



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from: General Secretariat of the Council
to: Delegations

Subject : Summary record of the plenary session of the European Parliament held in
Strasbourg on 6 February 2013
Council and Commission statements - Rule of law and freedom in Bulgaria

On behalf of the Council, Ms CREIGHTON, Irish Minister for European Affairs, delivered the speech in Annex I.

On behalf of the Commission, Ms HEDEGAARD, Commissioner for Climate Action, delivered the speech in Annex II.

Contribution on behalf of the political groups

Mr WEBER (EPP, DE) wondered why this was being discussed in the plenary and considered that very little had been said by the Commission and by the Council because a criminal investigation was ongoing in Bulgaria and this was an internal issue. He was confident that a proper report would be drawn up in due course by the Commission.

Mr LÓPEZ AGUILAR (S&D, ES) pointed out that the EP has a role whenever a challenge to democracy arises in a MS, be it a breach of the rule of law or of the independence of the judiciary. He mentioned in particular the attempt on the life of Mr Dogan, head of the opposition party MRF, and the independence of the Constitutional and Supreme Courts. He urged the Commission to make a report in the framework of the Cooperation and Verification Mechanism, with specific concern for the separation of powers in Bulgaria.

Mr WATSON (ALDE, UK) said that he had witnessed the attempt on the life of Mr Dogan and regretted that the authorities had tried to trivialise the facts, which had been described as hooliganism by a Minister. He also criticised the fact that the party conference had not been provided with police security. In response to a blue card from Mr STOYANOV (NI, BG), he added that the attempt was conducted with a gas pistol and two knives and reiterated that this could not be qualified as hooliganism.

Mr TAVARES (GREENS, PT) said that the EU was responsible for ensuring respect for the values of democracy and the rule of law as enshrined in the Treaty, and considered that such values were being challenged in Bulgaria, particularly in view of the links between politicians and organised crime and the disregard for minority rights. He regretted that the Commission was being represented at the plenary by the Commissioner for climate change.

Mr VAN ORDEN (ECR, UK) regretted that five years after accession the debate on Bulgaria was still dealing with the independence of the judiciary, corruption and the condition of the Roma community. He called on Bulgarian politicians to offer genuine change, both for their citizens and for the EU.

Mr BATTEN (EFD, UK) said that the remaining travel restrictions on Bulgarian citizens would be removed as from 1 January 2014 and complained that the UK might become the destination of a number of immigrants. In his view, people were fleeing from organised crime that had infiltrated politics.

Mr STOYANOV (NI, BG) stated that Mr Dogan had been sentenced for terrorism and that he was acquitted because of a bribe. He told Mr Watson, who had raised a blue card, that the MRF was a terrorist organisation thirty years ago.

Contribution of individual MEPs

A very long debate followed, with very many MEPs taking the floor through blue cards.

Ms MATHIEU (EPP, FR) considered that Bulgaria was making efforts to live up to EU values and expressed the view that, given the over reaction at EU level, the whole debate was biased by the internal election campaign, and would be reflected in the national political campaign (Mr BORISOV, EPP- BG). Mr URUTCHEV (EPP, BG) said that the EP was hostage to a national political campaign.

Mr MORAES (S&D, UK), supported by Ms GOMES (S&D, PT), argued on the contrary that the facts were extremely serious and that they justified a debate at EU level. Mr VAN BAALEN (ALDE, NL) emphasised that the debate was not about singling out Bulgaria, but was in its interest. In response to a blue card from Mr KOVATCHEV (EPP, BG), he reiterated the lack of security at the party conference, despite the fact that police assistance had been requested by the organisers. Mr KOVATCHEV objected that private security ought to have been contracted and qualified the debate as futile, since it was being used as a national electoral campaign by the opposition parties. Ms IOTOVA (S&D, BG) called for comprehensive monitoring of the situation in Bulgaria and spoke of pressure put by the government on the institutions and the judiciary. Ms HYUSMENOVA (ALDE, BG) criticised governmental interference with the judiciary. Mr KOVATCHEV regretted that Ms HYUSMENOVA insisted on additional monitoring by the EU despite the statement by the general prosecutor. Ms PANAYOTOVA (EPP, BG) pointed out the lack of evidence in what she qualified as an anti-government campaign and an anti Bulgarian one, since the government in power had been tracking organised crime (Mr DÍAZ DE MERA GARCÍA CONSUEGRA, EPP-ES) and the statistics on organised crime showed improvements (Ms GABRIEL, EPP- BG). Ms GÖNCZ (S&D, HU) raised the issue of lack of transparency in the Bulgarian media and considered that the EU had strong instruments to help countries to develop democratically, while Mr KAZAK (ALDE, BG) noted that Bulgaria was still being monitored by the Council of Europe. Mr ILCHEV (ALDE, BG) criticised what he considered as a violent government. Ms NEYNSKY (EPP, BG) disagreed and considered that what was going on was an attempt to criminalise a democratic transition in Bulgaria and said that it was a humiliating debate for the country. Ms FAJON (S&D, SI) reminded the plenary that the debate was about democracy and European values and not just a national case, since corruption was growing all over Europe, and there was a risk of contagion (Ms GURMAI, S&D, HU). Mr KALVIN (S&D, BG) said he regretted having to listen to such a debate, but he considered it was useful since Bulgarian citizens could be reassured that the EU was monitoring the situation in the country.

Lucinda Creighton, *President-in-Office of the Council* – Mr President, the Presidency recognises the right of this House to debate issues related to the functioning of any one Member State where these potentially touch on issues relating to the basic values and principles which underpin the European Union.

You will however appreciate that the Presidency cannot take a view on issues where the Council has neither discussed nor adopted any position. I will therefore limit myself to a few remarks which are of a more general nature but which are nevertheless important in the wider context. I hope they will also clarify the situation from the point of view of the Council.

Firstly, and importantly, I would like to stress one point which is well known to all of us: that the European Union is founded on a number of basic values and principles which are set out in the Treaties. These values and principles, which include freedom, democracy and the rule of law, are also enshrined in the constitutional traditions of each of the Member States. The Council attaches particular importance to ensuring that these values and principles are fully respected. I know that this House fully shares that view.

All Member States are required to ensure that their legislation respects the basic values on which the EU is founded. But the rule of law and democratic values have not only to be enshrined in texts, they also have to be put into practice. That means that legislation has to be respected and enforced. If there are any concerns or doubts that this is not the case, this is first and foremost a matter for the Commission.

As far as Bulgaria is concerned, it is one of two Member States which are the subject of a cooperation and verification mechanism (CVM) established when it entered the EU in 2007. This mechanism is designed to assist it in the areas of judicial reform and the fight against corruption and organised crime.

The Commission reports regularly under the CVM, most recently – in the case of Bulgaria – last July. In light of this report the Council adopted conclusions in September 2012 which, of course, are publicly available. These conclusions touch on the issue of the rule of law.

I hope you will understand that I am not in a position to offer a more detailed contribution to this afternoon's debate. I speak as Presidency of the Council, and therefore in the name of *all* 27 Member States. I will however listen with interest to this debate and take good note of your comments.

Connie Hedegaard, *Member of the Commission*. – Mr President, the rule of law is an issue that concerns everyone in the European Union. As a Union, we have to be clear on our values, firm on our principles and fair on how we approach this. The European Union is a union of values and a community of law. Of primary importance are principles like freedom, the rule of law and respect for fundamental rights. The most basic functioning of the European Union depends on mutual trust between Member States' systems of law and justice. This needs common standards of respect for the rule of law.

These are the values which have spurred the European Union on in good times and held us together in more difficult times. We all know that there is a diversity of legal and political cultures across the EU, but the coherence and endurance of our Union also relies on important commonalities and standards – the rule of law, multi-party democracy, independent judiciary, freedom of expression, the respect for fundamental rights and an active civil society. None of these is a given. To uphold them, we all need to nurture and to strengthen them every day at all levels of society and in all Member States. Indeed, the EU's commitment to these values goes beyond our shores, as we partner third countries to make them take root and become a universal common good.

Should these fundamental values come into question at home, the Commission has a responsibility to uphold the values of the Treaty. At different times and in different situations the Commission has responded firmly where there was particular pressure put on respect for the rule of law and the independence of the judiciary. The rule of law and democracy are, as we see it, two sides of the same coin, and modern representative democracy is inconceivable without a thriving multi-party system.

Political parties are the bridge between government and society in the ways they translate society's demands into political ideas and programmes and in the way they hold government to account on behalf of citizens. Intimidation of, or violence directed at, legal political parties is therefore an attack on democracy itself, and we must say this clearly: it is unacceptable in any form.

That is why the Commission strongly condemned the attempted assault on 19 January 2013 against Mr Ahmed Doğan, then leader of the Movement for Rights and Freedoms. The Commission has made it very clear from the outset that, while the attack is a matter which is internal to Bulgaria, it will be essential that the Bulgarian authorities conduct an in-depth investigation and bring those responsible to justice – and do so quickly.

At the same time, the Commission calls on all political forces to demonstrate responsibility and restraint. Criminal acts must not be allowed to fuel extremist political sentiments. We need responsible political leadership that puts the rule of law and the interests of the citizens first.

So EU membership brings support, and it also brings expectations. This is exactly what the Bulgarian people expect. In a Eurobarometer last summer, 78% of Bulgarians said they wanted their country to achieve standards comparable to other Member States, and 76% wanted the EU to take a strong role in this. In the run-up to the accession of Bulgaria to the EU in 2007, it was agreed that further work was needed to address shortcomings in judicial reform, the fight against corruption and tackling organised crime. These are issues which are very relevant in the context of the rule of law, and this led to the establishment of a framework to support Bulgaria in these areas: the Cooperation and Verification Mechanism (CVM).

The Commission follows these issues very closely. We monitor, analyse and make recommendations. We will continue to work to help meet the goals of the CVM. Progress under the CVM will also mean progress in consolidating the rule of law. Achieving the fundamental reforms needed in order to reach convincing results requires the joint efforts of government, parliament, the judiciary and civil society. Particularly over the coming months it is important that the electoral campaign does not interrupt the process of reform.

The rule of law also brings the stable environment so critical to the confidence of partners and investors. This is particularly vital in times of economic crisis. As the democratic overseer of developments in the EU, Parliament can also play a crucial role in monitoring and raising awareness of the importance of the rule of law in the Member States, underlining its indivisible link with democracy. So I hope that all institutions of the EU will continue to work together to encourage the rule of law and freedom in Bulgaria.
