

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 20/9723, 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 concerning the opening of accession negotiations with Ukraine

I. The Bundestag notes:

In winter 2013/2014, millions of people from all over Ukraine protested for months in the centre of Kyiv. They demanded democracy, a reliable justice system, an end to corruption and the pro-European trajectory for their country from which then President Viktor Yanukovich wanted, under pressure from the Kremlin, to depart. Those people were already aware that, when it comes to asserting their rights, their self-determination and their dignity, only the EU can be a credible partner. What Euromaidan represented was nothing less than the completion of the journey which the people of Central and Eastern Europe began in the 1980s to overcome tyranny, oppression and nepotism. Euromaidan thus stands as a clear alternative to the repressive and autocratic system that Vladimir Putin seeks to uphold and expand, not only in Russia and its immediate neighbourhood, with all the force at his disposal. Known in Ukraine as the Revolution of Dignity, it unleashed a momentum in society and in reform policy, creating a new basis for democratisation and political engagement – the foundations for possible accession to the EU. Euromaidan is the pivotal moment for Ukraine's European integration.

The Russian regime saw that impetus as a threat to its own hold on power. The prospect of a successful, democratic and prospering Ukraine threatened to reveal the deficiencies of the Russian system of power. It is therefore ever since Euromaidan that Ukraine has been subjected to perpetual Russian attempts at destabilisation. Russia

occupied and annexed Crimea in violation of international law and conducted a covert war in Donbass between 2014 and 2022 which cost the lives of 14,000 Ukrainian servicemen and women and drove 1.5 million people from their homes, most of them displaced within Ukraine. Its full-scale invasion starting on 24 February 2022, felonious and in breach of international law, is another means by which the Russian regime is fighting against a free, sovereign Ukraine and the triumph of democracy and the rule of law in the post-Soviet territories. It is an attack on Ukraine, on the European peace order and on the right to self-determination. No other country has ever had to pay such a high price as Ukraine for moving towards the EU.

The German Bundestag reiterates its condemnation of Russia's war of aggression against Ukraine in the strongest possible terms. Ukraine is defending its survival as an independent state, its freedom, our shared values and our security as well as its own. It is defending the rules-based order and the supremacy of the law over the arbitrary use of force. Ukraine's future lies within the European Union; it is the promise of peace in which the people of Ukraine place their hopes today. It is in the strategic, geopolitical and security interests of Germany and the EU to stand up for Ukraine's sovereignty and integrity with all our might and to continue stabilising and strengthening the country, its democracy, its rule of law and its economic competitiveness in the course of integrating it into the European Union.

In 2014, Ukraine and the EU signed an Association Agreement which fully entered into force in 2017. One element of that agreement is a thorough and comprehensive free-trade zone, intended to bring about Ukraine's incremental economic integration into the EU's internal market.

Despite Russia's ongoing aggression and the realities of war, Ukraine has held course towards the EU and implemented reforms. On 28 February 2022 – four days after the start of Russia's full-scale invasion – the country applied under Article 49 of the Treaty on European Union (TEU) to become a member of the EU. The Commission issued its opinion on 17 June 2022. The European Council granted Ukraine the status of candidate country on 23 June 2022 and reaffirmed the seven reform priorities specified by the Commission. In its country report of 8 November 2023, the European Commission reassessed Ukraine's progress on reform 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 Ukraine's progress was to be assessed and a decision taken on the opening of accession negotiations with Ukraine 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 Ukraine.

In its 2023 country report, the European Commission attests to Ukraine having made significant progress on implementing the seven reform priorities set out in the Commission's opinion, despite the enormous pressures resulting from the ongoing war. For example, the country has introduced transparent and meritocratic pre-selection of judges for the Constitutional Court, reinforced structural anti-corruption efforts and the legal framework for combating money laundering, adopted systemic measures against oligarchs, and aligned its legislation on the media with EU law. While the imposition of martial law as a result of Russia's war of aggression has led to certain curtailments of fundamental rights, these are deemed temporary and

proportionate to the circumstances. The Federal Government shares the Commission's assessment of Ukraine's reform record so far.

In the context of the progress made on reform – not least in respect of the Copenhagen criteria established in 1993 – the Commission recommends the opening of accession negotiations. In addition, the Commission recommends that the Council adopt the negotiating framework as soon as Ukraine has adopted a law to raise the staffing cap for the National Anti-Corruption Bureau of Ukraine, revised the law on corruption prevention in accordance with the required specifications, adopted a law to regulate lobbying in line with European standards as part of the anti-oligarch action plan, and put into practice, in a legal binding manner, the implementation of the remaining Venice Commission recommendations of June 2023 and October 2023 in connection with the law on national minorities and the Venice Commission recommendations regarding the laws on the official language, the media and education.

In light of the reform measures achieved, the Bundestag supports the Commission's recommendation to the Council on opening EU accession negotiations with Ukraine. Moreover, the Bundestag supports the Commission's recommendation to the Council on adopting the negotiating framework as soon as Ukraine 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 Ukraine's accession to the European Union 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 Ukraine has achieved further necessary progress on the conditions outlined above in relation to the eradication and prevention of corruption, de-oligarchisation and the protection of minorities;
 - to maintain support for Ukraine at the European and bilateral levels within the limits of the available budget, both with regard to the path of reform on which the Ukrainian Government has embarked and in respect of the defence and reconstruction of full territorial integrity and sovereignty;
 - 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 Ukraine.