

German Bundestag

20th electoral term

Decision

The German Bundestag, at its 143th sitting, held on 13 December 2023, acting on the basis of Bundestag printed paper 20/9724, has adopted the following decision:

In relation to the Federal Chancellor issuing a policy statement on the European Council of 14-15 December 2023

Re: Statement of position by the German Bundestag under Article 23(3) of the Basic Law, read in conjunction with section 9(2) of the Act on Cooperation between the Federal Government and the German Bundestag in Matters concerning the European Union

Reaching of agreement between the Bundestag and the Federal Government on the European Commission recommendation of 8 November 2023 to open accession negotiations with the Republic of Moldova

I. The Bundestag notes:

Since the 2020 presidential elections and the 2021 parliamentary elections, the President and the Government of the Republic of Moldova have, with a clear mandate from the electorate, launched an ambitious process of reform and transformation. Even before Russia's illegal war of aggression against Ukraine, the new government embarked on a credible path towards freeing itself from oligarchical structures. The reform journey now under way is rooted in Moldovan society, which has been calling for comprehensive reform, democracy and the rule of law for many years and with great emphasis – while rightly hoping for the support of the European Union. In 2014, the Republic of Moldova and the EU signed a comprehensive Association Agreement which fully entered into force in 2016 and through which the Republic of Moldova committed itself to extensive convergence with the EU. In so doing, the country was continuing along the path of ambitious democratic transition begun after the overthrow of Soviet tyranny.

For Moldova even more than most, Russia's illegal war of aggression against Ukraine constitutes a rupture. The egregious effects of the war can be felt all over the country. In particular, the need to accommodate hundreds of thousands of Ukrainian refugees, the drastic rise in energy prices brought about by Russia as a matter of policy, and Russia's aggressive attempts at destabilisation, in part by means of external and internal disinformation campaigns, are confronting Ukraine's neighbour with

enormous challenges. An additional factor is the ongoing security risk inherent in the presence of Russian armed forces in the separatist region of Transnistria, who are there without the consent of the Republic of Moldova, violating the territorial integrity and sovereignty of the Moldovan state. The Government and people of Moldova, however, are meeting these challenges in a spirit of solidarity and firm resolve. This earns them great respect and support.

Time and again, and not just since Russia's war of aggression, the EU's enlargement policy is a geostrategic investment in peace, security, stability and prosperity. The Russian regime's unscrupulous readiness to destroy the European peace order has placed the urgency of European integration right at the top of the European agenda. The future of the Republic of Moldova lies within the European Union. It is therefore in the interests of Germany and the EU to put our best efforts into supporting, both bilaterally and at the European level, the path of reform on which President Maia Sandu has embarked as well as the sovereignty and integrity of the Republic of Moldova.

On 3 March 2022, the Republic of Moldova applied under Article 49 of the Treaty on European Union (TEU) to become a member of the EU. The Council passed the accession application on to the Commission for evaluation on 7 March 2022. The Commission issued its opinion on 17 June 2022. On 23 June 2022, the European Council accepted the recommendation of the Commission, granting the Republic of Moldova candidate status on the understanding that further reform progress must be made. In its country report of 8 November 2023, the European Commission reassessed the Republic of Moldova's progress on reforms and recommended, on the basis of the progress achieved, that EU accession negotiations be opened.

In a letter dated 15 November 2023, the Federal Government notified the Bundestag that the Republic of Moldova's progress was to be assessed and a decision taken on the opening of accession negotiations with the Republic of Moldova by the General Affairs Council on 12 December 2023 and by the European Council at its meeting of 14-15 December 2023. In the view of the Federal Government, the decision in question can be adopted. The Federal Government moreover referred to the Bundestag's right to deliver an opinion and, in accordance with section 9(2) of the Act on Cooperation between the Federal Government and the German Bundestag in Matters concerning the European Union (*Gesetz über die Zusammenarbeit von Bundesregierung und Bundestag in Angelegenheiten der Europäischen Union*), requests before the final decision in the Council or in the European Council that agreement be reached on its consenting to the assumption of EU accession negotiations with the Republic of Moldova.

In its 2023 country report on the Republic of Moldova, the European Commission finds that the country is having to deal with multiple difficulties as a result of Russia's war of aggression against Ukraine but has nonetheless achieved considerable progress. Since candidate status was granted in June 2022, the Commission has noted an increase in the rate of reform. It reports that six of the nine priority reform steps identified in the Commission opinion of June 2022 have been completed, covering electoral legislation, organised crime and money laundering, public administration, finance management and public procurement, involvement of civil society, and human rights and gender equality. Steps which the Commission considers still incomplete concern the judicial system, anti-corruption efforts and de-oligarchisation. In addition, the Commission evaluates the progress made on democracy, the rule of law, human rights and the protection of minorities as sufficiently in line with the 1993 Copenhagen criteria but highlights the need for further advances. The Federal Government shares the Commission's assessment of the Republic of Moldova's reform record so far.

In light of the reform measures achieved, the Bundestag supports the Commission's recommendation to the Council on opening EU accession negotiations with the Republic of Moldova. Moreover, the Bundestag supports the Commission's

recommendation to the Council on adopting the negotiating framework as soon as the Republic of Moldova has achieved the necessary further progress in the key areas identified by the Commission.

The Bundestag expressly welcomes the European Commission's readiness to report to the Council by March 2024 and to begin the preparatory work, particularly the screening of the *acquis* and the drafting of the negotiating framework.

Strict fulfilment of the Copenhagen criteria remains a prerequisite for EU accession. The performance-based approach without politically motivated concessions is indispensable to the objective of lasting stabilisation and democratisation. Fundamental to successful collaboration within the EU are respect for and consolidation of the rule of law, democracy, human rights and the protection of minorities. Further progress in these key areas is indispensable to the accession process.

The EU's enlargement policy is a geostrategic investment in peace, security, stability and prosperity. The German Bundestag therefore supports the accession processes under way and expressly reaffirms its commitment to the goal of EU accession for the states of the Western Balkans. Their respective governments must credibly advance the necessary process of reform and convergence, while the EU and its member states must fulfil the pledges they have made.

In tandem with the enlargement process, the EU must improve its absorption capacity. Accession negotiations must go hand in hand with institutional reforms and modernisation of common policies, so that the effectiveness and functionality of a growing EU can be assured.

II. In accordance with section 9 of the Act on Cooperation between the Federal Government and the German Bundestag in Matters concerning the European Union, the Bundestag declares its agreement with the Federal Government's intention to vote for a Council decision on opening negotiations on the Republic of Moldova's accession to the EU and to endorse that decision at the meeting of the European Council on 14-15 December 2023.

III. In addition, the Bundestag calls on the Federal Government:

- to advocate at the European level for the EU accession negotiations to be arranged in such a way as to ensure the consistent continued pursuit of the policy of reform and the implementation of reforms that have been agreed; the opening of negotiation clusters and the closing of particular negotiation chapters or clusters must be tied to objective, precise and verifiable conditions;
- to advocate for progress on reform to be emphatically supported and rewarded by means of incentives and, conversely, for persistent stagnation or even regression to be penalised; possible interim steps towards greater integration must be preceded by the lasting implementation of reforms advancing democracy and the rule of law;
- to advocate at the European level for the Council to adopt the negotiating framework as soon as the Republic of Moldova has achieved further necessary progress on the appointment of pre-vetted judges of the Supreme Court of Justice to the self-administration bodies of judges and prosecutors, a new Prosecutor General has been nominated in a transparent, merit-based process, adequate resources and structures have been made available to the Anti-corruption Prosecutor's Office and further successes have been achieved on de-oligarchisation;
- to maintain support for the Republic of Moldova at the European and bilateral

levels within the limits of the available budget, both in respect of the path of reform on which the Moldovan Government has embarked and as regards mitigating the serious impacts that Russia's war of aggression is having on the Moldovan population;

- to advocate at the European level for the European Union, in tandem with the enlargement process, to see to the internal groundwork and reforms necessary for enlargement, in accordance with the Granada Declaration;
 - to notify the Bundestag continuously as to the state of EU accession negotiations, in accordance with sections 3 to 9 of the Act on Cooperation between the Federal Government and the German Bundestag in Matters concerning the European Union.
- IV. The Bundestag reserves the right to exercise its participatory rights in matters concerning the European Union again in future in respect of accession negotiations with the Republic of Moldova.