars-ER (maart 2012). In de discussie werd opgemerkt dat vooral aandacht moet worden geschonken aan de werkgelegenheidssituatie die steeds zorgelijker wordt.

De Commissie presenteerde haar *Annual Growth Survey 2012*. Daarin identificeert zij een vijftal prioriteiten waarop de lidstaten en de Unie zich de komende periode moeten concentreren: (i) begrotingsconsolidatie, (ii) toegang van het bedrijfsleven tot kapitaal, (iii) groeibevorderende maatregelen, (iv) werkgelegenheid & sociale gevolgen van de crisis en (v) modernisering van het openbaar bestuur. Staatssecretaris Knapen gaf aan dat urgentie geboden is om te komen tot snelle uitvoering van deze prioriteiten. Ook Commissaris Šeřčovič, verantwoordelijk voor inter-institutionele samenwerking, benadrukte het belang van snelle uitvoering, waartoe de Commissie voor specifieke wetgevingsvoorstellen een zogenaamde *fast track* wetgevende procedure wil hanteren.

De *Survey* markeert de start van het nieuwe Europese semester en zal de komende maanden uitvoerig worden besproken in de betrokken vakraderen. De voorjaars-ER (maart 2012) zal de uitkomsten van bespreking in de vakraderen vervolgens bekrachtigen en politieke oriëntaties vaststellen die in juni moeten leiden tot landen-specifieke aanbevelingen voor structurele financiële en sociaal-economische maatregelen.

Het inkomend Deens voorzitterschap gaf aan het Europees Semester als prioriteit te beschouwen; het zal binnenkort komen met een routekaart waarin wordt aangegeven in welke Raden en op welke momenten dit onderwerp aan de orde zal komen.

Eurozone-crisis

Tijdens de lunch met ER-voorzitter Van Rompuy werd aandacht besteed aan de Eurozone-crisis. Daarbij ging Van Rompuy in op de voortgang van de gesprekken die hij voert ten behoeve van zijn rapport over sterkere economische convergentie in de eurozone, strakkere begrotingsdiscipline en een nauwere economische unie, inclusief de mogelijkheid van een beperkte verdragswijziging. Dit rapport zal voorliggen aan de ER van 9 december a.s., zoals afgesproken op de Eurozone Top van 26 oktober jl.

Een belangrijk deel van de besprekingen ging over de manier waarop strakkere begrotingsdiscipline en sterkere economische convergentie geregeld kunnen worden. Daarbij werden verschillende vormen besproken, zowel binnen de huidige Verdragen, als daarbuiten, bijvoorbeeld in de vorm van een verdragswijziging.

Staatssecretaris Knapen heeft in de discussie nogmaals benadrukt dat het voor Nederland het belangrijkste is dat begrotingsdiscipline daadwerkelijk afdwingbaar wordt onder onafhankelijk toezicht van een Eurocommissaris. Hij beaamde dat de afgelopen weken op dit vlak belangrijke stappen zijn gezet. Niettemin moeten de resterende mogelijkheden benut worden om verdere stappen te zetten. De staatssecretaris gaf aan dat naar Nederlandse mening veel binnen het Verdrag gerealiseerd kan worden, maar dat een beperkte verdragswijziging niet wordt uitgesloten indien deze kan bijdragen aan verdere versterking van begrotingsdiscipline voor eurolanden,

inclusief de mogelijkheden voor het schorsen van stemrecht en het creëren van de mogelijkheid de eurozone te verlaten.

Daarnaast werd kort gesproken over eurobonds naar aanleiding van het recent uitgekomen Groenboek van de Commissie. Sommige lidstaten gaven aan hier voorstander van te zijn, terwijl andere, zoals Nederland, in eurobonds geen oplossing zien voor de huidige problemen. Allereerst zullen lidstaten moeten zorgen dat nationale begrotingen op orde zijn en schulden zijn teruggebracht, voordat een zinvolle discussie hierover mogelijk is.

Europees Energiebeleid

Vanwege de gedegen voorbereiding door de Energie-raad van 24 november jl., wisselden de RAZ-ministers slechts kort van gedachten over het Europese energiebeleid. Onderwerpen die daarbij ter sprake kwamen, waren de noodzaak tot ontsluiting van zogenaamde 'energie-eilanden' (lidstaten die een geografisch geïsoleerde positie op de Europese energiemarkt innemen), tijdige implementatie van bestaande energiemarkt-wetgeving (derde energiepakket) en het belang van een *low carbon strategy* en duurzaamheid in de energiesector. Wat betreft nucleaire veiligheid benadrukten enkele ministers dat ook buurlanden van de Unie ertoe moeten worden bewogen maatregelen te treffen op het terrein van nucleaire veiligheid indien zij over dergelijke installaties beschikken.

Schengen

Over de toetreding van Bulgarije en Roemenië tot de Schengenzone is kort gesproken langs de inmiddels bekende lijnen. Het onderwerp zal op 9 december tijdens de Europese Raad zeer waarschijnlijk opnieuw worden besproken. Het kabinet ziet geen reden het Nederlandse standpunt aan te passen.

Meerjarig Financieel Kader

De Raad besprak het voortgangsrapport van het Poolse voorzitterschap. Daarin schetst het voorzitterschap de uitkomsten van de oriënterende discussies die de Raad sinds juli over de Commissievoorstellen voor het Meerjarig Financieel Kader 2014-2020 (MFK) heeft gevoerd.

Een groot aantal lidstaten benadrukte nogmaals de voor hen belangrijkste standpunten. Zo plaatste een aantal lidstaten kritische kanttekeningen bij de voorstellen voor strengere conditionaliteiten bij het cohesiebeleid. Ook gaf een aantal lidstaten aan dat de voorstellen voor het nieuwe Gemeenschappelijk Landbouwbeleid in hun optiek leiden tot een te geringe herverdeling van directe betalingen. Lidstaten die inzetten op een sobere ontwikkeling van de EU-begroting hielden een pleidooi voor een benadering waarbij eerst het uitgavenmaximum voor het MFK wordt vastgesteld, waarbinnen vervolgens de prioriteiten moeten worden ingepast. Met betrekking tot de voorstellen voor de inkomstenkant van de begroting sprak een aantal lidstaten zich uit over de wenselijkheid van een belasting op financiële transacties.

Staatssecretaris Knapen heeft in de discussie aangegeven dat het voortgangsrapport een redelijk goed beeld geeft van de besprekingen van de afgelopen maanden. Voor Nederland belangrijke punten (zoals de noodzaak tot besparingen, de relevantie van afdrachtenkortingen, belang van modernisering van de begroting) komen daarin herkenbaar terug.

Het voortgangsrapport zal nu ter kennisname aan de Europese Raad van 9 december a.s. worden aangeboden. Hiermee is de eerste verkennende fase van de onderhandelingen onder het Poolse voorzitterschap afgerond.

Uitbreidingspakket

Algemeen

De Raad nam conclusies (zie bijlage) aan over het Uitbreidingspakket dat de Commissie op 12 oktober 2011 presenteerde (zie tevens de Kabinetsappreciatie van het Uitbreidingspakket, Kamerstuk 22112 nr. EQ, 28 oktober 2011).

Het kabinet is tevreden met de aangenomen conclusies. Deze weerspiegelen de Nederlandse *'strict and fair'* benadering, die nu ook in Europees verband wordt aangehouden. Vooruitgang in het toenaderingsproces tot de EU kan alleen plaatsvinden op basis van de hoge eisen van het uitbreidingsproces, zoals vastgelegd in de uitbreidingsstrategie uit 2006. De Raad herbevestigt, mede op Nederlands aandringen, in dit verband ook het belang van absorptiecapaciteit van de Unie ("de capaciteit van de EU om nieuwe leden te integreren"). Tegelijkertijd erkent de Raad ook het belang van het uitbreidingsproces voor de vergroting van de interne markt en versterking van de EU als geheel.

In de conclusies wordt bijzondere aandacht besteed aan de vrijheid van meningsuiting en vrije media en het belang van het respecteren van rechten van minderheden zoals de Roma. Op Nederlands aandringen benadrukt de Raad in dit verband specifiek het belang van de bescherming van personen behorend tot seksuele minderheden (LGBT) en roept de Raad (potentiële) kandidaat-lidstaten op een cultuur van tolerantie te bewerkstelligen.

Onderhandelingsmethodiek hoofdstukken 23 en 24

In de conclusies (paragraaf 4) wordt ruime aandacht besteed aan de voorstellen van de Commissie voor een nieuwe methodiek voor toekomstige onderhandelingen over de hoofdstukken 23 (rechtsstaat en fundamentele rechten) en 24 (justitie, vrijheid en veiligheid). De Raad erkent het belang van deze onderwerpen en stelt, met verwijzing naar de geleerde lessen uit de onderhandelingen met Kroatië, dat voortgang op deze hoofdstukken centraal staat in de toenadering tot de EU.

Op Nederlands aandringen zijn drie essentiële onderdelen van de uitwerking van deze voorstellen uitdrukkelijk in de conclusies opgenomen (zie ook geannoteerde agenda voor de Raad Algemene Zaken van 5 december, Kamerstuk 21 501-02 nr. 1107).

Ten eerste is vastgelegd dat deze nieuwe methodiek voortbouwt op de onderhandelingsmethodiek van de verscherpte uitbreidingsstrategie van 2006. De bestaande systematiek van de Openings- en Sluitingsijpunten (besluitvorming met unanimitieit door de Raad) blijft hiermee gehandhaafd.

Ten tweede heeft de Raad vastgelegd dat vanwege het belang van de thematiek van hoofdstukken 23 en 24 deze onderwerpen als één van de eerste in de onderhandelingen op tafel moeten komen. Hiermee wordt er gedurende het gehele onderhandelingsproces maximale druk opgebouwd voor belangrijke hervormingen op het gebied van de rechtsstaat, fundamentele vrijheden, justitie, vrijheid en veiligheid en kan er zodoende een stevig *track record* worden opgebouwd.

Ten derde verwelkomt de Raad, op sterk Nederlands aandringen, het voorstel van de Commissie om 'correctieve maatregelen' te nemen bij terugval op het gebied van de rechtsstaat of fundamentele vrijheden.

Het kabinet is tevreden dat deze drie belangrijke ankerpunten zijn opgenomen in de conclusies. De Commissie zal deze conclusies nu moeten verwerken in de onderhandelingsraamwerken voor onderhandelingen met nieuwe kandidaat-lidstaten.

Economische Kopenhagencriteria: lessen van de eurocrisis

Mede op Nederlands aandringen is in de conclusies opgenomen dat de (potentiële) kandidaat-lidstaten in het toenaderingsproces de nieuwe EU-regelgeving op fiscaal en economisch gebied moeten overnemen om zich voor te bereiden op de hoge standaarden in de Economische en Monetaire Unie.

Montenegro

De Raad verwelkomt de positieve voortgangsrapportage van de Commissie. De Raad stelt expliciet dat verdere hervormingen op het gebied van de rechtsstaat, in het bijzonder de aanpak van corruptie en georganiseerde misdaad, essentieel zijn voor de opbouw van een solide *track record* op deze gebieden. In dit verband verwijst de Raad naar de nieuwe onderhandelingsmethodiek voor de desbetreffende hoofdstukken 23 en 24.

Nu de drie Nederlandse ankerpunten voor de nieuwe methodiek voor onderhandelingshoofdstukken 23 en 24 helder zijn vastgelegd door de Raad kan Nederland op de Europese Raad van 9 december a.s. instemmen met een *principe*besluit om de toetredingsonderhandelingen met Montenegro te openen (zie tevens geannoteerde agenda Europese Raad, Kamerbrief van 2 december 2011 alsmede de brief van Commissaris Füle aan minister Rosenthal d.d. 28 november jl. die op 30 november aan de Tweede Kamer is overhandigd). Met dit besluit kan de Commissie de onderhandelingen voorbereiden en een concept-onderhandelingsraamwerk opstellen. Montenegro zal tegelijkertijd moeten beginnen met de eigen voorbereidingen op de zware EU-toetredingsonderhandelingen, onder andere met het schrijven van Actieplannen voor hoofdstukken 23 en 24 van de onderhandelingen.

De *daadwerkelijke* onderhandelingen zullen naar verwachting pas in de zomer van 2012 van start kunnen gaan nadat de Raad de uitwerking van de nieuwe methodiek inzake hoofdstuk 23 en 24 in het onderhandelingsraamwerk voor Montenegro heeft goedgekeurd. Nederland zal er strikt op toezien dat de drie eerdergenoemde ankerpunten ook in dit raamwerk helder worden vastgelegd.

Kroatië

De Raad herbevestigt de conclusies van de Europese Raad van 23-24 juni jl., waarin Kroatië wordt aangespoord de noodzakelijke hervormingen te blijven implementeren, in het bijzonder op het vlak van de rechterlijke macht en fundamentele rechten.

De Raad zal scherp toezien op deze hervormingen via versterkt toezicht door de Commissie (monitoring tussen het moment van afsluiting van de onderhandelingen en daadwerkelijke toetreding). Indien nodig kan de Raad, op voorstel van de Commissie, met gekwalificeerde meerderheid passende maatregelen nemen. Het eerste monitoringsrapport verschijnt in het voorjaar van 2012.

Turkije

De Raad nam stevige en uitgebreide conclusies aan over Turkije. Turkije wordt hierin opgeroepen verdere politieke hervormingen door te voeren en de rechten van minderheden en de vrijheid van meningsuiting en media te respecteren. Mede op aandringen van Nederland verwijst de Raad naar het belang van godsdienstvrijheid alsmede vrouwen- en kinderrechten.

De Raad spreekt zijn diepe teleurstelling uit dat Turkije wederom in gebreke blijft bij de implementatie van het Ankara-protocol. Acht onderhandelingshoofdstukken¹ blijven daarom bevroren. De Raad betreurt ook de uitspraken van Turkije over het toekomstige Cypriotische EU-voorzitterschap. Tegelijkertijd erkent de Raad het economische en politieke belang van Turkije en de belangrijke internationale rol van Turkije, onder andere in de Arabische regio en Afghanistan.

De Raad roept Turkije op beter met de EU samen te werken om illegale migratie richting de EU tegen te gaan. In dit verband wordt het belang van ratificatie van de in februari overeengekomen Terug- en Overnameovereenkomst onderstreept. De Raad herhaalt in dit verband het belang van een dialoog met Turkije over migratie, visa en mobiliteit.

Servië en de dialoog met Kosovo

De Raad verwelkomt het positieve '*avis*' van de Commissie over Servië en erkent de grote vooruitgang die Servië heeft gemaakt op hervormingsterrein (rechtsstaat, aanpak corruptie, georganiseerde misdaad, economische hervormingen). Servië heeft inmiddels een positief *track record* opgebouwd bij de (eenzijdige) implementatie van de verplichtingen uit de Stabilisatie- en Associatieovereenkomst. De Raad benadrukt de goede mate van Servische samenwerking met het Joegoslavië-tribunaal getuige de arrestaties van Mladić en Hadžić en roept, mede op Nederlands aandringen, Servië op deze samenwerking met het tribunaal voort te zetten. De Raad benadrukt tegelijkertijd dat verdere rechtsstatelijke en economische hervormingen nodig zijn, waaronder bij de verbetering van het zaken- en investeringsklimaat en de bescherming van de positie van minderheden.

¹ Vrij verkeer van goederen; transport; douane unie; landbouw; visserij; externe betrekkingen; vrij verkeer van vestiging en diensten; financiële diensten.

De Raad benadrukt het belang van de dialoog tussen Servië en Kosovo als enige weg naar normalisatie van de betrekkingen (zie ook het verslag van de Raad Buitenlandse Zaken van 1 december jl.). Unilaterale acties en gebruik van geweld bieden geen oplossingen. Sinds 21 november is er zichtbare voortgang in de dialoog tussen Servië en Kosovo. Beide landen bereikten een implementatie-akkoord over de erkenning van diploma's. Tijdens de laatste dialoogronde (30 november t/m 2 december jl.) werd -- mede dankzij bemiddeling van de EU -- een akkoord bereikt over geïntegreerd beheer van een aantal grensovergangen aan de Servisch-Kosovaarse grens. Dit akkoord op hoofdlijnen dient nu door de parlementen in beide landen te worden goedgekeurd en vervolgens in technische protocollen te worden uitgewerkt. Inmiddels is voorzichtig begonnen met het ontruimen van wegblokkades in Noord-Kosovo. De Raad roept Servië en Kosovo op de tot nu toe bereikte resultaten snel en te goeder trouw te implementeren en verdere vooruitgang te boeken in de dialoog. Op dit vlak krijgt Servië van de Raad zeer stevig huiswerk mee voordat te zijner tijd toetredingsonderhandelingen kunnen worden geopend.

De sinds 21 november gezette stappen, en het perspectief op verdere voortgang in de dialoog de komende weken, zijn naar het oordeel van Nederland voldoende om Servië de status van kandidaat-lid toe te kennen op de Europese Raad van 9 december. Servië moet krachtig worden aangespoord de dialoog voort te zetten. Nederland blijft de komende dagen in nauw contact met andere relevante lidstaten. Een besluit op de Europese Raad moet immers met consensus worden genomen en breed politieke draagvlak hebben.

Presentatie Commissie-werkprogramma

Commissaris Šefčovič presenteerde de onlangs verschenen mededeling over het Commissie-werkprogramma voor 2012. Hij gaf aan dat het werkprogramma geheel in het teken van de crisis staat. Herstel van vertrouwen in de economie is topprioriteit in het programma. Šefčovič benadrukte in zijn presentatie het belang van de Commissievoorstellen gericht op de vervolmaking van de hervorming van de financiële sector, het zeker stellen van houdbare overheidsfinanciën, verbetering van de implementatie van reeds aangenomen besluiten zoals bijvoorbeeld het besluit over de *'single european sky'* en volledige implementatie van de dienstenrichtlijn. Er vond geen discussie plaats.



**COUNCIL OF
THE EUROPEAN UNION**



Council conclusions on enlargement and stabilisation and association process

*3132nd GENERAL AFFAIRS Council meeting
Brussels, 5 December 2011*

The Council adopted the following conclusions:

"ENLARGEMENT STRATEGY

1. In line with the renewed consensus on enlargement approved by the European Council on 14 and 15 December 2006, and the Council conclusions of 14 December 2010, the Council welcomes the communication from the Commission of 12 October 2011 on the Enlargement Strategy and Main Challenges 2011-2012, as well as the Opinion on Croatia's accession to the European Union, the Opinion on Serbia's application for membership, and the progress reports "Turkey", "Croatia", "Iceland", "the former Yugoslav Republic of Macedonia", "Montenegro", "Albania", "Bosnia and Herzegovina" and "Kosovo", and takes good note of the conclusions and recommendations therein.
2. The enlargement process continues to reinforce peace, democracy and stability in Europe and allows the EU to be better positioned to address global challenges. The transformative power of the enlargement process generates far-reaching political and economic reform in the enlargement countries which also benefits the EU as a whole. The successful completion of accession negotiations with Croatia is a strong testimony to this and sends a positive signal to the wider region.

¹Under UNSCR 1244/99. The references to Kosovo in these conclusions are without prejudice to Member States' positions on status.

P R E S S

3. The Council reaffirms the importance of the coherent implementation of the renewed consensus on enlargement, which is based on consolidation of commitments, fair and rigorous conditionality, better communication, combined with the EU's capacity to integrate new members, with each country being assessed on its own merits. A credible enlargement policy is key to maintaining the momentum of reform in the countries concerned and public support for enlargement in the Member States. The Council remains firmly committed to taking the enlargement process forward on the basis of agreed principles and conclusions.
4. Key challenges remain in most enlargement countries. Strengthening the rule of law and public administration reform is essential to come closer to the EU and later to fully assume the obligations of EU membership. The experience acquired from the negotiations with Croatia should be used to the benefit of future negotiations, notably in relation to the negotiating chapters on judiciary and fundamental rights and to justice, freedom and security. The Council notes positively the Commission's proposal for a new approach towards these chapters, and looks forward to developing its position on the new approach in future negotiating frameworks, based on the proposal from the Commission and building on established practice of the current negotiating frameworks under the renewed consensus on enlargement. The above-mentioned issues should be tackled early in the enlargement process to allow the maximum time to establish the necessary legislation, institutions and solid track records of implementation before the negotiations are closed. The Council invites the Commission to report regularly on progress in the above-mentioned chapters and to make recommendations with a view to ensuring the overall balanced progress of negotiations. The Council notes positively that the Commission's proposal envisages incentives and support to the candidate countries, as well as corrective measures, as appropriate. The Council welcomes an increased interaction with Member States foreseen by the new approach.
5. The Council recalls that problems affecting freedom of expression and the media remain also a particular concern and invites the Commission to closely monitor developments in this area. Furthermore, the work on improving social and economic inclusion of vulnerable groups, including the Roma, should continue, in particular through the EU Framework for National Roma Integration Strategies. The Council underlines the importance of protecting the rights of persons belonging to sexual minorities and promoting a culture of tolerance.
6. Enlargement countries are also affected by the global economic and financial crisis and have embarked upon the path of economic recovery, albeit at a varying pace. Further efforts to deliver structural reform and fiscal consolidation and EU-related reforms, including embracing Europe 2020, should accelerate this recovery and growth and help these countries prepare for the new surveillance procedures in the Economic and Monetary Union. The Council underlines that developing transport and energy cooperation with the enlargement countries directly benefits European citizens and businesses.
7. Regional cooperation and good neighbourly relations remain essential parts of the enlargement process. They contribute to prosperity, stability, reconciliation and a climate conducive to addressing open bilateral issues and the legacy of the past. The Council encourages all parties concerned to address bilateral issues, falling outside areas of EU competence and/or contractual obligations towards the EU, in a constructive spirit, as early as possible, taking into account overall EU interests and values.

8. The Council looks forward to the presentation by the Commission of proposals for the new framework for providing pre-accession assistance under the 2014-2020 multi-annual financial framework. Based on the positive results of the financial and technical support provided to the enlargement countries by the current Instrument for Pre-Accession Assistance (IPA), the Council welcomes the intention, inter alia, to strengthen the link between financial assistance and policy priorities for each enlargement country, as well as to increase flexibility and simplify procedures, while ensuring visibility and full transparency of actions undertaken, strengthened ownership and improved results and impact. The role of civil society should be enhanced both in programmes implemented through government bodies and as direct beneficiaries of EU assistance.

Croatia

9. The Council welcomes the successful completion of the accession negotiations with Croatia on 30 June 2011, which marks an historic step on Croatia's path towards the EU and brings a new momentum to the European perspective of the Western Balkans.
10. The Council notes with satisfaction the completion of the work on the Accession Treaty. The Council welcomes the positive Opinion of the Commission of 12 October 2011, the European Parliament's consent of 1 December 2011, and looks forward to the signature of the Accession Treaty on 9 December 2011 in Brussels. Pending the successful conclusion of ratification procedures, the Council looks forward to welcoming Croatia as a new member as of 1 July 2013.
11. The Council takes note of the findings and recommendations presented by the Commission in its 2011 Progress Report on Croatia and of the updated monitoring tables submitted to the Council on 27 October 2011. The Council notes with satisfaction that Croatia has reached a high level of preparedness for membership and encourages Croatia to continue in its efforts in addressing all the issues identified therein, notably in the field of judiciary and fundamental rights, justice, freedom and security and competition policy. Implementation of structural reforms to improve the growth potential and international competitiveness of the economy needs to be intensified. Croatia also needs to continue building on the reforms it has implemented and the track records it has developed during the course of the accession negotiations.
12. Croatia's accession confirms the EU's commitment to the European perspective of all the Western Balkan countries and will contribute to strengthening stability, freedom and prosperity in Europe. The Council welcomes Croatia's declaration on promoting European values in South-East Europe and in particular Croatia's commitment that bilateral issues should not obstruct the accession process of candidate countries. Croatia is expected to continue to play an active role in regional cooperation in the Western Balkans, including in areas such as refugee return, judicial cooperation as well as border management. Bearing in mind the importance of good neighbourly relations, the Council encourages Croatia to continue solving all outstanding bilateral and regional issues, including succession issues, building on the progress achieved so far. The Council regrets recent statements and measures that could call into question the importance of reconciliation and the need to serve justice through the prosecution of war crimes and calls on political leaders to avoid such statements and measures, in line with commitments taken by Croatia during the accession negotiations. Full cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY) remains essential.

13. In line with European Council Conclusions of 23-24 June 2011, the Council stresses the importance it attaches to the monitoring of Croatia's fulfilment of all the commitments undertaken in the accession negotiations, including those which must be fulfilled before the date of accession, and Croatia's continued preparations to assume the responsibilities of membership upon accession. The Council looks forward to the next six-monthly assessment to be issued by the Commission in spring 2012 and a Comprehensive Monitoring Report in autumn 2012 in line with the provisions of the Accession Treaty.

Turkey

14. The Council reaffirms the importance it attaches to EU relations with Turkey. Turkey is a candidate country and a key partner for the European Union. In this context, the Council welcomes the conduct of the recent parliamentary elections in June 2011, held in full respect of democratic standards and the rule of law. The high voter turnout and the broader representation in the new Parliament demonstrate the commitment of the Turkish people to democracy, stability and progress.
15. The Council also notes that Turkey's dynamic economy, which continues to grow at a sustained pace, provides a contribution to the prosperity of the whole European continent. With its close trade and investment links with the EU, Turkey is a valuable part of Europe's competitiveness. Furthermore, the Council acknowledges the influential regional role of Turkey in supporting reforms, including with regard to recent developments in Northern Africa.
16. The Council welcomes Turkey's continued commitment to the negotiation process and the political reform agenda, also reaffirmed by the establishment of the new EU Ministry. Important priorities have been addressed, including the civilian oversight of security forces, the reform of the judiciary, freedom of religion and the ratification of the Optional Protocol to the UN Convention against Torture (OPCAT). Reiterating that the constitutional reform package is an important step in the right direction, the Council continues to emphasise that implementation in line with European standards remains key. The Council welcomes Turkey's first steps towards constitutional reform and encourages Turkey to ensure the broadest possible consultation in this work, involving all political parties and civil society. The Council expects that implementation and follow-up of the democratic opening, notably to address the Kurdish issue, will start producing the expected results. The constitutional reform provides a useful framework in that respect.
17. Building on progress made, the Council invites Turkey to further improve the observance of fundamental rights and freedoms in law and in practice, in particular in the area of freedom of expression. The restrictions in practice on the freedom of the media, the large number of legal cases launched against writers, journalists, academics and human rights defenders, and frequent website bans all raise serious concerns that need to be addressed. Further efforts towards fully meeting the Copenhagen criteria are also required, *inter alia*, as regards freedom of religion, property rights, trade union rights, rights of persons belonging to minorities, women's and children's rights, anti-discrimination and gender equality, and the fight against torture and ill-treatment. The recent adoption of legislation amending the Law of foundations that aims at facilitation of recovery of confiscated property of non-Muslim communities is an important and welcome step, provided it is implemented effectively.

18. The Council condemns all acts of terrorism perpetrated on Turkish territory in the strongest terms and expresses its full solidarity with Turkey. It recalls that PKK is on the EU list of terrorist organisations. The Council reiterates its resolute support and readiness to intensify dialogue and cooperation with Turkey in its fight against terrorism, which must be conducted with due regard for human rights, fundamental freedoms and international law, while preserving regional peace and stability.
19. Turkey has continued to be active in its wider neighbourhood, and remains an important regional player in the Middle East, the Western Balkans, Afghanistan/Pakistan, the Southern Caucasus, and the Horn of Africa. In line with the principles set out in the Negotiating Framework, the Council encourages Turkey to develop its foreign policy as a complement to and in coordination with the EU, and to progressively align with EU policies and positions. In this regard, the Council remains committed to further reinforcing the EU's existing political dialogue with Turkey on foreign policy issues of mutual interest.
20. Turkey is one of the key countries of origin and transit for illegal immigration to the EU, and the Council encourages the Commission and Turkey to launch in line with the established practice a dialogue on visa, mobility and migration, and underlines the need for the conclusion of the negotiated EU-Turkey readmission agreement and its effective implementation. Pending this, adequate implementation of existing bilateral readmission agreements and readmission provisions contained in similar agreements remains a priority.
21. In line with the Negotiating Framework and previous European Council and Council conclusions, the Council underlines that Turkey needs to commit itself unequivocally to good neighbourly relations and to the peaceful settlement of disputes in accordance with the United Nations Charter, having recourse, if necessary, to the International Court of Justice. In this context, the Union expresses serious concern and urges the avoidance of any kind of threat or action directed against a Member State, or source of friction or actions, which could damage good neighbourly relations and the peaceful settlement of disputes. Furthermore, the EU stresses again all the sovereign rights of EU Member States which include, inter alia, entering into bilateral agreements, and to explore and exploit their natural resources in accordance with the EU *acquis* and international law, including the UN Convention on the Law of the Sea.
22. The Council regrets Turkey's statements to freeze its relations with the EU Presidency during the second half of 2012, and underlines that the Presidency of the Council of the EU is provided for in the Treaty on European Union.
23. Recalling its conclusions of 11 December 2006 and the declaration of 21 September 2005, the Council notes with deep regret that Turkey, despite repeated calls, continues refusing to fulfil its obligation of full, non-discriminatory implementation of the Additional Protocol to the Association Agreement towards all Member States. This could provide a significant boost to the negotiation process. In the absence of progress on this issue, the Council will maintain its measures from 2006, which will have a continuous effect on the overall progress of the negotiations. Furthermore, Turkey has still not made progress towards the necessary normalisation of its relations with the Republic of Cyprus. The Council invites the Commission to monitor closely and specifically report on all issues covered by the declaration of the European Community and its Member States of 21 September 2005 in its forthcoming annual report. On this basis, the Council will continue to closely follow and review progress made, in accordance with its conclusions of 11 December 2006 and 14 December 2010. Progress is now expected without further delay.

24. As emphasised by the Negotiating Framework, the Council also expects Turkey to actively support the ongoing negotiations aimed at a fair, comprehensive and viable settlement of the Cyprus problem within the UN framework, in accordance with the relevant UN Security Council resolutions and in line with the principles on which the Union is founded. Turkey's commitment and contribution in concrete terms to such a comprehensive settlement is crucial.
25. Recalling that negotiations have reached a more demanding stage, the Council notes that Turkey will be able to accelerate the pace of negotiations by advancing in the fulfilment of benchmarks, meeting the requirements of the Negotiating Framework and by respecting its contractual obligations towards the EU.
26. In this context, the Council takes positively note of the Commission's proposal for a positive agenda with Turkey. The Council underlines that a positive agenda should support the negotiation process, in line with the Negotiating Framework and the relevant Council conclusions. The agenda could cover a broad range of areas of common interest including political reforms, foreign policy dialogue, alignment with the EU *acquis*, visas, mobility and migration, trade, energy, the fight against terrorism and participation in EU programmes. Turkey's contribution to the EU will only be fully effective in the context of a credible approach to the negotiation process.

Iceland

27. The Council welcomes the Commission's progress report on Iceland of 12 October 2011 and takes good note of the findings and recommendations contained therein. The Council commends Iceland for the progress it has made this year. The process of screening the *acquis* has almost been completed and solid results have been obtained in the accession negotiations, thus creating a good momentum.
28. The Council notes that the overall level of preparedness and integration to meet EU *acquis* requirements remains high due to Iceland's membership of the European Economic Area (EEA) and the Schengen agreement as well as the quality of its public administration. The Council is committed to moving the negotiating process forward in line with the requirements of the Negotiating Framework including the fulfilment of Iceland's obligations under the EEA Agreement, taking full account, inter alia, of the European Council Conclusions of 17 June 2010. The accession negotiations will be aimed at Iceland integrally adopting the EU *acquis* and ensuring its full implementation and enforcement by accession, duly reflecting Iceland's own merits and the provisions of the Negotiating Framework.
29. The Council notes with satisfaction Iceland's progress to stabilise the economy and recover from the 2008/2009 financial and economic crisis and the successful completion of the IMF programme in August 2011. Iceland should be able to cope with competitive pressures and market forces within the Union over the medium term, provided that it continues to address current weaknesses through appropriate macroeconomic policies and structural reforms.
30. In line with the renewed consensus on enlargement, the Council welcomes the communication activities promoting an informed public debate about Iceland's accession process and underlines the importance of continuing to provide information about EU membership.

WESTERN BALKANS

31. The Council reaffirms its unequivocal commitment to the European perspective of the Western Balkans, which remains essential for the stability, reconciliation and future of the region. It also reaffirms the need for fair and rigorous conditionality, in the framework of the Copenhagen political criteria and Stabilisation and Association process and in accordance with the renewed consensus on enlargement approved by the European Council on 14 and 15 December 2006.
32. The Council recalls that by making solid progress in economic and political reform and by fulfilling the necessary conditions and requirements, the remaining potential candidates in the Western Balkans should achieve candidates status, according to their own merits, with European Union membership as ultimate goal. Further, a country's satisfactory track record in implementing its obligations under the Stabilisation and Association Agreements, including trade-related provisions, is an essential element for the EU to consider any membership application.
33. The Council welcomes that further progress was made by the Western Balkans regarding regional cooperation and reconciliation, while stressing that the inclusiveness of this process must be ensured by all parties concerned. Regional cooperation and good neighbourly relations remain essential elements of the Stabilisation and Association Process. Parties concerned in the Western Balkans must ensure that any disputes between them do not have a detrimental effect on their shared goal of progress towards EU membership. Outstanding disputes and issues should be solved in line with international law and established principles, including through implementation of legally binding agreements, inter alia Agreement on Succession Issues. The Council welcomes the completion of the Sarajevo Process on durable solutions for refugees and displaced persons.
34. The Council recognises the importance of visa liberalisation for all the citizens of the Western Balkans. It encourages the Commission to continue to closely monitor the implementation of all conditions set for the visa liberalisation, through its follow-up mechanism, including reporting regularly to the Council and the European Parliament. The Council urges the authorities of the Western Balkans countries to take all the necessary measures against the abuse of the visa free travel regime in order to ensure its unrestricted continuation.
35. The Council reiterates the importance of protection of all minorities and calls on the governments of the region to take the necessary actions to address outstanding concerns.

Former Yugoslav Republic of Macedonia

36. The Council welcomes the further progress made by the former Yugoslav Republic of Macedonia in key reforms area and that the country fulfils its commitments under the Stabilisation and Association Agreement. It also welcomes the improvement of the conduct of the June parliamentary elections which were competitive, transparent and well-administered throughout the country. However, further efforts are needed in order to promote and safeguard fundamental rights, in particular as regards freedom of expression in the media, independence of the judiciary, reform of public administration and fight against corruption and improving the business environment- which continue to represent significant challenges. The Council welcomes any fresh impetus given to the reform process by the new government and encourages it to intensify efforts. The implementation of the Ohrid Framework Agreement remains an essential element of democracy and the rule of law in the country.

37. The Council broadly shares the Commission's assessment of the country's sufficient fulfilment of the political criteria and notes that the Commission has further reiterated its recommendation that accession negotiations should be opened with the former Yugoslav Republic of Macedonia. The Council is ready to return to the matter during the next Presidency.
38. Maintaining good neighbourly relations, including a negotiated and mutually accepted solution to the name issue, under the auspices of the UN, is essential. The Council looks forward to the ongoing high-level dialogue bringing results shortly.

Montenegro

39. The Council welcomes the Commission's assessment on the good progress made by Montenegro, achieving overall satisfactory results, notably in the key priorities set out by the EU in 2010 in view of opening accession negotiations. Montenegro has achieved a high degree of compliance with the membership criteria, notably the political criteria and has further progressed towards establishing a market economy. The country has also continued to implement smoothly the obligations under the Stabilisation and Association Agreement. Montenegro is in a position to take on the obligations of membership in the medium term in most of the *acquis* fields.
40. In light of the progress made by Montenegro the Council takes note of the Commission's recommendation which will be considered by the European Council in line with established practice.
41. The Council recalls that full implementation of the reforms, especially in the key area of rule of law, is essential. In this respect, the Council underlines that continuing efforts in implementing reforms, with particular focus on the area of rule of law and fundamental rights, especially the fight against corruption and organised crime, so as to ensure a solid track record, will remain essential throughout Montenegro's accession negotiations' process. In this respect, it notes positively the Commission's proposal for a new approach as regards chapters on judiciary and fundamental rights and justice, freedom and security.

Albania

42. The Council welcomes the recent positive steps concerning the cooperation between the government and the opposition, in establishing a Parliamentary committee on Electoral reform and a working group on reform of the Parliament's rules of procedure as well as a calendar for adoption of laws requiring 3/5 majority, which has led to the adoption of the first three such laws. These positive developments should help to overcome the stalemate that has dominated domestic political scene. The local elections in May were assessed in general as competitive and transparent. Yet, the electoral process was decidedly marked by shortcomings, which need to be addressed within the framework of a comprehensive electoral reform. Overall, Albania has made limited progress in meeting the political criteria for membership and the twelve key priorities for the opening of accession negotiations.

43. The Council encourages the government and the opposition to build on these recent positive developments, fully restoring and sustaining a constructive political dialogue, to support the proper functioning and the independence of key democratic institutions, notably the parliament and the judiciary. The EU remains committed to the European perspective of Albania and will continue to support the country's effort in this process.
44. In line with its 20 June 2011 conclusions, the Council also encourages the Albanian authorities to intensify efforts on the reform agenda, in particular implementation of the twelve key priorities. Further efforts are particularly required in key areas including the judiciary, the fight against organised crime and corruption and protection of all minorities as well as property rights. Agreeing between the government and the opposition, in collaboration with civil society, on a comprehensive electoral reform, addressing all recommendations by the OSCE/ODIHR since 2007 before the next elections remains crucial. Only upon fulfilling the above, will Albania be able to move forward towards the EU, in line with Council Conclusions of December 2010.

Bosnia and Herzegovina

45. The Council reiterates its call on the political leadership of Bosnia and Herzegovina to form, through an inclusive process, a state level government as a matter of urgency and to address the outstanding and necessary reforms to achieve qualitative steps forward on its path towards the EU. It notes with serious concern the continued political deadlock, hampering the proper functioning of the state and the implementation of EU-related reforms. The Council urges all BiH political leaders to live up to their responsibilities in this regard and to develop a shared vision of the future of the country.
46. The Council notes recent developments on key EU related reforms, notably on the state aid law, the census law and the setting up and initial work of the ad hoc joint Committee for the enforcement of the ECHR judgement. It urges their rapid translation into concrete results. The Council recalls the steps needed in order to progress towards the EU, as outlined in its conclusions of 21 March 2011, including as regards the entry into force of the SAA. The Council stresses the importance of improving and strengthening the efficient functioning of the state and institutions, including through necessary constitutional changes. In particular the country will need to be in a position to adopt, implement and enforce laws and rules of the EU.
47. Recalling its conclusions of 21 March and 10 October 2011, the Council reaffirms its commitment to strengthen its support to Bosnia and Herzegovina. In the framework of its refocused engagement, the Council reaffirms its full support to the EUSR/Head of EU Delegation taking the lead in supporting Bosnia and Herzegovina in EU related matters. The Council reaffirms its support to the establishment of the Structured Dialogue on Justice within the framework of the Stabilisation and Association Process and calls on the BiH authorities to continue to engage constructively in it. The Council underlines that establishing an effective coordination mechanism for dealing with EU matters, including IPA related issues, is key.

48. In the context of the EU overall strategy for Bosnia and Herzegovina, the Council looks forward to continuing discussion with the international community on the reconfiguration of the international presence, including its downsizing and possible relocation of the OHR, in the appropriate forum. In this regard, it notes the ongoing discussions on overlapping tasks between the OHR and the EU. It calls on Bosnia and Herzegovina to meet the outstanding objectives and conditions which remain necessary for the closure of the OHR.
49. The Council reiterates its unequivocal commitment to the European perspective of BiH. It also reaffirms its unequivocal commitment to the territorial integrity of BiH as a sovereign and united country.

Serbia

50. The Council welcomes the Commission's Opinion on Serbia's application for EU membership. Serbia made considerable progress towards fulfilling the political criteria set by the Copenhagen European Council and the Stabilisation and Association Process requirements. The Council acknowledges that Serbia has reached a fully satisfactory level in its cooperation with ICTY with the arrest of Ratko Mladic and Goran Hadzic. Continued full cooperation with ICTY remains essential. It also welcomes the fact that Serbia has taken an increasingly active role in fostering reconciliation in the region, in particular with Bosnia and Herzegovina and Croatia. As regards the economic criteria, Serbia has taken important steps towards establishing a functioning market economy and achieved a certain degree of macroeconomic stability. Serbia has built up a positive track record in implementing its obligations under the Stabilisation and Association Agreement and the Interim Agreement. Serbia would be in a position to take on the obligations of membership in the medium term, in nearly all *acquis* fields.
51. The momentum of reforms in pursuing the necessary degree of compliance with the membership criteria, including consistent implementation of adopted legislation, needs to be maintained, with particular attention to the rule of law. Specific attention should be given to the non-discriminatory treatment of national minorities and to improving business environment.
52. The Council reiterates its full support for the Belgrade-Pristina Dialogue and welcomes progress to date, particularly on customs, acceptance of university diplomas, civil registry, free movement of persons, cadastre and IBM. It calls on both parties to engage constructively on the full range of issues, tackling them at an early date and in a constructive spirit. The Council calls for continued implementation of agreements reached to date in order to arrive at concrete results swiftly, effectively, and in a sustained manner. The Council underlines the importance of the Dialogue for progress on inclusive regional cooperation, including trade. The Council recalls that the Dialogue, and agreements reached through the Dialogue, will continue to be of crucial importance for both parties as they take further steps towards fulfilling their EU perspective, and calls upon both parties to intensify their work in the coming period, with a view to achieving the objectives set out in the European Commission's Communication on Enlargement Strategy and Main Challenges 2011-2012.

53. In light of the progress achieved so far by Serbia and taking note that Serbia has already reengaged in the dialogue and is moving swiftly to the implementation in good faith of agreements reached, the Council takes note of the positive assessment of the Commission and the recommendation to grant candidate status which will be considered by the European Council, in line with established practice. The Council expects Serbia to address the question of regional cooperation.
54. The Council notes that the opening of accession negotiations will be considered by the European Council, in line with established practice, once the Commission has assessed that Serbia has achieved the necessary degree of compliance with the membership criteria, in particular the key priority of taking steps towards a visible and sustainable improvement of relations with Kosovo, in line with the conditions of the Stabilisation and Association Process, outlined in the Commission's Opinion, notably by fully respecting the principles of inclusive regional cooperation; fully respecting the provisions of the Energy Community Treaty; finding solutions for telecommunications; by continuing to implement in good faith all agreements reached; and by cooperating actively with EULEX. The Council invites the Commission to present a report on Serbia's implementation of the key priority as soon as sufficient progress has been achieved.
55. The Council attaches great importance to EULEX and KFOR being unhindered in the execution of their mandates.

Kosovo

56. The Council welcomes Kosovo's commitment to its European agenda, including through sustained efforts in areas such as visa, trade and judicial system and the establishment of a council for EU Integration. It also welcomes the improved integration of Serbs south of the Iber/Ibar river. The Council notes that limited progress was achieved with the reform agenda in a year marked by elections. The Council urges Kosovo to take urgent steps to address the shortcomings identified in the electoral process and to substantially accelerate the pace of reform as well as to improve the budgetary situation in close cooperation with the IMF. Major efforts are needed in particular to strengthen public administration reform and consolidate rule of law, in particular by showing evidence of fight against organised crime and corruption, judicial reform and freedom of expression. It invites Kosovo to launch an inclusive and long-term agenda for northern Kosovo in close cooperation with the European Union and welcomes the Commission's intention to offer its full support.
57. The Council encourages Kosovo to enhance its cooperation with EULEX and to ensure support for EULEX's work in all areas of its mandate.
58. The Council reaffirms that Kosovo will also benefit from the perspective of eventual visa liberalisation once all conditions are met. The Council underlines that further progress in the area of justice, freedom and security is essential. Considering Kosovo's progress on readmission and reintegration and in line with Council conclusions of December 2010, the Council welcomes the intention of the Commission to launch a visa dialogue, without prejudice to the Member States' positions on status, towards the end of the year, if all conditions are effectively fulfilled, to fully associate the Council and EU Member States to each step of the dialogue and to present regular reports on Kosovo's progress in adopting and implementing the appropriate reforms, including on the basis of Member States experts' reports on the ground.

59. The Council reiterates its full support for the Belgrade-Pristine Dialogue and welcomes progress to date, particularly on customs, acceptance of university diplomas, civil registry, free movement of persons, cadastre, and IBM. It calls on both parties to engage constructively on the full range of issues, tackling them at an early date and in a constructive spirit. The Council calls for continued implementation of agreements reached to date in order to arrive at concrete results swiftly, effectively, and in a sustained manner. The Council underlines the importance of the Dialogue process for progress on inclusive regional cooperation, including trade. The Council recalls that the Dialogue, and agreements reached through the Dialogue, will continue to be of crucial importance for both parties as they take further steps towards fulfilling their EU perspective, and calls upon both parties to intensify their work in the coming period.
60. In line with the relevant Council conclusions, the Council recalls the European Union willingness to assist the economic and political development of Kosovo through a clear European perspective, in line with the European perspective of the region. It underlines the need to take concrete steps to that effect. Without prejudice to Member States' positions on status, the Council invites the Commission to assess Kosovo's progress with regard to trade-related issues and to propose the way forward for an agreement as soon as sufficient progress has been made. The Council recognises that Kosovo's socio-economic development would also be enhanced through membership of the European Bank for Reconstruction and Development, without prejudice to Member States' positions on status.
61. The Council is committed to find an agreement on Kosovo's participation in EU programmes, without prejudice to Member States' positions on status. The Council welcomes the Commission's intention to launch a structured dialogue on the rule of law. It looks forward to the Commission's review of its 2009 Communication."
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