



## Acquis Communautaire: its role in the accession process

### 1. Summary

This Policy Paper explains the *acquis communautaire*. This is the entire body of European laws and other related acts. Each member state should comply with the rules adopted by the community, with some exceptions<sup>1</sup>. Opt-outs are not allowed for candidate countries. They have to accept the whole *acquis* that exist at the date they join the EU. This paper discusses the definition of the *acquis*; documents of the *acquis* e.g. Regulations, Directives, Decisions and Case law of the European Court of Justice; and the National Programme for the adoption of the *Acquis*.

### 2. Definition of *acquis communautaire*

The *acquis* is constantly evolving. It includes:

- the content, principles and political objectives of the Treaties on which the EU is founded;
- the legislation and decisions adopted pursuant to the Treaties, and the case law of the Court of Justice;
- other acts, legally binding or not, adopted within the EU framework, such as inter-institutional agreements, resolutions, statements, recommendations and guidelines;
- joint actions, common positions, declarations, conclusions and other acts within the framework of the common foreign and security policy;
- joint actions, joint positions, conventions signed, resolutions, statements and other acts agreed within the framework of justice and home affairs; and
- international agreements concluded by the Communities, the Communities jointly with their Member States, the Union, and those concluded by the Member States among themselves with regard to Union activities.

In order to become a Member State, applicant countries have to accept the *acquis*. As in all previous accession negotiations, specific arrangements may be agreed.

In all areas of the *acquis*, the candidate countries must bring their institutions, management capacity and administrative and judicial systems up to EU standards, both at national and regional level. This will allow them to implement the *acquis* effectively upon accession and, where necessary, be able to implement it effectively in good time before accession. At the general level, this requires a well-functioning and stable public administration built on an efficient and impartial civil service, and an independent and efficient judicial system.<sup>2</sup>

Agriculture and Rural Development are laid down in Chapter 11 of the *acquis*. This chapter is interrelated with Chapter 12 (Food safety, veterinary and phytosanitary policy), Chapter 13 (Fisheries), Chapter 27 (Environment) and Chapter 28 (Consumer and Health Protection). It is estimated that the Common Agriculture Policy (CAP) comprises about 60% of the *acquis*. The legal basis for agriculture is found in Title II, Articles 32 – 38 of Treaty of Nice Amending the Treaty on European Union. Agriculture and Rural Development issues within CAP are regulated mainly by secondary legislation (mainly Regulations). Implementing the CAP requires establishing management

<sup>1</sup> Certain Member States may negotiate certain opt-outs from EU treaties or legislation which means that they do not participate in the respective fields, such for example UK, Ireland opted out to participate in Schengen Agreement and Economic and Monetary Union (EMU).

<sup>2</sup>[http://ec.europa.eu/enlargement/enlargement\\_process/accesion\\_process/how\\_does\\_a\\_country\\_join\\_the\\_eu/negotiations\\_croatia\\_turkey/index\\_en.htm](http://ec.europa.eu/enlargement/enlargement_process/accesion_process/how_does_a_country_join_the_eu/negotiations_croatia_turkey/index_en.htm) last visited on 26.08.2008.





and quality systems such as a paying agency and the integrated administration and control system (IACS), as well as the capacity to implement rural development measures. Member States must be able to apply the EU legislation on direct farm support schemes, and to implement the common market organisations for various agricultural products.<sup>3</sup>

### **3. Legal Documents of *acquis communautaire***

The legal basis for the enactment of legal acts (regulation, directives and decisions) is article 249 of the Treaty establishing the European Community, as follows:

*In order to carry out their task and in accordance with the provisions of this Treaty, the European Parliament acting jointly with the Council, the Council and the Commission shall make regulations and issue directives, take decisions, make recommendations or deliver opinions.*

*A regulation shall have general application. It shall be binding in its entirety and directly applicable in all Member States.*

*A directive shall be binding, as to the result to be achieved, upon each Member State to which it is addressed, but shall leave to the national authorities the choice of form and methods.*

*A decision shall be binding in its entirety upon those to whom it is addressed.*

*Recommendations and opinions shall have no binding force<sup>4</sup>.*

Binding acts are Regulations, Directives and Decisions, as well as case law of the ECJ. Recommendations and Opinions are non-binding documents. The following text discusses features and differences between the respective legal acts.

#### **3.1 Regulations**

Regulations are binding upon all Member States and are directly applicable within all such states.<sup>5</sup> Regulations are measures of general application and as such are applicable to all Member States. National legislation contrary to the regulation is overruled, as EU Law has supremacy over the laws of the Member States. Legislation adopted by Member States must comply with the requirements set out by EU Regulations. Supremacy of EC law over national legislation does not recognize the legal hierarchy of the national legal system.

#### **3.2 Directives**

Directives differ from regulations in two important ways. First, they do not have to be addressed to all Member States; and second, they are binding as to the end to be achieved while leaving some choice as to form and method open to the Member States.<sup>6</sup> Directives must be notified to the person they are addressed (Article 254 (3) of EC Treaty). Directives that apply in all Member States and that are approved through a co-decision procedure have to be published in the Official Journal. In some areas, directives are very pragmatic. The discretion left to Member States reflects the different legal systems that Member States have, such as the common law or continental law system. It is up to

<sup>3</sup>[http://ec.europa.eu/enlargement/enlargement\\_process/accesion\\_process/how\\_does\\_a\\_country\\_join\\_the\\_eu/negotiations\\_croatia\\_turkey/index\\_en.htm](http://ec.europa.eu/enlargement/enlargement_process/accesion_process/how_does_a_country_join_the_eu/negotiations_croatia_turkey/index_en.htm) last visited on 25.08.2008.

<sup>4</sup>Treaty establishing the European Community (Treaty of Nice).

<sup>5</sup> Paul Craig & Grainne De Burca "EU LAW- Text, Cases, and Materials" third edition, pg. 112

<sup>6</sup> Ibid pg. 114





Member States to choose how to meet the objective set by the respective directive. Where the direct effect of directives is disputed, this will be dealt with by the European Court of Justice.

### **3.3 Decisions**

As stipulated by Article 249 (ex Article 189) EC, decisions are binding in their entirety on those to whom they are addressed.<sup>7</sup> They must be notified to the addressee, and take effect when notified to those to whom they are addressed (Article 254 (1) and (2) of EC Treaty). Decisions usually are individual acts. The Community institutions remain free to proceed by way of decision in many areas.<sup>8</sup> In many areas, the Treaty stipulates that decisions should be adopted such as in any breach of competition rules, rules on state aid, etc.

### **3.4 Case law of the European Court of Justice**

The legal basis of the European Court of Justice (ECJ) is to be found in the Treaty establishing the European Community. Section 4, respectively Articles 220-245 lays down general rules governing the ECJ.

Article 220 sets out that the Court of Justice and the Court of First Instance, each within its jurisdiction, shall ensure that, in the interpretation and application of this Treaty, the law is observed. Both Courts consist of one judge per Member State.<sup>9</sup> Judges and Advocates-General of the Court are chosen from persons whose independence is beyond doubt and who possess the qualifications required for appointment to the highest judicial offices in their respective countries or who are jurists of recognized competence. They shall be appointed by common accord of the governments of the Member States for a term of six years.<sup>10</sup> One of the most important procedures of the court is the preliminary ruling procedure laid down in Article 234. Through this procedure, National Courts and other national administrative authorities refer their questions to the Court regarding interpretation of the respective provisions of the Treaty, as well as the validity and interpretation of acts of the institutions of the Community and of the ECB<sup>11</sup>, and the interpretation of the statutes of bodies established by an act of the Council, where those statutes so provide. Based on this procedure, the ECJ has developed in its case law basic principles of EU law such as primacy of EU law over national legislation, direct effect of EU law, etc.

Actions brought before the Court of Justice shall not have suspensory effect. The Court of Justice may, however, if it considers that circumstances so require, order that application of the contested act be suspended (Art. 242). Judgments of the Court are enforceable under the conditions laid down in Article 256. Enforcement is governed by the rules of civil procedure in force in the State in the territory of which it is carried out. Enforcement may be suspended only by a decision of the Court of Justice. However, the courts of the country concerned shall have jurisdiction over complaints that enforcement is being carried out in an irregular manner.<sup>12</sup>

## **4. Chapters of *acquis communautaire***

Accession negotiations follow 35 chapters of the *acquis communautaire*:

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<sup>7</sup> Ibid pg. 115

<sup>8</sup> Ibid pg. 115 It is, e.g., common for the Commission to respond to requests concerning the detailed application of the CAP by issuing a decision on the matter.

<sup>9</sup> For more see Article 221 of the Treaty establishing the European Community.

<sup>10</sup> Ibid Article 223

<sup>11</sup> ECB stand for European Central Bank

<sup>12</sup> For more see Article 256 of Treaty establishing the European Community





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

At least 6 out of 35 Chapters are related directly or indirectly with agriculture: Chapter 11 (Agriculture and rural development); Chapter 12 (Food safety, veterinary and phytosanitary policy); Chapter 13 (Fisheries); Chapter 27 (Environment); Chapter 28 (Consumer and health protection); and Chapter 29 (Customs union). Agriculture and rural development are highly mutually dependent with subjects such as food safety, veterinary and phytosanitary policy, as well as with fisheries, consumer and health protection. The relation with the Chapter on Customs union is a legal and economic one.

Details about the 35 Chapters are given in **Annex 1**.

## 5. How do accession negotiations proceed?



Accession negotiations are conducted according to a "Negotiating Framework" that sets out the method and the guiding principles of the negotiations. The substance of negotiations will be conducted in an Intergovernmental Conference with the participation of all Member States on the one hand and the candidate country on the other.

In order to ensure progress in the negotiations, the candidate country will need to make progress in meeting the requirements for membership, most importantly the Copenhagen criteria:

- the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;
- the existence of a functioning market economy and the capacity to cope with competitive pressure and market forces within the Union; and
- the ability to take on the obligations of membership, including adherence to the aims of political, economic and monetary union and the administrative capacity to effectively apply and implement the *acquis*.


The Commission will launch the analytical examination (commonly called screening) that forms the first phase of accession negotiations. This process which takes around a year allows candidate countries to familiarise themselves with the *acquis*, and the Commission and the Member States to evaluate the degree of preparedness of candidate countries prior to negotiations.


Screening is conducted through meetings. There are two kinds of meetings for each chapter: first, explanatory meetings with all candidate countries together; and then bilateral meetings with each of the countries separately. In the explanatory sessions, the Commission details the *acquis* to the candidate countries. Approximately one month after the explanatory meeting, a bilateral meeting (country session) is held with each country individually. During that session, it is the candidate country which explains its degree of preparedness and its plans with regard to the chapter in question. The information gathered in these meetings serves as a basis for Member States to decide on the opening of accession negotiations on individual chapters.

For the purposes of screening and the subsequent negotiations, the *acquis* is broken down into 35 chapters, each covering a specific policy area.

The *acquis* can be found in the EUR-Lex [directory list of Community legislation](#) (click: "Legislation in force", and then "Directory of Community legislation").

This list of *acquis* is classified by 20 headings and is updated once a month.

[The table of correspondence](#)  [20 KB] provides information on the link between negotiating chapters and the *acquis* in the EUR-Lex directory of Community legislation.

Detailed indications for each specific area of the *acquis* are given in the [guide to the main administrative structures required for implementing the EU \*acquis\*](#)  [410 KB].

## **6. National Programme for adoption of *acquis communautaire***

The National Programme for the Adoption of the *Acquis* (NPAA) indicates in detail how a candidate country envisages implementing the Accession Partnership priorities and preparing for integration with the EU. In this way, the NPAA complements the Accession Partnership. It includes a timetable



for the achievement of objectives and, when necessary, indicates the human and financial resources to be allocated.<sup>13</sup>

All candidate countries prepare their NPAA and submit it to the European Commission. The Accession Partnership and the complementary NPAA have a dynamic nature, and can be updated according to the EC's Regular Reports for candidate countries each November, as well as according to the harmonisation efforts that have been implemented.<sup>14</sup>

The NPAA sets out sectors in which legislation and policies will be transposed and adopted, as well as short term and medium term priorities. Each candidate country prepares its NPAA in order to adopt the *acquis*.

## **7. Conclusions**

The *acquis* is obligatory for each candidate country which has to adopt it on the date they join the EU. Kosovo should adopt its own NPAA to facilitate full harmonization. Inter-institutional cooperation should be enhanced in order to co-draft and ensure compliance with the *acquis*.

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<sup>13</sup> [http://www.avrupa.info.tr/Files/File/RECOURSE\\_CENTRE/key\\_links/005-National%20Programmes.doc](http://www.avrupa.info.tr/Files/File/RECOURSE_CENTRE/key_links/005-National%20Programmes.doc) last visited on 02.09.2008.

<sup>14</sup> *ibid*





## Annex 1

### Chapters of the acquis

#### ***Chapter 1: Free movement of goods***

The principle of the free movement of goods implies that products must be traded freely from one part of the Union to another. In a number of sectors this general principle is complemented by a harmonised regulatory framework, following the “old approach” (imposing precise product specifications) or the “new approach” (imposing general product requirements). The harmonised European product legislation, which needs to be transposed, represents the largest part of the acquis under this chapter. In addition, sufficient administrative capacity is essential to notify restrictions on trade and to apply horizontal and procedural measures in areas such as standardisation, conformity assessment, accreditation, metrology and market surveillance.

#### ***Chapter 2: Freedom of movement for workers***

The acquis under this chapter provides that EU citizens of one Member State have the right to work in another Member State. EU migrant workers must be treated in the same way as national workers in relation to working conditions, social and tax advantages. This acquis also includes a mechanism to coordinate national social security provisions for insured persons and their family members moving to another Member State.

#### ***Chapter 3: Right of establishment and freedom to provide services***

Member States must ensure that the right of establishment of EU national and legal persons in any Member State and the freedom to provide cross-border services is not hampered by national legislation, subject to the exceptions set out in the Treaty. The acquis also harmonises the rules concerning regulated professions to ensure the mutual recognition of qualifications and diplomas between Member States; for certain regulated professions a common minimum training curriculum must be followed in order to have the qualification automatically recognised in an EU Member State. As regards postal services, the acquis also aims at opening up the postal services sector to competition in a gradual and controlled way, within a regulatory framework which assures a universal service.

#### ***Chapter 4: Free movement of capital***

Member States must remove, with some exceptions, all restrictions on movement of capital both within the EU and between Member States and third countries. The acquis also includes rules concerning cross-border payments and the execution of transfer orders concerning securities. The directive on the fight against money laundering and terrorist financing requires banks and other economic operators, particularly when dealing in high-value items and with large cash transactions, to identify customers and report certain transactions. A key requirement to combat financial crime is the creation of effective administrative and enforcement capacity, including co-operation between supervisory, law enforcement and prosecutorial authorities.

#### ***Chapter 5: Public procurement***

The acquis on public procurement includes general principles of transparency, equal treatment, free competition and non-discrimination. In addition, specific EU rules apply to the coordination of the award of public contracts for works, services and supplies, for traditional contracting entities and for special sectors. The acquis also specifies rules on review procedures and the availability of remedies. Specialised implementing bodies are required.

#### ***Chapter 6: Company law***





The company law acquis includes rules on the formation, registration, merger and division of companies. In the area of financial reporting, the acquis specifies rules for the presentation of annual and consolidated accounts, including simplified rules for small- and medium-sized enterprises. The application of International Accounting Standards is mandatory for some public interest entities. In addition, the acquis specifies rules for the approval, professional integrity and independence of statutory audits.

#### ***Chapter 7: Intellectual property law***

The acquis on intellectual property rights specifies harmonised rules for the legal protection of copyright and related rights. Specific provisions apply to the protection of databases, computer programs, semiconductor topographies, satellite broadcasting and cable retransmission. In the field of industrial property rights, the acquis sets out harmonised rules for the legal protection of trademarks and designs. Other specific provisions apply for biotechnological inventions, pharmaceuticals and plant protection products. The acquis also establishes a Community trademark and Community design. Finally, the acquis contains harmonised rules for the enforcement of both copyright and related rights as well as industrial property rights. Adequate implementing mechanisms are required, in particular effective enforcement capacity.

#### ***Chapter 8: Competition policy***

The competition acquis covers both anti-trust and state aid control policies. It includes rules and procedures to fight anti-competitive behaviour by companies (restrictive agreements between undertakings and abuse of dominant position), to scrutinise mergers between undertakings, and to prevent governments from granting state aid which distorts competition in the internal market. Generally, the competition rules are directly applicable in the whole Union, and Member States must co-operate fully with the Commission in enforcing them.

#### ***Chapter 9: Financial services***

The acquis in the field of financial services includes rules for the authorisation, operation and supervision of financial institutions in the areas of banking, insurance, supplementary pensions, investment services and securities markets. Financial institutions can operate across the EU in accordance with the 'home country control' principle either by establishing branches or by providing services on a cross-border basis.

#### ***Chapter 10: Information society and media***

The acquis includes specific rules on electronic communications, on information society services, in particular electronic commerce and conditional access services, and on audio-visual services. In the field of electronic communications, the acquis aims to eliminate obstacles to the effective operation of the internal market in telecommunications services and networks, to promote competition and to safeguard consumer interests in the sector, including universal availability of modern services. As regards audio-visual policy, the acquis requires the legislative alignment with the Television without Frontiers Directive, which creates the conditions for the free movement of television broadcasts within the EU. The acquis aims to the establishment of a transparent, predictable and effective regulatory framework for public and private broadcasting in line with European standards. The acquis also requires the capacity to participate in the community programmes Media Plus and Media Training.

#### ***Chapter 11: Agriculture and rural development***

The agriculture chapter covers a large number of binding rules, many of which are directly applicable. The proper application of these rules and their effective enforcement and control by an efficient public administration are essential for the functioning of the common agricultural policy (CAP). Running the CAP requires the setting up of management and quality systems such as a paying agency and the





integrated administration and control system (IACS), and the capacity to implement rural development measures. Member States must be able to apply the EU legislation on direct farm support schemes and to implement the common market organisations for various agricultural products.

### ***Chapter 12: Food safety, veterinary and phytosanitary policy***

This chapter covers detailed rules in the area of food safety. The general foodstuffs policy sets hygiene rules for foodstuff production. Furthermore, the *acquis* provides detailed rules in the veterinary field, which are essential for safeguarding animal health, animal welfare and safety of food of animal origin in the internal market. In the phytosanitary field, EU rules cover issues such as quality of seed, plant protection material, harmful organisms and animal nutrition.

### ***Chapter 13: Fisheries***

The *acquis* on fisheries consists of regulations, which do not require transposition into national legislation. However, it requires the introduction of measures to prepare the administration and the operators for participation in the common fisheries policy, which covers market policy, resource and fleet management, inspection and control, structural actions and state aid control. In some cases, existing fisheries agreements and conventions with third countries or international organisations need to be adapted.

### ***Chapter 14: Transport policy***

EU transport legislation aims at improving the functioning of the internal market by promoting safe, efficient and environmentally sound and userfriendly transport services. The transport *acquis* covers the sectors of road transport, railways, inland waterways, combined transport, aviation, and maritime transport. It relates to technical and safety standards, security, social standards, state aid control and market liberalisation in the context of the internal transport market.

### ***Chapter 15: Energy***

EU energy policy objectives include the improvement of competitiveness, security of energy supplies and the protection of the environment. The energy *acquis* consists of rules and policies, notably regarding competition and state aids (including in the coal sector), the internal energy market (opening up of the electricity and gas markets, promotion of renewable energy sources), energy efficiency, nuclear energy and nuclear safety and radiation protection.

### ***Chapter 16: Taxation***

The *acquis* on taxation covers extensively the area of indirect taxation, namely value-added tax (VAT) and excise duties. It lays down the scope, definitions and principles of VAT. Excise duties on tobacco products, alcoholic beverages and energy products are also subject to EU legislation. As concerns direct taxation, the *acquis* covers some aspects of taxing income from savings of individuals and of corporate taxes. Furthermore, Member States are committed to complying with the principles of the Code of Conduct for Business Taxation, aimed at the elimination of harmful tax measures. Administrative co-operation and mutual assistance between Member States is aimed at ensuring a smooth functioning of the internal market as concerns taxation and provides tools to prevent intra-Community tax evasion and tax avoidance. Member States must ensure that the necessary implementing and enforcement capacities, including links to the relevant EU computerised taxation systems, are in place.

### ***Chapter 17: Economic and monetary policy***

The *acquis* in the area of economic and monetary policy contains specific rules requiring the independence of central banks in Member States, prohibiting direct financing of the public sector by





the central banks and prohibiting privileged access of the public sector to financial institutions. Member States are expected to co-ordinate their economic policies and are subject to the Stability and Growth Pact on fiscal surveillance. New Member States are also committed to complying with the criteria laid down in the Treaty in order to be able to adopt the euro in due course after accession. Until then, they will participate in the Economic and Monetary Union as a Member State with a derogation from the use of the euro and shall treat their exchange rates as a matter of common concern.

### ***Chapter 18: Statistics***

The acquis in the field of statistics requires the existence of a statistical infrastructure based on principles such as impartiality, reliability, transparency, confidentiality of individual data and dissemination of official statistics. National statistical institutes act as reference and anchor points for the methodology, production and dissemination of statistical information. The acquis covers methodology, classifications and procedures for data collection in various areas such as macro-economic and price statistics, demographic and social statistics, regional statistics, and statistics on business, transport, external trade, agriculture, environment, and science and technology. No transposition into national legislation is needed as the majority of the acquis takes the form of regulations.

### ***Chapter 19: Social policy and employment***

The acquis in the social field includes minimum standards in the areas of labour law, equality, health and safety at work and anti-discrimination. The Member States participate in social dialogue at European level and in EU policy processes in the areas of employment policy, social inclusion and social protection. The European Social Fund is the main financial tool through which the EU supports the implementation of its employment strategy and contributes to social inclusion efforts (implementation rules are covered under Chapter 22, which deals with all structural instruments).

### ***Chapter 20: Enterprise and industrial policy***

EU industrial policy seeks to promote industrial strategies enhancing competitiveness by speeding up adjustment to structural change, encouraging an environment favourable to business creation and growth throughout the EU as well as domestic and foreign investments. It also aims to improve the overall business environment in which small and medium sized enterprises (SMEs) operate. It involves privatisation and restructuring (see also Chapter 8 – Competition policy). EU industrial policy mainly consists of policy principles and industrial policy communications. EU consultation forums and Community programmes, as well as communications, recommendations and exchanges of best practices relating to SMEs aim to improve the formulation and coordination of enterprise policy across the internal market on the basis of a common definition of SMEs. The implementation of enterprise and industrial policy requires adequate administrative capacity at the national, regional and local level.

### ***Chapter 21: Trans-European networks***

This chapter covers the Trans-European Networks policy in the areas of transport, telecommunications and energy infrastructures, including the Community guidelines on the development of the Trans-European Networks and the support measures for the development of projects of common interest. The establishment and development of Trans-European Networks and the promotion of proper interconnection and interoperability of national networks aim to take full advantage of the internal market and to contribute to economic growth and the creation of employment in the European Union.

### ***Chapter 22: Regional policy and coordination of structural instruments***





The acquis under this chapter consists mostly of framework and implementing regulations, which do not require transposition into national legislation. They define the rules for drawing up, approving and implementing Structural Funds and Cohesion Fund programmes reflecting each country's territorial organisation. These programmes are negotiated and agreed with the Commission, but implementation is the responsibility of the Member States. Member States must respect EU legislation in general, for example in the areas of public procurement, competition and environment, when selecting and implementing projects. Member States must have an institutional framework in place and adequate administrative capacity to ensure programming, implementation, monitoring and evaluation in a sound and cost-effective manner from the point of view of management and financial control.

### ***Chapter 23: Judiciary and fundamental rights***

EU policies in the area of judiciary and fundamental rights aim to maintain and further develop the Union as an area of freedom, security and justice. The establishment of an independent and efficient judiciary is of paramount importance. Impartiality, integrity and a high standard of adjudication by the courts are essential for safeguarding the rule of law. This requires a firm commitment to eliminating external influences over the judiciary and to devoting adequate financial resources and training. Legal guarantees for fair trial procedures must be in place. Equally, Member States must fight corruption effectively, as it represents a threat to the stability of democratic institutions and the rule of law. A solid legal framework and reliable institutions are required to underpin a coherent policy of prevention and deterrence of corruption. Member States must ensure respect for fundamental rights and EU citizens' rights, as guaranteed by the acquis and by the Fundamental Rights Charter.

### ***Chapter 24: Justice, freedom and security***

EU policies aim to maintain and further develop the Union as an area of freedom, security and justice. On issues such as border control, visas, external migration, asylum, police cooperation, the fight against organised crime and against terrorism, cooperation in the field of drugs, customs cooperation and judicial cooperation in criminal and civil matters, Member States need to be properly equipped to adequately implement the growing framework of common rules. Above all, this requires a strong and well-integrated administrative capacity within the law enforcement agencies and other relevant bodies, which must attain the necessary standards. A professional, reliable and efficient police organisation is of paramount importance. The most detailed part of the EU's policies on justice, freedom and security is the Schengen acquis, which entails the lifting of internal border controls in the EU. However, for the new Member States substantial parts of the Schengen acquis are implemented following a separate Council Decision to be taken after accession.

### ***Chapter 25: Science and research***

The acquis in the field of science and research does not require transposition of EU rules into the national legal order. Implementation capacity relates to the existence of the necessary conditions for effective participation in the EU's Framework Programmes. In order to ensure the full and successful association with the Framework Programmes, Member States need to ensure the necessary implementing capacities in the field of research and technological development including adequate staffing.

### ***Chapter 26: Education and culture***

The areas of education, training, youth and culture are primarily the competence of the Member States. A cooperation framework on education and training policies aims to converge national policies and the attainment of shared objectives through an open method of coordination, which led to the "Education and Training 2010" program, which integrates all actions in the fields of education and training at European level. As regards cultural diversity, Member States need to uphold the principles





enshrined in Article 151 of the EC Treaty and ensure that their international commitments allow for preserving and promoting cultural diversity. Member States need to have the legal, administrative and financial framework and necessary implementing capacity in place to ensure sound financial management of the education, training and youth Community programmes (currently Leonardo da Vinci, Socrates, Youth).

### ***Chapter 27: Environment***

EU environment policy aims to promote sustainable development and protect the environment for present and future generations. It is based on preventive action, the polluter pays principle, fighting environmental damage at source, shared responsibility and the integration of environmental protection into other EU policies. The *acquis* comprises over 200 major legal acts covering horizontal legislation, water and air quality, waste management, nature protection, industrial pollution control and risk management, chemicals and genetically modified organisms (GMOs), noise and forestry. Compliance with the *acquis* requires significant investment. A strong and well-equipped administration at national and local level is imperative for the application and enforcement of the environment *acquis*.

### ***Chapter 28: Consumer and health protection***

The consumer protection *acquis* covers the safety of consumer goods as well as the protection of the economic interests of consumers in a number of specific sectors. Member States need to transpose the *acquis* into national law and to put in place independent administrative structures and enforcement powers which allow for effective market surveillance and enforcement of the *acquis*. Appropriate judicial and out-of-court dispute resolution mechanisms as well as consumer information and education and a role for consumer organisations should be ensured as well. In addition, this chapter covers specific binding rules in the area of public health.

### ***Chapter 29: Customs union***

The customs union *acquis* consists almost exclusively of legislation which is directly binding on the Member States. It includes the EU Customs Code and its implementing provisions, the combined nomenclature, common customs tariff and provisions on tariff classification, customs duty relief, duty suspensions and certain tariff quotas, and other provisions such as those on customs control of counterfeit and pirated goods, drugs precursors, export of cultural goods as well as on mutual administrative assistance in customs matters and transit. Member States must ensure that the necessary implementing and enforcement capacities, including links to the relevant EU computerised customs systems, are in place. The customs services must also ensure adequate capacities to implement and enforce special rules laid down in related areas of the *acquis* such as external trade.

### ***Chapter 30: External relations***

The *acquis* in this field consists mainly of directly binding EU legislation which does not require transposition into national law. This EU legislation results from the EU's multilateral and bilateral commercial commitments, as well as from a number of autonomous preferential trade measures. In the area of humanitarian aid and development policy, Member States need to comply with EU legislation and international commitments and ensure the capacity to participate in the EU's development and humanitarian policies. Applicant countries are required to progressively align its policies towards third countries and its positions within international organisations with the policies and positions adopted by the Union and its Member States.

### ***Chapter 31: Foreign, security and defence policy***

The common foreign and security policy (CFSP) and the European security and defence policy (ESDP) are based on legal acts, including legally binding international agreements, and on political





documents. The acquis consists of political declarations, actions and agreements. Member States must be able to conduct political dialogue in the framework of CFSP, to align with EU statements, to take part in EU actions and to apply agreed sanctions and restrictive measures. Applicant countries are required to progressively align with EU statements, and to apply sanctions and restrictive measures when and where required.

### ***Chapter 32: Financial control***

The acquis under this chapter relates to the adoption of internationally agreed and EU compliant principles, standards and methods of public internal financial control (PIFC) that should apply to the internal control systems of the entire public sector, including the spending of EU funds. In particular, the acquis requires the existence of effective and transparent financial management and control systems (including adequate ex-ante, ongoing and ex-post financial control or inspection); functionally independent internal audit systems; the relevant organisational structures (including central co-ordination); an operationally and financially independent external audit organisation to assess, amongst others, the quality of the newly established PIFC systems. This chapter also includes the acquis on the protection of EU financial interests and the fight against fraud involving EU funds.

### ***Chapter 33: Financial and budgetary provisions***

This chapter covers the rules concerning the financial resources necessary for the funding of the EU budget ('own resources'). These resources are made up mainly from contributions from Member States based on traditional own resources from customs and agricultural duties and sugar levies; a resource based on value-added tax; and a resource based on the level of gross national income. Member States must have appropriate administrative capacity to adequately co-ordinate and ensure the correct calculation, collection, payment and control of own resources. The acquis in this area is directly binding and does not require transposition into national law.

### ***Chapter 34 - Institutions***

This chapter covers the institutional and procedural rules of the EU. When a country joins the EU, adaptations need to be made to these rules to ensure this country's equal representation in EU institutions (European Parliament, Council, Commission, Court of Justice) and other bodies and the good functioning of decision-making procedures (such as voting rights, official languages and other procedural rules) as well as elections to the European Parliament. EU rules in this chapter do not affect the internal organisation of a Member State, but acceding countries need to ensure that they are able to participate fully in EU decision-making by setting up the necessary bodies and mechanisms at home and by electing or appointing well-prepared representatives to the EU institutions. After concluding the accession negotiations, specific rules for the interim period until accession ensure a smooth integration of the country into EU structures: an information and consultation procedure is put in place and, once the Accession Treaty is signed, the acceding country is granted active observer status in the European Parliament and Council as well as in Commission committees.

### ***Chapter 35 - Other issues***

This chapter includes miscellaneous issues which come up during the negotiations but which are not covered under any other negotiating chapter. No such issues have been identified for the moment. Chapter 35 is dealt with at the end of the negotiating process.

Source:

[http://ec.europa.eu/enlargement/enlargement\\_process/accesion\\_process/how\\_does\\_a\\_country\\_join\\_the\\_eu/negotiations\\_croatia\\_turkey/index\\_en.htm](http://ec.europa.eu/enlargement/enlargement_process/accesion_process/how_does_a_country_join_the_eu/negotiations_croatia_turkey/index_en.htm)

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