

**BULGARIA'S PRE-ACCESSION AGENDA
AND THE EUROPEAN UNION'S
POST-ENLARGEMENT AGENDA IN 2005
(analysis of positions on key topics)¹**

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GENERAL COMMENTS

Bulgarian positions on EU-related issues that are included in the EU-25 Watch survey – among them the constitutional crisis, negotiations on the next financial framework, prospects for further enlargement, foreign policy, security and defence, etc. – reflect one major preoccupation of the country and its political elite: forthcoming EU membership. Bulgaria is still an acceding country, and not (yet) a full-fledged EU member state. This status impacts on political priorities, on practical action by the government and political parties, and on public debates. Accession is the country's immediate goal, and the whole Bulgarian domestic and foreign policy making is dominated by the pre-accession agenda. The latter is in some respects distinct from the EU's post-enlargement agenda.

Politics. At the stage of government formation following the parliamentary elections of June 2005, the imperative of membership was the most powerful consolidating factor. The stalemate resulting from a distribution of seats in parliament with no clear winner was overcome after a six-week negotiation process only with the argument that further delays in swearing in a stable government might undermine the country's credibility and its capacity to respect commitments made during the negotiation process. That, in turn, could endanger the prospects of Bulgaria's entry in the EU on 1 January 2007 and lead to the imposition of a safeguard that would postpone accession until 2008. Despite the bitter wrangling between socialists and liberals during the electoral campaign and even after the new parliament was summoned, a three-party centre-left coalition was established between the Bulgarian Socialist Party (BSP), the National Movement Simeon II (NDSV) and the Movement of Rights and Freedoms (DPS – a party that represents primarily Bulgarian Turks). They formed the so-called "government of European integration, economic growth and social responsibility".

Debate. Almost the entire post-electoral political debate was accession-driven. Both in anticipation of the publication (on 25 October 2005) of a monitoring report by the European Commission and after that, political discourse rotated around criticisms about delays in the country's preparedness to meet commitments made on specific sub-divisions of the chapters of the *acquis*. This report not only set the agenda of national debates in substantive terms, but it served as a unique point of reference and source of authority, and it "contaminated" the vocabulary employed in the media with the specific Euro-jargon.

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Reform policies. Domestic reforms were characterized, on one hand, by a general “reform fatigue”. However, on the other hand, there was the ambition to demonstrate a concerted effort to respond to the critical findings of the Commission’s monitoring report. The governing political elite, most specialized units of the civil service, expert circles and related social groups (such as the magistrates and the branches of the legal profession as a whole) took part in this exercise. Insofar as political and economic reforms were dictated by pre-accession requirements, they clearly shifted from a horizontal effort to transpose EU legislation towards a focused strain in those sub-sectors that had raised serious EU concerns.

As can be seen from the above summary, the pre-accession agenda was dominant at the levels of politics, policies and public debates. Its major thrust was to secure Bulgaria’s entry in the EU on 1 January 2007, and avoid or minimize the risks of postponing accession until 2008. On this background, all other issues, which were of major significance for the EU (or were at least perceived as such), but which did not derive directly from the pre-accession process, were treated with a set of complementary tactics:

Non-involvement. This approach emphasises Bulgaria’s status of a not-yet EU member. In popular debate, this line of argument reads: “We should take pains at doing our pre-accession “homework”. The EU should deal with its internal problems.” It draws a clear distinction between the pre-accession and the post-accession agenda. It is based on the understanding that meeting entry requirements, fulfilling commitments made during the negotiations, adopting and implementing EU legislation – these are all activities that the acceding country should perform not only “in order to” achieve EU membership, but also “until” it does so. In the race towards EU membership, the date of entry is seen as a finish line, beyond which one starts a new game (a new race) with a different set of rules. That is usually the rationale behind the attempts of the political and business elite, while the country finds itself at the pre-accession stage, to distance itself from analyzing and debating problems that stand high on the agenda of the EU-25.

Defensive/negative involvement. This is an approach to dealing with current EU developments, which reveals the limitations of non-involvement. In one way or another, the most important cleavages within the EU-25 appear on issues that demonstrate the implications of the 2004 phase of the Eastern enlargement. These are, for example, EU-wide debates on the constitutional treaty, on the 2007-2013 financial framework, on the prospects for further widening. In most of the “old” EU members, these deliberations show a certain “enlargement fatigue” (of a different intensity), which is of a crucial short-term importance for Bulgaria and Romania. The coincidence of a “post-2004-enlargement fatigue” in the EU and a “pre-2007-accession reform fatigue” in Bulgaria and Romania has a cumulative negative impact on these two countries’ entry prospects. Moreover, the specific modalities of these “internal” EU debates and some set-backs (such as the two negative referenda or the much criticized UK budget package proposal of November 2005) imperil, more often than not, the seemingly unrelated issue of Bulgaria’s and Romania’s accession date. In such a context, the tactical approach adopted by national representatives is to try to prevent or at least limit potential damage: “Bulgaria should not be punished or endure negative consequences because of processes which do not depend on us.”

Positive involvement. Despite the preeminence of the above two tactical approaches, Bulgaria has resorted to a positive involvement in the debate on high priority EU issues, as well. As a rule, the expression of concrete views has taken place on specific substantive issues that are relatively non-contentious. On the contrary, Bulgarian representatives have tried to avoid

tackling hot issues subject to controversy among current EU members, or have addressed them from a damage limitation perspective insofar as particular lines of debate or proposals subject of negotiation have posed a threat to the country's accession prospects. In stating such specific positions, Bulgaria builds upon its experience of full-fledged participation in the work of the European Convention, where most arguments of today's debate were developed and tested. In this context, positive involvement serves a double purpose. First, as a public relations tool, developing "pro-European" positions supporting non-contentious causes helps Bulgaria build the image of a "good European" and promotes the country's accession to the EU. Second, on substance, it is a modest contribution to directing the current debate and even possibly bringing it to a useful conclusion (in the short term). Moreover, it places Bulgaria as a future member state on the political "map" of the EU in terms of the country's strategic views and preferences on the Union's system, construction and policy package (in the medium term).

KEY TOPICS

1. The constitutional crisis

Bulgaria has actively participated in the first (non-institutionalized) phase of the "future of Europe" debate in 2001. Further on, official representatives of the Bulgarian government and of the National Assembly (coming from parties forming the governing coalition and from opposition parties) took part as full-fledged members of the European Convention in 2002-2003. Deliberations in a EU-wide format as full members prior to EU accession proved a valuable learning exercise for Bulgarian politicians. At the last stage of EU constitution making, Bulgaria was invited as observer at the Intergovernmental Conference (IGC) in 2003-2004. In sum, the country's political class, key units in the civil service and expert circles became fully informed about and substantively involved in the elaboration of the constitutional treaty.

Having such a continuous record of involvement and a high degree of intensity of participation, Bulgaria negotiated a form of presence at the last phase of this process – the signature of the Treaty establishing a Constitution for Europe on 29 October 2004 in Rome. As the country was not yet EU member, it could not sign the treaty proper. However, as Bulgaria had an observer status, its Prime Minister Simeon Saxe-Coburg-Gotha signed the Final Act of the IGC. His presence at the ceremony in Rome was widely used for public relations purposes and to some extent proved effective in convincing the wide public in the country's achievements on the way to EU membership.

The ratification of the constitutional treaty is a question of legal complexity. Since Bulgaria has not signed this treaty, it is not expected to launch a ratification procedure – be it by means of a parliamentary vote or by way of referendum. However, if the constitution is ratified by the EU-25 and enters into force by the time of the country's entry in the EU on 1 January 2007, Bulgaria will have to accede to the Union having the constitutional treaty as a legal basis. In other words, Bulgaria will have to consider the constitutional treaty as a primary source of *acquis communautaire*. In the opposite case, the Treaty of Nice will serve as a legal basis for accession. At the last stage of Bulgarian-EU accession negotiations, a special provision was made in the Accession Treaty/Act of Accession of Bulgaria and Romania to take into account both possible options. This complex legal package was endorsed and the Accession Treaty was signed on 25 April 2005. Later, when the Bulgarian parliament ratified Accession Treaty (on 12 May 2005, by a vote close to unanimity), it de facto indirectly

endorsed the constitutional treaty. Therefore, Bulgaria could also be counted among the countries where the constitutional treaty has already been endorsed by means of a parliamentary procedure.

While being a matter of legal complexity, as shown above, the indirect(!) ratification of the constitutional treaty in Bulgaria became – fortunately – a question of political simplicity. When the Bulgarian parliament gave its indirect approval for the constitutional treaty – albeit without a substantive political (or public) debate on the constitution as such – it managed to avoid a much more complex political situation in the second half of 2005.

The negative results of referendums on the EU constitutional treaty in France and the Netherlands were a cause for concern by Bulgarian politicians. However, they did not trigger broad public debates, because they coincided with developments of a higher order of priority. In June 2005, two issues of primordial importance stood on top of the domestic political agenda – regular parliamentary elections and ongoing monitoring on behalf of the European Commission. Both pre-electoral disputes and a critical letter issued by the Commission’s DG “Enlargement” (13 June) distorted political assessments of the looming crisis. The results of the two referendums were interpreted as “a warning signal that we have to fulfill all commitments made in Accession Treaty in the fixed deadlines” (source 3). On the other hand, the pre-electoral domestic political setting encouraged the governing party to picture itself as the only guarantor of sustained efforts to lead the country through the forthcoming turbulent period towards a successful accession.

In the summer and autumn of 2005 there were several circumstances that drove the attention of political parties away from the EU constitutional crisis and hampered attempts to produce an elaborate assessment of its nature and causes. First there was the campaign leading to parliamentary elections, then came the long and painful birth of a new government. Later, still, came everyone’s fixation on the forthcoming monitoring report of the European Commission (announced on 25 October 2005). Only after the report was published could the party leading the new governing coalition (that is, the BSP) develop a more substantive evaluation of the post-referendum situation (source 4). In the words of the Prime Minister, “there is a certain feeling of a loss of direction of development in the EU during the last months, a feeling of unclear priorities, and even – to a minor degree, of course – a feeling of a loss of the EU’s *raison d’être*.” The evaluation goes further by introducing a geographical distinction in an attempt to downplay negative overtones. “The tendency marked by the unsuccessful referendums in France and the Netherlands and by the unsuccessful talks on the 2007-2013 financial perspectives is valid for the old member states to a much greater degree than for the new members and for the candidate countries. On substance, there is a much higher degree of euro-optimism in the countries of Central and Eastern Europe. [...] [O]ur countries’ membership gives the EU new strengths and a new positive energy.” (source 4)

From the outset, Bulgarian politicians have consistently and repeatedly emphasized the distinction between Bulgaria’s accession and the constitutional crisis. This has become a leitmotif of all political representatives, irrespective of political colour. They argue that increase in Euroscepticism and in reticence concerning enlargement should not influence in any way Bulgaria’s accession on 1 January 2007, and that the country should not be punished or endure negative consequences because of processes, which were not dependent on us. Such views are shared by politicians and by expert circles, and in the civil service. (source 7)

In the current reflection period, Bulgaria attentively follows the debate about possible solutions to the constitutional impasse ranging from proposals to subject the treaty to a re-negotiation to suggestions about an anticipatory entry in force of the constitution by putting some of its elements in advance. In the EU-wide debate, the so-called “cherry-picking” is seen by some as a solution to salvage important parts of the advances agreed. In the views of others, the package of reforms should not be unbundled, as carefully crafted balances and compromises may be lost. There are still those who are vehemently opposed to implementing any part of the constitutional treaty, arguing that such an approach would be disrespectful of the will of the people and equals to smuggling the text through the back door. Still others, while supporting the document, urge caution so as not to complicate possible future ratifications.

On this background, the three general tactical approaches outlined earlier are applied as complementary to one another. Official Bulgarian representatives refrain from taking categorical stands on controversial issues related to the debates on the constitutional treaty, unless a twist of deliberation would threaten the country’s accession. However, the combination of non-involvement and defensive involvement is replaced by attempts at positive involvement on some specific options. It is difficult to expect that Bulgaria would seek a place among *initiators* of a re-launch of treaty reform. The obvious reason is its status of a yet-to-be member state, which it will have for another year. However, it offers its support for finding a positive outcome of the current stalemate. Thus, Bulgaria does not exclude the implementation of some innovations agreed in the constitution even prior to (and irrespective of) its ratification. Support for “cherry picking” in certain specific cases – where non-contentious issues are discussed – is justifiable, insofar as advance implementation of some constitutional provisions was foreseen from the beginning.

Two possible examples of the anticipatory introduction of some constitutional innovations touch upon the position of a European Foreign Minister and the establishment of a European external action service (see comments in the section on the EU’s role in the world). There are also other possible options that enjoy the informal support of EU experts in the civil service (source 7). One of them is the possible separation of the constitutional text into two parts – one with more political and the other with more technical provisions. The political part could/should be short and could be approved by referendums, while the technical part should be the subject of ratification by the national parliaments of member states.² Another package of innovations that would be acceptable for Bulgaria to be introduced in advance of the ratification of the constitutional treaty is the Protocol on the application of the principles of subsidiarity and proportionality, including the ideas of an early warning system. According to such views, subsidiarity could be reinforced by means of signing the relevant inter-institutional agreement. A similar approach is taken on the question of the role of national parliaments, which is also an issue generally supported in Sofia.

2. The future of EU enlargement

Determination to achieve Bulgaria’s entry in the EU within the agreed timeframe (1 January 2007) – shared by all major political parties – is translated into a double track strategy. First, that is to step up domestic reforms with a particular emphasis on specific issues where the Commission’s monitoring report has identified backlog. Second, that is to enhance efforts to obtain timely ratification of the Accession Treaty by the current 25 member states. On both

² It should be noted that this is a position held by Bulgarian official representatives as early as from the start of deliberations in the European Convention (source 1).

tracks, Bulgaria understands the need to cooperate with Romania and has undertaken joint initiatives at highest and at ministerial level.

As regards prospects for further enlargement, the Western Balkans are Bulgaria's major preoccupation. Security, stability, economic development and the modernisation of the region cannot be achieved without fostering the perspective of EU membership for these countries (source 4). This includes such hot issues as the future of Kosovo and Bosnia-Herzegovina. Any attempts on the part of the EU to proceed along a path that would be different from accession and to ignore domestic political processes, while dealing with its own internal problems, would have a negative "domino effect" and return old controversies and hatreds in the area. In this line of thoughts, Bulgaria supports the opening of accession negotiations with Croatia on 3 October 2005 and hopes that Macedonia will also start such negotiations in the future. (source 4)

The question of Bulgarian attitudes to the eventual accession of Turkey to the EU is more complex. By coincidence, the decision to open entry negotiations with Bulgaria (together with the other five candidate countries of the second group) was taken at the same European Council meeting (in December 1999 in Helsinki) as the decision to grant Turkey a candidate status. At the time, the need to establish a well functioning machinery for conducting accession negotiations seemed to have exhausted the political and administrative resources and motivation for elaborating an informed opinion on this issue. Later, both during the 2001-2005 parliamentary term and since the June 2005 election, the presence of the DPS (party of the Turkish minority) in different government coalitions has prevented the unfolding of a public debate. The current government has also been prudent in explicitly stating a firm position. It is indicative, for example, that Prime Minister Stanishev, when expressing his support for accession negotiations with Croatia and Macedonia in his foreign policy lecture, avoids mentioning Turkey. Discussions among expert circles suggest that, if the political debate on Turkey's EU bid (ever) happens, it could be expected to develop along the lines of the debate in some current EU members (e.g. Germany). In such a (hypothetical) setting, right wing views would be much more critical of Turkish accession fearing the transformation of Bulgaria's economy into a hinterland of Istanbul (source 2).

While recognizing all the limitations of its current status, Bulgaria faces the difficult task of promoting two just causes in parallel. The first is its own entry in the EU by way of successfully finalizing all ratification procedures without risking a postponement of the date of accession. At the same time, it is important to promote bilateral relations with countries of the Union's neighbourhood aspiring for membership. On one hand, it is understandable that many people in Europe ask themselves questions about the speed, conditions and direction of future enlargement, whether the process is well managed, whether the accession criteria are indeed fulfilled, whether or not there should be a pause to consolidate what has been achieved before making new important steps.³ As a future EU member, Bulgaria realises the concerns of other member states and their citizens. On the other hand, in its relationship with the EU Bulgaria has more than once felt the danger of being punished with exclusion for reasons going beyond its command. Therefore, the avoidance of exclusion in managing the EU's relations with its current neighbours – especially those in Eastern Europe and in the Black Sea region – is also a priority in the conduct of Bulgarian foreign policy. On many occasions,

³ Interviews with high level Bulgarian civil servants from EU integration units in the central administration, held in October-November 2005.

Bulgarian top politicians have expressed support for the ambition of countries in that area to strive for EU accession.⁴

3. Financial framework 2007-2013

Bulgarian politicians have in general avoided to “take sides” in the debate on the 2007-2013 financial framework. In public discussion on EU-related issues, this topic surfaces mostly on the occasion of sharp controversies among current member states, as, for example, at the moment of clash on the most recent UK proposal of November 2005. The debate is closely followed by competent figures at political level, but is eclipsed by the domestic political agenda, as in June 2005, when the dispute between Chirac and Blair on the budget coincided with the parliamentary electoral campaign.

Insofar as there is political debate on this issue, it is of low intensity and fits the general pattern of government-opposition disputes. Representatives of the ruling coalition express general concern with the risk that the levels of funding of EU structural policies could be cut down. But they plead non-involvement on substance by interpreting the budgetary debate as an “internal affair of the EU” that “does not affect Bulgaria directly”. They stress the fact that the clauses of the Accession Treaty provide legal security and certainty for the amounts Bulgaria should expect to receive during the first three years after accession (2007-2009) (sources 5 & 7). Conveniently, this time frame coincides with the mandate of the current government.

On the contrary, some of the outspoken opposition parties (like DSB) tend to focus on the commonality of problems and achievements. Touching on the financial debate, they argue that “the drama of the EU is becoming a drama of Bulgaria” and that it should be hoped that “the good moments of the EU become good moments for Bulgaria, i.e. that Bulgaria is already part of this space” (source 7). Following their explicit reasoning, a budgetary crisis or an agreement to cut down funding for structural policies would have a serious de-motivating impact on Bulgarian pre-accession efforts at the crucial moment of preparation for the next monitoring report of the Commission (to be published on 12 May 2006). While this is a valid argument, the overall anxiety of opposition representatives about a possibly aggravating financial status of Bulgaria in the medium term (after 2009, when security granted by the Accession Treaty provisions will be waived) is indicative. Such a mid-term focus implicitly reflects the expectations of an opposition party to win the next elections (falling exactly in 2009).

5. The EU’s role in the world

The institutional aspects of the EU’s efforts to secure an increased potential for a world role are part of the constitutional debate. They are treated with special attention, as they have not been the source of disputes among member states and offer the possibility to consider putting innovations into practice even in a situation of non-ratification of the constitutional treaty. As such, this subject matter offers opportunities for a positive involvement of Bulgaria in the debate.

Anticipatory implementation of constitutional provisions has been explicitly supported with regard to the establishment of the European external action service. Prime Minister Stanishev

⁴ See, for example, a recent statement of minister Kalfin vis-à-vis Ukraine (source 6).

has called for a significant acceleration of the initial pace of setting up the new administration (source 4). The official position has been more prudent on the idea to officially introduce the new position of a European Foreign Minister. A number of Bulgarian experts and administrators are prepared to support this move, irrespective of the entry into force of the constitution. In these circles, it is sometimes argued that the post of the new foreign policy *supremo* should be created “as soon as possible” and that finding the necessary legal base will not be a problem “if there is a political agreement on the subject”.⁵ This last argument could indicate that Bulgarian assessment of the significance of the question of legal base in the EU’s evolution is rather imprecise. Nonetheless, official views do not (yet) spell out the desirability of an imminent establishment of the post of Foreign Minister. They contain just a determined plea in favour of a further improvement of coordination in the foreign policy actions of the European Commission and the High Representative for CFSP.

Bulgarian attitudes to the European Security and Defence Policy (ESDP) as an important part of the Common Foreign and Security Policy (CFSP) demonstrate consistent support in terms of both political commitment and material contributions. Participation in ESDP after accession is considered as an opportunity for gaining access to additional political and military instruments for providing guarantees for national security not only at regional, but at global level, as well (source 4). This is essential with a special focus on contemporary security threats – terrorism, proliferation of weapons of mass destruction, organized crime, etc. ESDP and CFSP should not be seen as an alternative to NATO. The North Atlantic Alliance is a solid base for the build-up of ESDP, on the basis of the declaration on strategic partnership and the “Berlin plus” agreement. Bulgaria is already involved in the peace-keeping missions in Bosnia-Herzegovina, Kosovo and Macedonia and would like to further step-up its contribution. In the words of the current premier, “we would like to play a more active role in the settlement of the Kosovo conflict” on the basis of its European perspective and “irrespective of its future status” (source 4).

6. Upcoming issues and events

Bulgaria’s pre-accession efforts will focus on one domestic and one foreign policy objective. First, the country will aim at catching-up preparations for the implementation of the *acquis* in the specific sub-sectors indicated by the Commission, in time for the next monitoring report (12 May 2006). Second, it will unfold diplomatic activities to secure the timely ratification of the Accession Treaty in all current 25 EU member states. A major event on the domestic political agenda in the autumn of 2006 is the organization of the next regular presidential elections. Given the entry of a nationalist party (“Ataka”) in politics at the last parliamentary elections, it should not be excluded that “Europe” could form part of the pre-electoral debate. The parliament will also have to take an important political decision (and adopt the respective law) on Bulgaria’s first direct elections for the European Parliament, which should be held in 2007.

7. Priorities and perspectives for the period 2005-2009

The 2005-2009 time frame coincides with the mandate of the current coalition government. Apart from (and after) EU accession, its mid-term EU-related priorities include (source 4):

⁵ Interviews with high level Bulgarian civil servants from EU integration units in the central administration, held in October-November 2005.

- the second stage of preparation for implementing the Schengen acquis, which would aim at abolishing border controls on external borders, and initiating the formal procedures of accession to the Schengen agreement;
- preparation of accession to the Economic and Monetary Union;
- fostering administrative capacities for the absorption of EU structural and cohesion funds.

Sofia
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SOURCES (in chronological order):

- Source 1: Decision of the Council of Ministers of the Republic of Bulgaria (i.e. the Bulgarian government) of 7 February 2002 approving an “Initial Position of the Republic of Bulgaria on the debate about the future of the European Union”.
- Source 2: Minchev, Ognyan (2004): Implications of EU enlargement in 2004 for prospective candidates from South Eastern Europe, pp. 205-212 in: Nikolov, Krassimir (ed.): The European Union after 1 May 2004: Is there a shock from enlargement? Implications for South Eastern Europe and for the Enlarged Union, BECSA, June-December 2004.
- Source 3: Interview of Mr. Solomon Passy, Minister of Foreign Affairs, for the “24 chasa” daily newspaper, given on 11 June 2005, available at the web site of the Ministry of Foreign Affairs: www.mfa.government.bg.
- Source 4: Lecture of Mr. Sergey Stanishev, Prime Minister of the Republic of Bulgaria, on Bulgaria’s foreign policy priorities, delivered before the Bulgarian Diplomatic Society and the National Association of International Affairs, Sofia, 4 November 2005.
- Source 5: Press-release about the intervention of Mr. Christian Viguenin (MP, Bulgarian Socialist Party), Bulgarian “active observer” at the European Parliament, at the meeting of MEPs from the “Višegrad Plus” initiative with Ms. Danuta Huebner, EU commissioner, on 29 November 2005, available at the web site of the Bulgarian Socialist Party: www.bsp.bg
- Source 6: Press-release about the visit of Mr. Ivailo Kalfin (Vice Prime Minister and Minister of European Affairs/Bulgarian Socialist Party) to the Ukraine on 30 November 2005, available at the “Evroportal” website: www.evroportal.bg.
- Source 7: Discussion of Mr. Mladen Chervenjakov (MP, Bulgarian Socialist Party), Mr. Chetin Kazak (MP, Movement of Rights and Freedoms) and Mr. Assen Agov

(MP, Democrats for a Strong Bulgaria) on the current EU budgetary crisis, held in the “Koritarov Live” TV programme of “Nova” Television on 7 December 2005, stenographic recording offered by the Bulgarian Telegraph Agency, available at the web site of the party “Democrats for a Strong Bulgaria”: www.dsb.bg.