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Treaty

between the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland

(Member States of the European Union)
and

the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia, the Slovak Republic concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union

including
the Protocols and Final Act with Declarations

Athens, 16 April 2003

[The United Kingdom instrument of ratification was deposited on 18 December 2003
and the Treaty entered into force for the United Kingdom on 1 May 2004]

Volume 1 – The Treaty and Act of Accession

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
September 2004*

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**TREATY BETWEEN THE KINGDOM OF BELGIUM, THE KINGDOM
OF DENMARK, THE FEDERAL REPUBLIC OF GERMANY, THE
HELLENIC REPUBLIC, THE KINGDOM OF SPAIN, THE FRENCH
REPUBLIC, IRELAND, THE ITALIAN REPUBLIC, THE GRAND
DUCHY OF LUXEMBOURG, THE KINGDOM OF THE NETHERLANDS,
THE REPUBLIC OF AUSTRIA, THE PORTUGUESE REPUBLIC, THE
REPUBLIC OF FINLAND, THE KINGDOM OF SWEDEN, THE UNITED
KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
(MEMBER STATES OF THE EUROPEAN UNION)**

AND

**THE CZECH REPUBLIC, THE REPUBLIC OF ESTONIA, THE
REPUBLIC OF CYPRUS, THE REPUBLIC OF LATVIA, THE REPUBLIC
OF LITHUANIA, THE REPUBLIC OF HUNGARY, THE REPUBLIC OF
MALTA, THE REPUBLIC OF POLAND, THE REPUBLIC OF SLOVENIA,
THE SLOVAK REPUBLIC**

CONCERNING

**THE ACCESSION OF THE CZECH REPUBLIC, THE REPUBLIC OF
ESTONIA, THE REPUBLIC OF CYPRUS, THE REPUBLIC OF LATVIA,
THE REPUBLIC OF LITHUANIA, THE REPUBLIC OF HUNGARY, THE
REPUBLIC OF MALTA, THE REPUBLIC OF POLAND, THE REPUBLIC
OF SLOVENIA AND THE SLOVAK REPUBLIC TO THE EUROPEAN
UNION**

HIS MAJESTY THE KING OF THE BELGIANS,

THE PRESIDENT OF THE CZECH REPUBLIC,

HER MAJESTY THE QUEEN OF DENMARK,

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY,

THE PRESIDENT OF THE REPUBLIC OF ESTONIA,

THE PRESIDENT OF THE HELLENIC REPUBLIC,

HIS MAJESTY THE KING OF SPAIN,

THE PRESIDENT OF THE FRENCH REPUBLIC,

THE PRESIDENT OF IRELAND,

THE PRESIDENT OF THE ITALIAN REPUBLIC,

THE PRESIDENT OF THE REPUBLIC OF CYPRUS,

THE PRESIDENT OF THE REPUBLIC OF LATVIA,
THE PRESIDENT OF THE REPUBLIC OF LITHUANIA,
HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG,
THE PARLIAMENT OF THE REPUBLIC OF HUNGARY,
THE PRESIDENT OF MALTA,
HER MAJESTY THE QUEEN OF THE NETHERLANDS,
THE FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA,
THE PRESIDENT OF THE REPUBLIC OF POLAND,
THE PRESIDENT OF THE PORTUGUESE REPUBLIC,
THE PRESIDENT OF THE REPUBLIC OF SLOVENIA,
THE PRESIDENT OF THE SLOVAK REPUBLIC,
THE PRESIDENT OF THE REPUBLIC OF FINLAND,
THE GOVERNMENT OF THE KINGDOM OF SWEDEN,
HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT
BRITAIN AND NORTHERN IRELAND,
UNITED in their desire to pursue the attainment of the objectives of the Treaties
on which the European Union is founded,
DETERMINED in the spirit of those Treaties to continue the process of creating
an ever closer union among the peoples of Europe on the foundations already laid,
CONSIDERING that Article 49 of the Treaty on European Union¹ affords
European States the opportunity of becoming members of the Union,
CONSIDERING that the Czech Republic, the Republic of Estonia, the Republic
of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of
Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia
and the Slovak Republic have applied to become members of the Union,

¹ Treaty Series No.12 (1994) Cm 2485 and a consolidated version in Treaty Series No.52 (1999)
Cm 4434

CONSIDERING that the Council of the European Union, after having obtained the opinion of the Commission and the assent of the European Parliament, has declared itself in favour of the admission of these States,

HAVE DECIDED to establish by common agreement the conditions of admission and the adjustments to be made to the Treaties on which the European Union is founded, and to this end have designated as their Plenipotentiaries:

HIS MAJESTY THE KING OF THE BELGIANS,

THE PRESIDENT OF THE CZECH REPUBLIC,

HER MAJESTY THE QUEEN OF DENMARK,

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY,

THE PRESIDENT OF THE REPUBLIC OF ESTONIA,

THE PRESIDENT OF THE HELLENIC REPUBLIC,

HIS MAJESTY THE KING OF SPAIN,

THE PRESIDENT OF THE FRENCH REPUBLIC,

THE PRESIDENT OF IRELAND,

THE PRESIDENT OF THE ITALIAN REPUBLIC,

THE PRESIDENT OF THE REPUBLIC OF CYPRUS,

THE PRESIDENT OF THE REPUBLIC OF LATVIA,

THE PRESIDENT OF THE REPUBLIC OF LITHUANIA,

HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG,

THE PARLIAMENT OF THE REPUBLIC OF HUNGARY,

THE PRESIDENT OF MALTA,

HER MAJESTY THE QUEEN OF THE NETHERLANDS,

THE FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA,

THE PRESIDENT OF THE REPUBLIC OF POLAND,

THE PRESIDENT OF THE PORTUGUESE REPUBLIC,
THE PRESIDENT OF THE REPUBLIC OF SLOVENIA,
THE PRESIDENT OF THE SLOVAK REPUBLIC,
THE PRESIDENT OF THE REPUBLIC OF FINLAND,
THE GOVERNMENT OF THE KINGDOM OF SWEDEN,
HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT
BRITAIN AND NORTHERN IRELAND,

WHO, having exchanged their full powers found in good and due form,

HAVE AGREED AS FOLLOWS:

ARTICLE 1

1. The Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic hereby become members of the European Union and Parties to the Treaties on which the Union is founded as amended or supplemented.
2. The conditions of admission and the adjustments to the Treaties on which the Union is founded, entailed by such admission, are set out in the Act annexed to this Treaty. The provisions of that Act shall form an integral part of this Treaty.
3. The provisions concerning the rights and obligations of the Member States and the powers and jurisdiction of the institutions of the Union as set out in the Treaties referred to in paragraph 1 shall apply in respect of this Treaty.

ARTICLE 2

1. This Treaty shall be ratified by the High Contracting Parties in accordance with their respective constitutional requirements. The instruments of ratification shall be deposited with the Government of the Italian Republic by 30 April 2004 at the latest.
2. This Treaty shall enter into force on 1 May 2004 provided that all the instruments of ratification have been deposited before that date.

If, however, the States referred to in Article 1(1) have not all deposited their instruments of ratification in due time, the Treaty shall enter into force for those States which have deposited their instruments. In this case, the Council of the European Union, acting unanimously, shall decide immediately upon such adjustments as have become indispensable to Article 3 of this Treaty, to Articles 1, 6(6), 11 to 15, 18, 19, 25, 26, 29 to 31, 33 to 35, 46 to 49, 58 and 61 of the Act of Accession, to Annexes II to XV and their Appendices to that Act and to Protocols 1 to 10 annexed thereto; acting unanimously, it may also declare that those provisions of the aforementioned Act, including its Annexes, Appendices and Protocols, which refer expressly to a State which has not deposited its instrument of ratification have lapsed, or it may adjust them.

3. Notwithstanding paragraph 2, the institutions of the Union may adopt before accession the measures referred to in Articles 6(2) second subparagraph, 6(6) second subparagraph, 6(7) second and third subparagraphs, 6(8) second and third

subparagraphs, 6(9) third subparagraph, 21, 23, 28(1), 32(5), 33(1), 33(4), 33(5), 38, 39, 41, 42 and 55 to 57 of the Act of Accession, Annexes III to XIV to that Act, and Protocol 2, Article 6 of Protocol 3, Article 2(2) of Protocol 4, Protocol 8 and Articles 1, 2 and 4 of Protocol 10 annexed thereto. These measures shall enter into force only subject to and on the date of the entry into force of this Treaty.

ARTICLE 3

This Treaty, drawn up in a single original in the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Slovak, Slovenian, Spanish and Swedish languages, the texts in each of these languages being equally authentic, shall be deposited in the archives of the Government of the Italian Republic, which will remit a certified copy to each of the Governments of the other Signatory States.

IN WITNESS WHEREOF the undersigned Plenipotentiaries have signed this Treaty.

Done at Athens on the sixteenth day of April in the year two thousand and three.

ACT
CONCERNING THE CONDITIONS OF ACCESSION
OF THE CZECH REPUBLIC, THE REPUBLIC OF ESTONIA,
THE REPUBLIC OF CYPRUS, THE REPUBLIC OF LATVIA,
THE REPUBLIC OF LITHUANIA, THE REPUBLIC OF HUNGARY,
THE REPUBLIC OF MALTA, THE REPUBLIC OF POLAND,
THE REPUBLIC OF SLOVENIA AND THE SLOVAK REPUBLIC
AND THE ADJUSTMENTS TO THE TREATIES
ON WHICH THE EUROPEAN UNION IS FOUNDED

PART ONE

Principles

ARTICLE 1

For the purposes of this Act:

the expression "original Treaties" means:

- (a) the Treaty establishing the European Community ("EC Treaty")¹ and the Treaty establishing the European Atomic Energy Community ("Euratom Treaty")², as supplemented or amended by treaties or other acts which entered into force before this accession,
- (b) the Treaty on European Union ("EU Treaty")³, as supplemented or amended by treaties or other acts which entered into force before this accession;

the expression "present Member States" means the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland;

¹ Consolidated versions in Treaty Series No. 52 (1999) Cm 4434 and Treaty Series No. 47 (1988) Cm 455

² Treaty Series No. 1 (1973) Cmnd 5179

³ Treaty Series No. 12 (1994) Cm 2485 and a consolidated version in Treaty Series No. 52 (1999) Cm 4434

the expression "the Union" means the European Union as established by the EU Treaty;

the expression "the Community" means one or both of the Communities referred to in the first indent, as the case may be;

the expression "new Member States" means the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic;

the expression "the institutions" means the institutions established by the original Treaties.

ARTICLE 2

From the date of accession, the provisions of the original Treaties and the acts adopted by the institutions and the European Central Bank before accession shall be binding on the new Member States and shall apply in those States under the conditions laid down in those Treaties and in this Act.

ARTICLE 3

1. The provisions of the Schengen acquis as integrated into the framework of the European Union by the Protocol annexed to the Treaty on European Union and to the Treaty establishing the European Community (hereinafter referred to as the "Schengen Protocol"), and the acts building upon it or otherwise related to it, listed in Annex I to this Act, as well as any further such acts which may be adopted before the date of accession, shall be binding on and applicable in the new Member States from the date of accession.

2. Those provisions of the Schengen acquis as integrated into the framework of the European Union and the acts building upon it or otherwise related to it not referred to in paragraph 1, while binding on the new Member States from the date of accession, shall only apply in a new Member State pursuant to a Council decision to that effect after verification in accordance with the applicable Schengen evaluation procedures that the necessary conditions for the application of all parts of the acquis concerned have been met in that new Member State and after consulting the European Parliament.

The Council shall take its decision acting with the unanimity of its members representing the Governments of the Member States in respect of which the provisions referred to in the present paragraph have already been put into effect and of the representative of the Government of the Member State in respect of

which those provisions are to be put into effect. The members of the Council representing the Governments of Ireland and of the United Kingdom of Great Britain and Northern Ireland shall take part in such a decision insofar as it relates to the provisions of the Schengen acquis and the acts building upon it or otherwise related to it in which these Member States participate.

3. The Agreements concluded by the Council under Article 6 of the Schengen Protocol shall be binding on the new Member States from the date of accession.

4. The new Member States undertake in respect of those conventions or instruments in the field of justice and home affairs which are inseparable from the attainment of the objectives of the EU Treaty:

to accede to those which, by the date of accession, have been opened for signature by the present Member States, and to those which have been drawn up by the Council in accordance with Title VI of the EU Treaty and recommended to the Member States for adoption;

to introduce administrative and other arrangements, such as those adopted by the date of accession by the present Member States or by the Council, to facilitate practical cooperation between the Member States' institutions and organisations working in the field of justice and home affairs.

ARTICLE 4

Each of the new Member States shall participate in Economic and Monetary Union from the date of accession as a Member State with a derogation within the meaning of Article 122 of the EC Treaty.

ARTICLE 5

1. The new Member States accede by this Act to the decisions and agreements adopted by the Representatives of the Governments of the Member States meeting within the Council. They undertake to accede from the date of accession to all other agreements concluded by the present Member States relating to the functioning of the Union or connected with the activities thereof.

2. The new Member States undertake to accede to the conventions provided for in Article 293 of the EC Treaty and to those that are inseparable from the attainment of the objectives of the EC Treaty, and also to the protocols on the interpretation of those conventions by the Court of Justice, signed by the present Member States and to this end they undertake to enter into negotiations with the present Member States in order to make the necessary adjustments thereto.

3. The new Member States are in the same situation as the present Member States in respect of declarations or resolutions of, or other positions taken up by, the European Council or the Council and in respect of those concerning the Community or the Union adopted by common agreement of the Member States; they will accordingly observe the principles and guidelines deriving from those declarations, resolutions or other positions and will take such measures as may be necessary to ensure their implementation.

ARTICLE 6

1. The agreements or conventions concluded or provisionally applied by the Community or in accordance with Article 24 or Article 38 of the EU Treaty, with one or more third States, with an international organisation or with a national of a third State, shall, under the conditions laid down in the original Treaties and in this Act, be binding on the new Member States.

2. The new Member States undertake to accede, under the conditions laid down in this Act, to the agreements or conventions concluded or provisionally applied by the present Member States and the Community, acting jointly, and to the agreements concluded by those States which are related to those agreements or conventions.

The accession of the new Member States to the agreements or conventions mentioned in paragraph 6 below, as well as the agreements with Belarus, China, Chile, Mercosur and Switzerland which have been concluded or signed by the Community and its Member States jointly shall be agreed by the conclusion of a protocol to such agreements or conventions between the Council, acting unanimously on behalf of the Member States, and the third country or countries or international organisation concerned. This procedure is without prejudice to the Community's own competences and does not affect the allocation of powers between the Community and the Member States as regards the conclusion of such agreements in the future or any other amendments not related to accession. The Commission shall negotiate these protocols on behalf of the Member States on the basis of negotiating directives approved by the Council, acting by unanimity, and in consultation with a committee comprised of the representatives of the Member States. It shall submit a draft of the protocols for conclusion to the Council.

3. Upon acceding to the agreements and conventions referred to in paragraph 2 the new Member States shall acquire the same rights and obligations under those agreements and conventions as the present Member States.

4. The new Member States accede by this Act to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the

one part, and the European Community and its Member States, of the other part ¹, signed in Cotonou on 23 June 2000.

5. The new Member States undertake to accede, under the conditions laid down in this Act, to the Agreement on the European Economic Area ², in accordance with Article 128 of that Agreement.

6. As from the date of accession, and pending the conclusion of the necessary protocols referred to in paragraph 2, the new Member States shall apply the provisions of the Agreements concluded by the present Member States and, jointly, the Community with Algeria, Armenia, Azerbaijan, Bulgaria, Croatia, Egypt, FYROM, Georgia, Israel, Jordan, Kazakhstan, Kyrgyzstan, Lebanon, Mexico, Moldova, Morocco, Romania, the Russian Federation, San Marino, South Africa, South Korea, Syria, Tunisia, Turkey, Turkmenistan, Ukraine and Uzbekistan as well as the provisions of other agreements concluded jointly by the present Member States and the Community before accession.

Any adjustments to these Agreements shall be the subject of protocols concluded with the co-contracting countries in conformity with the provisions of the second subparagraph of paragraph 2. Should the protocols not have been concluded by the date of accession, the Community and the Member States shall take, in the framework of their respective competences, the necessary measures to deal with that situation upon accession.

7. As from the date of accession, the new Member States shall apply the bilateral textile agreements and arrangements concluded by the Community with third countries.

The quantitative restrictions applied by the Community on imports of textile and clothing products shall be adjusted to take account of the accession of the new Member States to the Community. To that effect, amendments to the bilateral agreements and arrangements referred to above may be negotiated by the Community with the third countries concerned prior to the date of accession.

Should the amendments to the bilateral textile agreements and arrangements not have entered into force by the date of accession, the Community shall make the necessary adjustments to its rules for the import of textile and clothing products from third countries to take into account the accession of the new Member States to the Community.

8. The quantitative restrictions applied by the Community on imports of steel and steel products shall be adjusted on the basis of imports of new Member States over recent years of steel products originating in the supplier countries concerned.

¹ OJ L 317, 15.12.2000, p. 3. and EC Series No. 3 (2001) Cm 5192

² OJ L 1, 3.1.1994, p. 3. and Treaty Series No. 26 (1995) Cm 2847

To that effect, the necessary amendments to the bilateral steel agreements and arrangements concluded by the Community with third countries shall be negotiated prior to the date of accession.

Should the amendments to the bilateral agreements and arrangements not have entered into force by the date of accession, the provisions of the first subparagraph shall apply.

9. As from the date of accession, fisheries agreements concluded by the new Member States with third countries shall be managed by the Community.

The rights and obligations resulting for the new Member States from those agreements shall not be affected during the period in which the provisions of those agreements are provisionally maintained.

As soon as possible, and in any event before the expiry of the agreements referred to in the first subparagraph, appropriate decisions for the continuation of fishing activities resulting from those agreements shall be adopted in each case by the Council acting by qualified majority on a proposal from the Commission, including the possibility of extending certain agreements for periods not exceeding one year.

10. With effect from the date of accession, the new Member States shall withdraw from any free trade agreements with third countries, including the Central European Free Trade Agreement.

To the extent that agreements between one or more of the new Member States on the one hand, and one or more third countries on the other, are not compatible with the obligations arising from this Act, the new Member State shall take all appropriate steps to eliminate the incompatibilities established. If a new Member State encounters difficulties in adjusting an agreement concluded with one or more third countries before accession, it shall, according to the terms of the agreement, withdraw from that agreement.

11. The new Member States accede by this Act and under the conditions laid down therein to the internal agreements concluded by the present Member States for the purpose of implementing the agreements or conventions referred to in paragraphs 2 and 4 to 6.

12. The new Member States shall take appropriate measures, where necessary, to adjust their position in relation to international organisations, and to those international agreements to which the Community or to which other Member States are also parties, to the rights and obligations arising from their accession to the Union.

They shall in particular withdraw at the date of accession or the earliest possible date thereafter from international fisheries agreements and organisations to which the Community is also a party, unless their membership relates to matters other than fisheries.

ARTICLE 7

The provisions of this Act may not, unless otherwise provided herein, be suspended, amended or repealed other than by means of the procedure laid down in the original Treaties enabling those Treaties to be revised.

ARTICLE 8

Acts adopted by the institutions to which the transitional provisions laid down in this Act relate shall retain their status in law; in particular, the procedures for amending those acts shall continue to apply.

ARTICLE 9

Provisions of this Act the purpose or effect of which is to repeal or amend acts adopted by the institutions, otherwise than as a transitional measure, shall have the same status in law as the provisions which they repeal or amend and shall be subject to the same rules as those provisions.

ARTICLE 10

The application of the original Treaties and acts adopted by the institutions shall, as a transitional measure, be subject to the derogations provided for in this Act.

PART TWO

Adjustments to the treaties

TITLE I

Institutional provisions

CHAPTER 1

The European Parliament

ARTICLE 11

With effect from the start of the 2004-2009 term, in Article 190(2) of the EC Treaty and in Article 108(2) of the Euratom Treaty, the first subparagraph shall be replaced by the following:

"The number of representatives elected in each Member State shall be as follows:

Belgium	24
Czech Republic	24
Denmark	14
Germany	99
Estonia	6
Greece	24
Spain	54
France	78
Ireland	13
Italy	78
Cyprus	6
Latvia	9
Lithuania	13
Luxembourg	6
Hungary	24
Malta	5
Netherlands	27
Austria	18
Poland	54
Portugal	24
Slovenia	7
Slovakia	14

Finland	14
Sweden	19
United Kingdom	78"

CHAPTER 2

The Council

ARTICLE 12

1. With effect from 1 November 2004:

(a) In Article 205 of the EC Treaty and Article 118 of the Euratom Treaty

(i) paragraph 2 shall be replaced by the following:

"2. Where the Council is required to act by a qualified majority, the votes of its members shall be weighted as follows:

Belgium	12
Czech Republic	12
Denmark	7
Germany	29
Estonia	4
Greece	12
Spain	27
France	29
Ireland	7
Italy	29
Cyprus	4
Latvia	4
Lithuania	7
Luxembourg	4
Hungary	12
Malta	3
Netherlands	13
Austria	10
Poland	27
Portugal	12
Slovenia	4
Slovakia	7

Finland	7
Sweden	10
United Kingdom	29

Acts of the Council shall require for their adoption at least 232 votes in favour cast by a majority of the members where this Treaty requires them to be adopted on a proposal from the Commission.

In other cases, for their adoption acts of the Council shall require at least 232 votes in favour, cast by at least two-thirds of the members.";

(ii) the following paragraph shall be added:

"4. When a decision is to be adopted by the Council by a qualified majority, a member of the Council may request verification that the Member States constituting the qualified majority represent at least 62% of the total population of the Union. If that condition is shown not to have been met, the decision in question shall not be adopted.";

(b) In Article 23(2) of the EU Treaty, the third subparagraph shall be replaced by the following:

"The votes of the members of the Council shall be weighted in accordance with Article 205(2) of the Treaty establishing the European Community. For their adoption, decisions shall require at least 232 votes in favour cast by at least two-thirds of the members. When a decision is to be adopted by the Council by a qualified majority, a member of the Council may request verification that the Member States constituting the qualified majority represent at least 62% of the total population of the Union. If that condition is shown not to have been met, the decision in question shall not be adopted."

(c) In Article 34 of the EU Treaty, paragraph 3 shall be replaced by the following:

"3. Where the Council is required to act by a qualified majority, the votes of its members shall be weighted as laid down in Article 205(2) of the Treaty establishing the European Community, and for their adoption acts of the Council shall require at least 232 votes in favour, cast by at least two-thirds of the members. When a decision is to be adopted by the Council by a qualified majority, a member of the Council may request verification that the Member States constituting the qualified majority represent at least 62% of the total population of the Union. If that condition is shown not to have been met, the decision in question shall not be adopted."

2. Article 3(1) of the Protocol annexed to the EU Treaty and to the EC Treaty on the enlargement of the European Union is repealed.

3. In the event of fewer than ten new Member States acceding to the European Union, the threshold for the qualified majority shall be fixed by Council decision by applying a strictly linear, arithmetical interpolation, rounded up or down to the nearest vote, between 71% for a Council with 300 votes and the level of 72,27% for an EU of 25 Member States.

CHAPTER 3

The Court of Justice

ARTICLE 13

1. Article 9, first paragraph, of the Protocol annexed to the EU Treaty, the EC Treaty and the Euratom Treaty on the Statute of the Court of Justice shall be replaced by the following:

"When, every three years, the Judges are partially replaced, thirteen and twelve Judges shall be replaced alternately."

2. Article 48 of the Protocol annexed to the EU Treaty, the EC Treaty and the Euratom Treaty on the Statute of the Court of Justice shall be replaced by the following:

"Article 48

The Court of First Instance shall consist of twenty-five Judges."

CHAPTER 4

The Economic and Social Committee

ARTICLE 14

The second paragraphs of Article 258 of the EC Treaty and Article 166 of the Euratom Treaty are replaced by the following:

"The number of members of the Committee shall be as follows:

Belgium	12
Czech Republic	12
Denmark	9
Germany	24
Estonia	7
Greece	12
Spain	21
France	24
Ireland	9
Italy	24
Cyprus	6
Latvia	7
Lithuania	9
Luxembourg	6
Hungary	12
Malta	5
Netherlands	12
Austria	12
Poland	21
Portugal	12
Slovenia	7
Slovakia	9
Finland	9
Sweden	12
United Kingdom	24"

CHAPTER 5

The Committee of the Regions

ARTICLE 15

The third paragraph of Article 263 of the EC Treaty is replaced by the following:

"The number of members of the Committee shall be as follows:

Belgium	12
Czech Republic	12
Denmark	9
Germany	24
Estonia	7
Greece	12

Spain	21
France	24
Ireland	9
Italy	24
Cyprus	6
Latvia	7
Lithuania	9
Luxembourg	6
Hungary	12
Malta	5
Netherlands	12
Austria	12
Poland	21
Portugal	12
Slovenia	7
Slovakia	9
Finland	9
Sweden	12
United Kingdom	24"

CHAPTER 6

The Scientific and Technical Committee

ARTICLE 16

The following is substituted for the first subparagraph of Article 134(2) of the Euratom Treaty:

"2. The Committee shall consist of thirty-nine members, appointed by the Council after consultation with the Commission."

CHAPTER 7

The European Central Bank

ARTICLE 17

In Protocol No 18 on the Statute of the European System of Central Banks and of the European Central Bank annexed to the Treaty establishing the European Community, the following paragraph shall be added to Article 49:

"49.3 Upon one or more countries becoming Member States and their respective national central banks becoming part of the ESCB, the subscribed capital of the ECB and the limit on the amount of foreign reserve assets that may be transferred to the ECB shall be automatically increased. The increase shall be determined by multiplying the respective amounts then prevailing by the ratio, within the expanded capital key, between the weighting of the entering national central banks concerned and the weighting of the national central banks already members of the ESCB. Each national central bank's weighting in the capital key shall be calculated by analogy with Article 29.1 and in compliance with Article 29.2. The reference periods to be used for the statistical data shall be identical to those applied for the latest quinquennial adjustment of the weightings under Article 29.3."

TITLE II

Other Adjustments

ARTICLE 18

In Article 57(1) of the EC Treaty the following shall be added:

"In respect of restrictions existing under national law in Estonia and Hungary, the relevant date shall be 31 December 1999".

ARTICLE 19

Article 299(1) of the EC Treaty shall be replaced by the following:

"1. This Treaty shall apply to the Kingdom of Belgium, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland."

PART THREE

Permanent Provisions

TITLE I

Adaptations to Acts Adopted by the Institutions

ARTICLE 20

The acts listed in Annex II to this Act shall be adapted as specified in that Annex.

ARTICLE 21

The adaptations to the acts listed in Annex III to this Act made necessary by accession shall be drawn up in conformity with the guidelines set out in that Annex and in accordance with the procedure and under the conditions laid down in Article 57.

TITLE II

Other Provisions

ARTICLE 22

The measures listed in Annex IV to this Act shall be applied under the conditions laid down in that Annex.

ARTICLE 23

The Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, may make the adaptations to the provisions of this Act relating to the common agricultural policy which may prove necessary as a result of a modification in Community rules. Such adaptations may be made before the date of accession.

PART FOUR

Temporary Provisions

TITLE I

Transitional Measures

ARTICLE 24

The measures listed in Annexes V, VI, VII, VIII, IX, X, XI, XII, XIII and XIV to this Act shall apply in respect of the new Member States under the conditions laid down in those Annexes.

ARTICLE 25

1. By way of derogation from the second paragraph of Article 189 of the EC Treaty and from the second paragraph of Article 107 of the Euratom Treaty and with regard to Article 190(2) of the EC Treaty and Article 108(2) of the Euratom Treaty, the number of seats in the European Parliament for the new Member States for the period running from the date of accession until the beginning of the 2004-2009 term of the European Parliament shall be as follows:

Czech Republic	24
Estonia	6
Cyprus	6
Latvia	9
Lithuania	13
Hungary	24
Malta	5
Poland	54
Slovenia	7
Slovakia	14

2. By way of derogation from Article 190(1) EC Treaty and Article 108(2) Euratom Treaty, the representatives in the European Parliament of the peoples of the new Member States for the period running from the date of accession until the beginning of the 2004-2009 term of the European Parliament shall be appointed by the Parliaments of those States within themselves in accordance with the procedure laid down by each of those States.

ARTICLE 26

1. For the period until 31 October 2004 the following provisions shall apply:

(a) with regard to Article 205(2) of the EC Treaty and Article 118(2) of the Euratom Treaty:

Where the Council is required to act by a qualified majority the votes of its members shall be weighted as follows:

Belgium	5
Czech Republic	5
Denmark	3
Germany	10
Estonia	3
Greece	5
Spain	8
France	10
Ireland	3
Italy	10
Cyprus	2
Latvia	3
Lithuania	3
Luxembourg	2
Hungary	5
Malta	2
Netherlands	5
Austria	4
Poland	8
Portugal	5
Slovenia	3
Slovakia	3
Finland	3
Sweden	4
United Kingdom	10

(b) with regard to the second and third subparagraphs of Article 205(2) of the EC Treaty and of Article 118(2) of the Euratom Treaty:

For their adoption, acts of the Council shall require at least:

88 votes in favour where this Treaty requires them to be adopted on a proposal from the Commission,

88 votes in favour, cast by at least two-thirds of the members, in other cases.

- (c) with regard to the second sentence of the third subparagraph of Article 23(2) of the EU Treaty:

For their adoption, decisions shall require at least 88 votes in favour cast by at least two-thirds of the members.

- (d) with regard to Article 34(3) of the EU Treaty:

Where the Council is required to act by a qualified majority, the votes of its members shall be weighted as laid down in Article 205(2) of the Treaty establishing the European Community, and for their adoption acts of the Council shall require at least 88 votes in favour, cast by at least two-thirds of the members.

2. In the event that fewer than ten new Member States accede to the Union, the threshold for the qualified majority for the period until 31 October 2004 shall be fixed by Council decision so as to correspond as closely as possible to 71,26% of the total number of votes.

ARTICLE 27

1. The revenue designated as "Common Customs Tariff duties and other duties" referred to in Article 2(1)(b) of Council Decision 2000/597/EC, Euratom on the system of the European Communities' own resources¹, or the corresponding provision in any Decision replacing it, shall include the customs duties calculated on the basis of the rates resulting from the Common Customs Tariff and any tariff concession relating thereto applied by the Community in the new Member States' trade with third countries.

2. For the year 2004, the harmonised VAT assessment base and the GNI (gross national income) base of each new Member State, referred to in Article 2(1)(c) and (d) of Council Decision 2000/597/EC, Euratom shall be equal to two-thirds of the annual base. The GNI base of each new Member State to be taken into account for the calculation of the financing of the correction in respect of budgetary imbalances granted to the United Kingdom, referred to in Article 5(1) of Council Decision 2000/597/EC, shall likewise be equal to two-thirds of the annual base.

¹ OJ L 253, 7.10.2000, p. 42.

3. For the purposes of determining the frozen rate for 2004 according to Article 2(4)(b) of Council Decision 2000/597/EC, Euratom the capped VAT bases of the new Member States shall be calculated on the basis of two-thirds of their uncapped VAT base and two-thirds of their GNI.

ARTICLE 28

1. The general budget of the European Communities for the financial year 2004 shall be adapted to take into account the accession of the new Member States through an amending budget that shall enter into effect on 1 May 2004.

2. The twelve monthly twelfths of VAT and GNI-based resources to be paid by the new Member States under this amending budget, as well as the retroactive adjustment of the monthly twelfths for the period January-April 2004 that only apply to the present Member States, shall be converted into eighths to be called during the period May-December 2004. The retroactive adjustments that result from any subsequent amending budget adopted in 2004 shall likewise be converted into equal parts to be called during the remainder of the year.

ARTICLE 29

On the first working day of each month the Community shall pay the Czech Republic, Cyprus, Malta and Slovenia, as an item of expenditure under the general budget of the European Communities, one eighth in 2004, as of the date of accession, and one twelfth in 2005 and 2006 of the following amounts of temporary budgetary compensation:

	2004	2005	2006
	(EUR million, 1999 prices)		
Czech Republic	125,4	178,0	85,1
Cyprus	68,9	119,2	112,3
Malta	37,8	65,6	62,9
Slovenia	29,5	66,4	35,5

ARTICLE 30

On the first working day of each month the Community shall pay the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, as an item of expenditure under the general budget of the European Communities, one eighth in 2004, as of the date of accession, and one twelfth in 2005 and 2006 of the following amounts of a special lump-sum cash-flow facility:

	2004	2005	2006
(EUR million, 1999 prices)			
Czech Republic	174,7	91,55	91,55
Estonia	15,8	2,9	2,9
Cyprus	27,7	5,05	5,05
Latvia	19,5	3,4	3,4
Lithuania	34,8	6,3	6,3
Hungary	155,3	27,95	27,95
Malta	12,2	27,15	27,15
Poland	442,8	550,0	450,0
Slovenia	65,4	17,85	17,85
Slovakia	63,2	11,35	11,35

EUR 1 billion for Poland and EUR 100 million for the Czech Republic included in the special lump-sum cash-flow facility shall be taken into account for any calculations on the distribution of structural funds for the years 2004-2006.

ARTICLE 31

1. The new Member States listed below shall pay the following amounts to the Research Fund for Coal and Steel referred to in Decision 2002/234/ECSC of the Representatives of the Governments of the Member States, meeting within the Council, of 27 February 2002 on the financial consequences of the expiry of the ECSC Treaty and on the Research Fund for Coal and Steel ¹:

(EUR million, current prices)	
Czech Republic	39,88
Estonia	2,5
Latvia	2,69
Hungary	9,93
Poland	92,46
Slovenia	2,36
Slovakia	20,11

¹ OJ L 79, 22.3.2002, p. 42.

2. The contributions to the Research Fund for Coal and Steel shall be made in four instalments starting in 2006 and paid as follows, in each case on the first working day of the first month of each year:

2006: 15%
2007: 20%
2008: 30%
2009: 35%.

ARTICLE 32

1. Save as otherwise provided for in this Treaty, no financial commitments shall be made under the Phare programme¹, the Phare Cross-Border Cooperation programme², pre-accession funds for Cyprus and Malta³, the ISPA programme⁴ and the SAPARD programme⁵ in favour of the new Member States after 31 December 2003. The new Member States shall receive the same treatment as the present Member States as regards expenditure under the first three Headings of the financial perspective, as defined in the Interinstitutional Agreement of 6 May 1999⁶, as from 1 January 2004, subject to the individual specifications and exceptions below or as otherwise provided for in this Treaty. The maximum additional appropriations for headings 1, 2, 3 and 5 of the Financial Perspective related to enlargement are set out in Annex XV. However, no financial commitment under the 2004 budget for any programme or agency concerned may be made before the accession of the relevant new Member State has taken place.

2. Paragraph 1 shall not apply to expenditure under the European Agricultural Guidance and Guarantee Fund, Guarantee Section, according to Articles 2(1), 2(2), and 3(3) of Council Regulation (EC) No 1258/1999 on the financing of the common agricultural policy⁷, which will become eligible for Community funding only from the date of accession, in accordance with Article 2 of this Act.

However, paragraph 1 of this Article shall apply to expenditure for rural development under the European Agricultural Guidance and Guarantee Fund, Guarantee Section, according to Article 47a of Council Regulation (EC) No 1257/1999 on support for rural development from the European Agricultural

¹ Regulation (EEC) No 3906/89 (OJ L 375, 23.12.1989, p. 11), as amended.

² Regulation (EC) No 2760/98 (OJ L 345, 19.12.1998, p. 49), as amended.

³ Regulation (EC) No 555/2000 (OJ L 68, 16.3.2000, p. 3), as amended.

⁴ Regulation (EC) No 1267/1999 (OJ L 161, 26.6.1999, p. 73), as amended.

⁵ Regulation (EC) No 1268/1999 (OJ L 161, 26.6.1999, p. 87).

⁶ Interinstitutional Agreement of 6 May 1999, between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure (OJ C 172, 18.6.1999, p. 1).

⁷ OJ L 160, 26.6.99, p. 103.

Guidance and Guarantee Fund (EAGGF) and amending and repealing certain regulations ¹, subject to the conditions set out in the amendment of that Regulation in Annex II to this Act.

3. Subject to the last sentence of paragraph 1, as of 1 January 2004, the new Member States will participate in Community programmes and agencies according to the same terms and conditions as the present Member States with funding from the general budget of the European Communities. The terms and conditions laid down in Association Council Decisions, Agreements and Memoranda of Understanding between the European Communities and the new Member States regarding their participation in Community programmes and agencies shall be superseded by the provisions governing the relevant programmes and agencies with effect from 1 January 2004.

4. Should any of the States referred to in Article 1(1) of the Treaty of Accession not accede to the Community during 2004, any application made by or from the State concerned for funding by expenditure under the first three Headings of the Financial Perspective for 2004 shall be null and void. In that case the relevant Association Council Decision, Agreement or Memorandum of Understanding shall continue to apply in respect of that State throughout the entire year 2004.

5. If any measures are necessary to facilitate the transition from the pre-accession regime to that resulting from the application of this Article, the Commission shall adopt the required measures.

ARTICLE 33

1. Tendering, contracting, implementation and payments for pre-accession assistance under the Phare programme ², the Phare CBC programme ³ and pre-accession funds for Cyprus and Malta ⁴ shall be managed by implementing agencies in the new Member States as of the date of accession.

The ex-ante control by the Commission over tendering and contracting shall be waived by a Commission decision to that effect, following a positively assessed Extended Decentralised Implementation System (EDIS) in accordance with the criteria and conditions laid down in the Annex to Council Regulation (EC) No 1266/1999 on coordinating aid to the applicant countries in the framework of the pre-accession strategy and amending Regulation (EEC) No 3906/89 ⁵.

If this Commission decision to waive ex-ante control has not been taken before

¹ OJ L 160, 26.6.1999, p. 80.

² Regulation (EEC) No 3906/89 (OJ L 375 23.12.1989, p. 11), as amended.

³ Regulation (EC) No 2760/98 (OJ L 345, 19.12.1998, p. 49), as amended.

⁴ Regulation (EC) No 555/2000 (OJ L 68, 16.3.2000, p. 3), as amended.

⁵ OJ L 232, 2.9.1999, p. 34.

the date of accession, any contracts signed between the date of accession and the date on which the Commission decision is taken shall not be eligible for pre-accession assistance.

However, exceptionally, if the Commission decision to waive ex-ante control is delayed beyond the date of accession for reasons not attributable to the authorities of a new Member State, the Commission may accept, in duly justified cases, eligibility for pre-accession assistance of contracts signed between accession and the date of the Commission decision, and the continued implementation of pre-accession assistance for a limited period, subject to ex-ante control by the Commission over tendering and contracting.

2. Global budget commitments made before accession under the pre-accession financial instruments referred to in paragraph 1, including the conclusion and registration of subsequent individual legal commitments and payments made after accession shall continue to be governed by the rules and regulations of the pre-accession financing instruments and be charged to the corresponding budget chapters until closure of the programmes and projects concerned. Notwithstanding this, public procurement procedures initiated after accession shall be carried out in accordance with the relevant Community Directives.

3. The last programming exercise for the pre-accession assistance referred to in paragraph 1 shall take place in the last full calendar year preceding accession. Actions under these programmes will have to be contracted within the following two years and disbursements made as provided for in the Financing Memorandum¹, usually by the end of the third year after the commitment. No extensions shall be granted for the contracting period. Exceptionally and in duly justified cases, limited extensions in terms of duration may be granted for disbursement.

4. In order to ensure the necessary phasing out of the pre-accession financial instruments referred to in paragraph 1 as well as the ISPA programme², and a smooth transition from the rules applicable before and after accession, the Commission may take all appropriate measures to ensure that the necessary statutory staff is maintained in the new Member States for a maximum of fifteen months following accession. During this period, officials assigned to posts in the new Member States before accession and who are required to remain in service in those States after the date of accession shall benefit, as an exception, from the same financial and material conditions as were applied by the Commission before accession in accordance with Annex X to the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities laid down in Regulation (EEC, Euratom, ECSC) No

¹ As set out in the Phare Guidelines (SEC (1999) 1596, updated on 6.9.2002 by C 3303/2).

² Regulation (EC) No 1267/99 (OJ L 161, 26.6.1999, p. 73), as amended.

259/68¹. The administrative expenditure, including salaries for other staff, necessary for the management of the pre-accession assistance shall be covered, for all of 2004 and until the end of July 2005, under the heading "support expenditure for operations" (former part B of the budget) or equivalent headings for the financial instruments referred to in paragraph 1 as well as the ISPA programme, of the relevant pre-accession budgets.

5. Where projects approved under Regulation (EC) No 1268/1999 can no longer be funded under that instrument, they may be integrated into rural development programming and financed under the European Agricultural Guidance and Guarantee Fund. Should specific transitional measures be necessary in this regard, these shall be adopted by the Commission in accordance with the procedures laid down in Article 50(2) of Council Regulation (EC) No 1260/1999 laying down general provisions on the Structural Funds².

ARTICLE 34

1. Between the date of accession and the end of 2006, the Union shall provide temporary financial assistance, hereinafter referred to as the "Transition Facility", to the new Member States to develop and strengthen their administrative capacity to implement and enforce Community legislation and to foster exchange of best practice among peers.

2. Assistance shall address the continued need for strengthening institutional capacity in certain areas through action which cannot be financed by the Structural Funds, in particular in the following areas:

justice and home affairs (strengthening of the judicial system, external border controls, anti-corruption strategy, strengthening of law enforcement capacities),

financial control,

protection of the Communities' financial interests and the fight against fraud,

internal market, including customs union,

environment,

¹ OJ L 56, 4.3.1968, p. 1. Regulation as last amended by Regulation (EC, Euratom) No 2265/02 (OJ L 347, 20.12.2002, p. 1).

² OJ L 161, 26.6.1999, p. 1. Regulation as last amended by Regulation (EC) No 1447/2001 (OJ L 198, 21.7.2001, p. 1).

veterinary services and administrative capacity-building relating to food safety,

administrative and control structures for agriculture and rural development, including the Integrated Administration and Control System (IACS),

nuclear safety (strengthening the effectiveness and competence of nuclear safety authorities and their technical support organisations as well as public radioactive waste management agencies),

statistics,

strengthening public administration according to needs identified in the Commission's comprehensive monitoring report which are not covered by the Structural Funds.

3. Assistance under the Transition Facility shall be decided in accordance with the procedure laid down in Article 8 of Council Regulation (EEC) No 3906/89 on economic aid to certain countries of Central and Eastern Europe ¹.

4. The programme shall be implemented in accordance with Article 53(1)(a) and (b) of the Financial Regulation applicable to the general budget of the European Communities ². For twinning projects between public administrations for the purpose of institution building, the procedure for call for proposals through the network of contact points in the Member States shall continue to apply, as established in the Framework Agreements with the present Member States for the purpose of pre-accession assistance.

The commitment appropriations for the Transition Facility, at 1999 prices, shall be EUR 200 million in 2004, EUR 120 million in 2005 and EUR 60 million in 2006. The annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspective.

ARTICLE 35

1. A Schengen Facility is hereby created as a temporary instrument to help beneficiary Member States between the date of accession and the end of 2006 to finance actions at the new external borders of the Union for the implementation of the Schengen acquis and external border control.

¹ OJ L 375, 23.12.1989, p. 11. Regulation as last amended by Regulation (EC) No 2500/2001 (OJ L 342, 27.12.2001, p. 1).

² Regulation (EC, Euratom) No 1605/2002 (OJ L 248, 16.9.2002, p. 1).

In order to address the shortcomings identified in the preparation for participation in Schengen, the following types of action shall be eligible for financing under the Schengen Facility:

investment in construction, renovation or upgrading of border crossing infrastructure and related buildings,

investments in any kind of operating equipment (e.g. laboratory equipment, detection tools, Schengen Information System-SIS 2 hardware and software, means of transport),

training of border guards,

support to costs for logistics and operations.

2. The following amounts shall be made available under the Schengen Facility in the form of lump sum grant payments as of the date of accession to the beneficiary Member States listed below:

	2004	2005	2006
	(EUR million, 1999 prices)		
Estonia	22,9	22,9	22,9
Latvia	23,7	23,7	23,7
Lithuania	44,78	61,07	29,85
Hungary	49,3	49,3	49,3
Poland	93,34	93,33	93,33
Slovenia	35,64	35,63	35,63
Slovakia	15,94	15,93	15,93

3. The beneficiary Member States shall be responsible for selecting and implementing individual operations in compliance with this Article. They shall also be responsible for coordinating use of the facility with assistance from other Community instruments, ensuring compatibility with Community policies and measures and compliance with the Financial Regulation applicable to the general budget of the European Communities.

The lump-sum grant payments shall be used within three years from the first payment and any unused or unjustifiably spent funds shall be recovered by the Commission. The beneficiary Member States shall submit, no later than six months after expiry of the three-year deadline, a comprehensive report on the financial execution of the lump-sum grant payments with a statement justifying the expenditure.

The beneficiary State shall exercise this responsibility without prejudice to the Commission's responsibility for the implementation of the general budget of the

European Communities and in accordance with the provisions of the Financial Regulation applicable to decentralised management.

4. The Commission retains the right of verification, through the Anti-Fraud Office (OLAF). The Commission and the Court of Auditors may also carry out on-the-spot checks in accordance with the appropriate procedures.

5. The Commission may adopt any technical provisions necessary for the operation of this Facility.

ARTICLE 36

The amounts referred to in Articles 29, 30, 34 and 35 shall be adjusted each year, as part of the technical adjustment provided for in paragraph 15 of the Interinstitutional Agreement of 6 May 1999.

TITLE II

Other Provisions

ARTICLE 37

1. If, until the end of a period of up to three years after accession, difficulties arise which are serious and liable to persist in any sector of the economy or which could bring about serious deterioration in the economic situation of a given area, a new Member State may apply for authorisation to take protective measures in order to rectify the situation and adjust the sector concerned to the economy of the common market.

In the same circumstances, any present Member State may apply for authorisation to take protective measures with regard to one or more of the new Member States.

2. Upon request by the State concerned, the Commission shall, by emergency procedure, determine the protective measures which it considers necessary, specifying the conditions and modalities in which they are to be put into effect.

In the event of serious economic difficulties and at the express request of the Member State concerned, the Commission shall act within five working days of the receipt of the request accompanied by the relevant background information. The measures thus decided on shall be applicable forthwith, shall take account of the interests of all parties concerned and shall not entail frontier controls.

3. The measures authorised under paragraph 2 may involve derogations from the rules of the EC Treaty and from this Act to such an extent and for such periods as are strictly necessary in order to attain the objectives referred to in paragraph 1. Priority shall be given to such measures as will least disturb the functioning of the common market.

ARTICLE 38

If a new Member State has failed to implement commitments undertaken in the context of the accession negotiations, causing a serious breach of the functioning of the internal market, including any commitments in all sectoral policies which concern economic activities with cross-border effect, or an imminent risk of such breach the Commission may, until the end of a period of up to three years after the date of entry into force of this Act, upon motivated request of a Member State or on its own initiative, take appropriate measures.

Measures shall be proportional and priority shall be given to measures, which disturb least the functioning of the internal market and, where appropriate, to the application of the existing sectoral safeguard mechanisms. Such safeguard measures shall not be invoked as a means of arbitrary discrimination or a disguised restriction on trade between Member States. The safeguard clause may be invoked even before accession on the basis of the monitoring findings and enter into force as of the date of accession. The measures shall be maintained no longer than strictly necessary, and, in any case, will be lifted when the relevant commitment is implemented. They may however be applied beyond the period specified in the first paragraph as long as the relevant commitments have not been fulfilled. In response to progress made by the new Member State concerned in fulfilling its commitments, the Commission may adapt the measures as appropriate. The Commission will inform the Council in good time before revoking safeguard measures, and it will take duly into account any observations of the Council in this respect.

ARTICLE 39

If there are serious shortcomings or any imminent risks of such shortcomings in the transposition, state of implementation, or the application of the framework decisions or any other relevant commitments, instruments of cooperation and decisions relating to mutual recognition in the area of criminal law under Title VI of the EU Treaty and Directives and Regulations relating to mutual recognition in civil matters under Title IV of the EC Treaty in a new Member State, the Commission may, until the end of a period of up to three years after the date of entry into force of this Act, upon motivated request of a Member State or on its own initiative and after consulting the Member States, take appropriate measures

and specify the conditions and modalities under which these measures are put into effect.

These measures may take the form of temporary suspension of the application of relevant provisions and decisions in the relations between a new Member State and any other Member State or Member States, without prejudice to the continuation of close judicial cooperation. The safeguard clause may be invoked even before accession on the basis of the monitoring findings and enter into force as of the date of accession. The measures shall be maintained no longer than strictly necessary, and, in any case, will be lifted when the shortcomings are remedied. They may however be applied beyond the period specified in the first paragraph as long as these shortcomings persist. In response to progress made by the new Member State concerned in rectifying the identified shortcomings, the Commission may adapt the measures as appropriate after consulting the Member States. The Commission will inform the Council in good time before revoking safeguard measures, and it will take duly into account any observations of the Council in this respect.

ARTICLE 40

In order not to hamper the proper functioning of the internal market, the enforcement of the new Member States' national rules during the transitional periods referred to in Annexes V to XIV shall not lead to border controls between Member States.

ARTICLE 41

If transitional measures are necessary to facilitate the transition from the existing regime in the new Member States to that resulting from the application of the common agricultural policy under the conditions set out in this Act, such measures shall be adopted by the Commission in accordance with the procedure referred to in Article 42(2) of Council Regulation (EC) No 1260/2001 on the common organisation of the markets in the sugar sector¹, or as appropriate, in the corresponding Articles of the other Regulations on the common organisation of agricultural markets or the relevant committee procedure as determined in the applicable legislation. The transitional measures referred to in this Article may be taken during a period of three years following the date of accession and their application shall be limited to that period. The Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, may extend this period.

¹ OJ L 178, 30.6.2001, p. 1.

The transitional measures relating to implementation of the instruments concerning the common agricultural policy not specified in this Act which are required as a result of accession shall be adopted prior to the date of accession by the Council acting by a qualified majority on a proposal from the Commission or, where they affect instruments initially adopted by the Commission, they shall be adopted by the Commission in accordance with the procedure required for adopting the instruments in question.

ARTICLE 42

If transitional measures are necessary to facilitate the transition from the existing regime in the new Member States to that resulting from the application of the Community veterinary and phytosanitary rules, such measures shall be adopted by the Commission in accordance with the relevant committee procedure as determined in the applicable legislation. These measures shall be taken during a period of three years following the date of accession and their application shall be limited to that period.

PART FIVE

Provisions Relating to the Implementation of this Act

TITLE I

Setting up of the Institutions and Bodies

ARTICLE 43

The European Parliament shall make such adaptations to its Rules of Procedure as are rendered necessary by accession.

ARTICLE 44

The Council shall make such adaptations to its Rules of Procedure as are rendered necessary by accession.

ARTICLE 45

1. Any State which accedes to the Union shall be entitled to have one of its nationals as a member of the Commission.
2. Notwithstanding the second subparagraph of Article 213(1), the first subparagraph of Article 214(1), Article 214(2) of the EC Treaty and the first subparagraph of Article 126 of the Euratom Treaty:
 - (a) a national of each new Member State shall be appointed to the Commission as from the date of its accession. The new Members of the Commission shall be appointed by the Council, acting by qualified majority and by common accord with the President of the Commission,
 - (b) the term of office of the Members of the Commission appointed pursuant to (a) as well as of those who were appointed as from 23 January 2000 shall expire on 31 October 2004,
 - (c) a new Commission composed of one national of each Member State shall take up its duties on 1 November 2004; the term of office of the Members of this new Commission shall expire on 31 October 2009,
 - (d) the date of 1 November 2004 is substituted for the date of 1 January 2005 in Article 4(1) of the Protocol on the enlargement of the European Union annexed to the EU Treaty and to the Treaties establishing the European Communities.
3. The Commission shall make such changes to its Rules of Procedure as are rendered necessary by accession.

ARTICLE 46

1. Ten judges shall be appointed to the Court of Justice and ten judges shall be appointed to the Court of First Instance.
2.
 - (a) The term of office of five of the judges of the Court of Justice appointed in accordance with paragraph 1 shall expire on 6 October 2006. Those judges shall be chosen by lot. The term of office of the other judges shall expire on 6 October 2009.
 - (b) The term of office of five of the judges of the Court of First Instance appointed in accordance with paragraph 1 shall expire on 31 August 2004. Those judges shall be chosen by lot. The term of office of the other judges shall expire on 31 August 2007.

- 3.(a) The Court of Justice shall make such adaptations to its Rules of Procedure as are rendered necessary by accession.
- (b) The Court of First Instance, in agreement with the Court of Justice, shall make such adaptations to its Rules of Procedure as are rendered necessary by accession.
- (c) The Rules of Procedure as adapted shall require the approval of the Council, acting by a qualified majority.
4. For the purpose of judging cases pending before the Courts on the date of accession in respect of which oral proceedings have started before that date, the full Courts or the Chambers shall be composed as before accession and shall apply the Rules of Procedure in force on the day preceding the date of accession.

ARTICLE 47

The Court of Auditors shall be enlarged by the appointment of ten additional members for a term of office of six years.

ARTICLE 48

The Economic and Social Committee shall be enlarged by the appointment of 95 members representing the various economic and social components of organised civil society in the new Member States. The terms of office of the members thus appointed shall expire at the same time as those of the members in office at the time of accession.

ARTICLE 49

The Committee of the Regions shall be enlarged by the appointment of 95 members representing regional and local bodies in the new Member States, who either hold a regional or local authority electoral mandate or are politically accountable to an elected assembly. The terms of office of the members thus appointed shall expire at the same time as those of the members in office at the time of accession.

ARTICLE 50

1. The terms of office of the present members of the Scientific and Technical Committee under Article 134(2) of the Euratom Treaty shall expire on the date of entry into force of this Act.

2. Upon accession the Council shall appoint the new Members of the Scientific and Technical Committee in accordance with the procedure laid down in Article 134(2) of the Euratom Treaty.

ARTICLE 51

Adaptations to the rules of the Committees established by the original Treaties and to their rules of procedure, necessitated by the accession, shall be made as soon as possible after accession.

ARTICLE 52

1. The terms of office of the new members of the Committees, groups and other bodies created by the Treaties and the legislator listed in Annex XVI shall expire at the same time as those of the members in office at the time of accession.
2. The terms of office of the new members of the Committees and groups created by the Commission listed in Annex XVII shall expire at the same time as those of the members in office at the time of accession.
3. Upon accession, the membership of the Committees listed in Annex XVIII shall be completely renewed.

TITLE II

Applicability of the Acts of the Institutions

ARTICLE 53

Upon accession, the new Member States shall be considered as being addressees of directives and decisions within the meaning of Article 249 of the EC Treaty and of Article 161 of the Euratom Treaty, provided that those directives and decisions have been addressed to all the present Member States. Except with regard to directives and decisions which enter into force pursuant to Article 254(1) and 254(2) of the EC Treaty, the new Member States shall be considered as having received notification of such directives and decisions upon accession.

ARTICLE 54

The new Member States shall put into effect the measures necessary for them to comply, from the date of accession, with the provisions of directives and decisions within the meaning of Article 249 of the EC Treaty and of Article 161 of the Euratom Treaty, unless another time-limit is provided for in the Annexes referred to in Article 24 or in any other provisions of this Act or its Annexes.

ARTICLE 55

At the duly substantiated request of one of the new Member States, the Council, acting unanimously on a proposal from the Commission, may, before 1 May 2004, take measures consisting of temporary derogations from acts of the institutions adopted between 1 November 2002 and the date of signature of the Treaty of Accession.

ARTICLE 56

Unless otherwise stipulated, the Council, acting by a qualified majority on a proposal from the Commission, shall adopt the necessary measures to implement the provisions contained in Annexes II, III and IV referred to in Articles 20, 21 and 22 of this Act.

ARTICLE 57

1. Where acts of the institutions prior to accession require adaptation by reason of accession, and the necessary adaptations have not been provided for in this Act or its Annexes, those adaptations shall be made in accordance with the procedure laid down by paragraph 2. Those adaptations shall enter into force as from accession.

2. The Council, acting by a qualified majority on a proposal from the Commission, or the Commission, according to which of these two institutions adopted the original acts, shall to this end draw up the necessary texts.

ARTICLE 58

The texts of the acts of the institutions, and of the European Central Bank, adopted before accession and drawn up by the Council, the Commission or the European Central Bank in the Czech, Estonian, Hungarian, Latvian, Lithuanian, Maltese, Polish, Slovak and Slovenian languages shall, from the date of accession, be authentic under the same conditions as the texts drawn up in the present eleven

languages. They shall be published in the Official Journal of the European Union if the texts in the present languages were so published.

ARTICLE 59

Provisions laid down by law, regulation or administrative action designed to ensure the protection of the health of workers and the general public in the territory of the new Member States against the dangers arising from ionising radiations shall, in accordance with Article 33 of the Euratom Treaty, be communicated by those States to the Commission within three months of accession.

TITLE III

Final Provisions

ARTICLE 60

Annexes I to XVIII, the Appendices thereto and Protocols Nos 1 to 10 attached to this Act shall form an integral part thereof.

ARTICLE 61

The Government of the Italian Republic shall remit to the Governments of the new Member States a certified copy of the Treaty on European Union, the Treaty establishing the European Community and of the Treaty establishing the European Atomic Energy Community, and the Treaties amending or supplementing them, including the Treaty concerning the accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland to the European Economic Community and to the European Atomic Energy Community¹, the Treaty concerning the accession of the Hellenic Republic to the European Economic Community and the European Atomic Energy Community², the Treaty concerning the accession of the Kingdom of Spain and the Portuguese Republic to the European Economic Community and the European Atomic Energy Community³, and the Treaty concerning the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union⁴ in the Danish, Dutch, English, Finnish, French, German, Greek, Irish, Italian, Portuguese, Spanish and Swedish languages.

¹ Treaty Series No.1 (1973) Cm 5179-1

² Treaty Series No.61 (1984) Cmnd 9304

³ Treaty Series No.1 (1989) Cm 548

⁴ Treaty Series No. 43 (1995) Cm 2887

The texts of those Treaties, drawn up in the Czech, Estonian, Hungarian, Latvian, Lithuanian, Maltese, Polish, Slovak and Slovenian languages, shall be annexed to this Act. Those texts shall be authentic under the same conditions as the texts of the Treaties referred to in the first paragraph, drawn up in the present languages.

ARTICLE 62

A certified copy of the international agreements deposited in the archives of the General Secretariat of the Council of the European Union shall be remitted to the Governments of the new Member States by the Secretary-General.

RATIFICATIONS, ACCESSIONS, EFFECTIVE DATES AND DECLARATIONS

<i>State</i>	<i>Action</i>	<i>Date</i>	<i>Effective Date</i>
Austria	Ratification	23 Dec 2003	01 May 2004
Belgium	Ratification	29 Mar 2004	01 May 2004
Cyprus	Ratification	06 Aug 2003	01 May 2004
Czech Republic	Ratification	03 Nov 2003	01 May 2004
Germany	Ratification	27 Nov 2003	01 May 2004
Denmark	Ratification	11 Jun 2003	01 May 2004
Estonia	Ratification	04 Mar 2004	01 May 2004
Spain	Ratification	26 Nov 2003	01 May 2004
France	Ratification	26 Feb 2004	01 May 2004
United Kingdom	Ratification	18 Dec 2003	01 May 2004
Greece	Ratification	13 Apr 2004	01 May 2004
Hungary	Ratification	23 Dec 2003	01 May 2004
Italy	Ratification	26 Feb 2004	01 May 2004
Ireland	Ratification	18 Dec 2003	01 May 2004
Lithuania	Ratification	10 Oct 2003	01 May 2004
Luxembourg	Ratification	31 Mar 2004	01 May 2004
Latvia	Ratification	17 Dec 2003	01 May 2004
Malta	Ratification	29 Jul 2003	01 May 2004
Netherlands	Ratification	21 Apr 2004	01 May 2004
Portugal	Ratification	19 Feb 2004	01 May 2004
Poland	Ratification	05 Aug 2003	01 May 2004
Sweden	Ratification	11 Feb 2004	01 May 2004
Finland	Ratification	23 Dec 2003	01 May 2004
Slovenia	Ratification	12 Mar 2004	01 May 2004
Slovakia	Ratification	09 Oct 2003	01 May 2004

The Agreement entered into force on 1 May 2004



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between the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland

(Member States of the European Union)

and

the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia, the Slovak Republic concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union

including

the Protocols and Final Act with Declarations

Athens, 16 April 2003

[The United Kingdom instrument of ratification was deposited on 18 December 2003
and the Treaty entered into force for the United Kingdom on 1 May 2004]

Volume 11 – Final Act

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
September 2004*

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FINAL ACT

I. TEXT OF THE FINAL ACT

The Plenipotentiaries of:

HIS MAJESTY THE KING OF THE BELGIANS,
THE PRESIDENT OF THE CZECH REPUBLIC,
HER MAJESTY THE QUEEN OF DENMARK,
THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY,
THE PRESIDENT OF THE REPUBLIC OF ESTONIA,
THE PRESIDENT OF THE HELLENIC REPUBLIC,
HIS MAJESTY THE KING OF SPAIN,
THE PRESIDENT OF THE FRENCH REPUBLIC,
THE PRESIDENT OF IRELAND,
THE PRESIDENT OF THE ITALIAN REPUBLIC,
THE PRESIDENT OF THE REPUBLIC OF CYPRUS,
THE PRESIDENT OF THE REPUBLIC OF LATVIA,
THE PRESIDENT OF THE REPUBLIC OF LITHUANIA,
HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG,
THE PARLIAMENT OF THE REPUBLIC OF HUNGARY,
THE PRESIDENT OF MALTA,
HER MAJESTY THE QUEEN OF THE NETHERLANDS,
THE FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA,
THE PRESIDENT OF THE REPUBLIC OF POLAND,
THE PRESIDENT OF THE PORTUGUESE REPUBLIC,
THE PRESIDENT OF THE REPUBLIC OF SLOVENIA,
THE PRESIDENT OF THE SLOVAK REPUBLIC,
THE PRESIDENT OF THE REPUBLIC OF FINLAND,
THE GOVERNMENT OF THE KINGDOM OF SWEDEN,

HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND,

Assembled at Athens on the sixteenth day of April in the year two thousand and three on the occasion of the signature of the Treaty between the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland (Member States of the European Union) and the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia, the Slovak Republic concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union,

Have placed on record the fact that the following texts have been drawn up and adopted within the Conference between the Member States of the European Union and the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia, the Slovak Republic concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union.

- I. the Treaty between the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland (Member States of the European Union) and the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia, the Slovak Republic concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union;
- II. the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded;
- III. the texts listed below which are annexed to the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded:
 - A. Annex I: List of provisions of the Schengen acquis as integrated into the framework of the European Union and the acts building upon it or otherwise related to it, to be binding on and applicable in the new Member States as from accession (referred to in Article 3 of the Act of Accession)
 - Annex II: List referred to in Article 20 of the Act of Accession
 - Annex III: List referred to in Article 21 of the Act of Accession
 - Annex IV: List referred to in Article 22 of the Act of Accession; Appendix
 - Annex V: List referred to in Article 24 of the Act of Accession: Czech Republic; Appendices A and B
 - Annex VI: List referred to in Article 24 of the Act of Accession: Estonia
 - Annex VII: List referred to in Article 24 of the Act of Accession: Cyprus; Appendix

- Annex VIII: List referred to in Article 24 of the Act of Accession: Latvia; Appendices A and B
- Annex IX: List referred to in Article 24 of the Act of Accession: Lithuania; Appendices A and B
- Annex X: List referred to in Article 24 of the Act of Accession: Hungary; Appendices A and B
- Annex XI: List referred to in Article 24 of the Act of Accession: Malta; Appendices A, B and C
- Annex XII: List referred to in Article 24 of the Act of Accession: Poland; Appendices A, B and C
- Annex XIII: List referred to in Article 24 of the Act of Accession: Slovenia; Appendices A and B
- Annex XIV: List referred to in Article 24 of the Act of Accession: Slovakia; Appendix
- Annex XV: List referred to in Article 32(1) of the Act of Accession
- Annex XVI: List referred to in Article 52(1) of the Act of Accession
- Annex XVII : List referred to in Article 52(2) of the Act of Accession
- Annex XVIII: List referred to in Article 52(3) of the Act of Accession

B. Protocol No 1 on amendments to the Statute of the European Investment Bank

Protocol No 2 on the restructuring of the Czech steel industry

Protocol No 3 on the Sovereign Base Areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus

Protocol No 4 on the Ignalina nuclear power plant in Lithuania

Protocol No 5 on the transit of persons by land between the region of Kaliningrad and other parts of the Russian Federation

Protocol No 6 on the acquisition of secondary residences in Malta

Protocol No 7 on abortion in Malta

Protocol No 8 on the restructuring of the Polish steel industry

Protocol No 9 on Unit 1 and Unit 2 of the Bohunice V1 nuclear power plant in Slovakia

Protocol No 10 on Cyprus

C. The texts of the Treaty on European Union, the Treaty establishing the European Community and of the Treaty establishing the European Atomic Energy Community, together with the Treaties amending or supplementing them, including the Treaty concerning the accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland to the European Economic Community and to the European Atomic Energy Community, the Treaty concerning the accession of the Hellenic Republic to the European Economic Community and the European Atomic Energy Community, the Treaty concerning the accession of the Kingdom of Spain and the Portuguese Republic to the European Economic Community and the European Atomic Energy Community, and the Treaty concerning the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union in the Czech, Estonian, Hungarian, Latvian, Lithuanian, Maltese, Polish, Slovak and Slovenian languages.

The High Contracting Parties undertake to communicate to the Commission and to each other all necessary information required for the application of the Act concerning the conditions of accession and the adjustments to the Treaties. Where necessary, this information shall be provided in such good time before the date of accession as to enable the full application of the Act from the date of accession, in particular as regards the functioning of the internal market. The Commission may inform the new Contracting Parties of the time by which it considers it appropriate to receive or transmit specific information. By this day of signature, the Contracting Parties were provided with a list setting out the information obligations in the veterinary domain.

II. DECLARATIONS ADOPTED BY THE PLENIPOTENTIARIES

Furthermore, the Plenipotentiaries have adopted the Declarations listed below, annexed to this Final Act.

1. Joint Declaration: One Europe
2. Joint Declaration on the Court of Justice of the European Communities

1. JOINT DECLARATION: ONE EUROPE

Today is a great moment for Europe. We have today concluded accession negotiations between the European Union and Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia. 75 million people will be welcomed as new citizens of the European Union.

We, the current and acceding Member States, declare our full support for the continuous, inclusive and irreversible enlargement process. The accession negotiations with Bulgaria and Romania will continue on the basis of the same principles that have guided the negotiations so far. The results already achieved in these negotiations will not be brought into question. Depending on further progress in complying with the membership criteria, the objective is to welcome Bulgaria and Romania as new members of the European Union in 2007. We also welcome the important decisions taken today concerning the next stage of Turkey's candidature for membership of the European Union.

Our common wish is to make Europe a continent of democracy, freedom, peace and progress. The Union will remain determined to avoid new dividing lines in Europe and to promote stability and prosperity within and beyond the new borders of the Union. We are looking forward to working together in our joint endeavour to accomplish these goals.

Our aim is One Europe.

Belgium	Czech Republic	Denmark
Germany	Estonia	Greece
Spain	France	Ireland
Italy	Cyprus	Latvia
Lithuania	Luxembourg	Hungary
Malta	Netherlands	Austria
Poland	Portugal	Slovenia
Slovakia	Finland	Sweden
United Kingdom		

2. JOINT DECLARATION ON THE COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES

Should the Court of Justice so request, the Council, acting unanimously, may increase the number of Advocates-General in accordance with Article 222 of the EC Treaty and Article 138 of the Euratom Treaty. Otherwise, the new Member States will be integrated into the existing system for their appointment.

III. OTHER DECLARATIONS

The Plenipotentiaries have taken note of the following Declarations which have been made and are annexed to this Final Act:

- A. Joint Declarations: the present Member States/Estonia
 - 3. Joint Declaration on the hunting of brown bears in Estonia

- B. Joint Declarations: Various present Member States/various new Member States
 - 4. Joint Declaration by the Czech Republic and the Republic of Austria concerning their bilateral agreement regarding the Temelin nuclear power plant
- C. Joint Declarations by the present Member States
 - 5. Declaration on rural development
 - 6. Declaration on the free movement of workers: Czech Republic
 - 7. Declaration on the free movement of workers: Estonia

8. Declaration on oil shale, the internal electricity market and Directive 96/92/EC of the European Parliament and of the Council of 19 December 1996 concerning common rules for the internal market in electricity (Electricity Directive): Estonia
9. Declaration with respect to Estonian and Lithuanian fishing activities in the Svalbard zone
10. Declaration on the free movement of workers: Latvia
11. Declaration on the free movement of workers: Lithuania
12. Declaration on the transit of persons by land between the region of Kaliningrad and other parts of the Russian Federation
13. Declaration on the free movement of workers: Hungary
14. Declaration on the free movement of workers: Malta
15. Declaration on the free movement of workers: Poland

16. Declaration on the free movement of workers: Slovenia
 17. Declaration on the development of the trans-European network in Slovenia
 18. Declaration on the free movement of workers: Slovakia
- D. Joint Declarations by various present Member States
19. Joint Declaration by the Federal Republic of Germany and the Republic of Austria on the free movement of workers: Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovenia and Slovakia
 20. Joint Declaration by the Federal Republic of Germany and the Republic of Austria on the monitoring of nuclear safety
- E. General Joint Declaration by the present Member States
21. General Joint Declaration

F. Joint Declarations by various new Member States

22. Joint Declaration by the Czech Republic, the Republic of Estonia, the Republic of Lithuania, the Republic of Poland, the Republic of Slovenia and the Slovak Republic on Article 38 of the Act of Accession
23. Joint Declaration by the Republic of Hungary and the Republic of Slovenia on Annex X, Chapter 7, point 1(a)(ii), and Annex XIII, Chapter 6 point 1(a)(i), to the Act of Accession

G. Declarations by the Czech Republic

24. Declaration by the Czech Republic on transport policy
25. Declaration by the Czech Republic on workers.
26. Declaration by the Czech Republic on Article 35 of the EU Treaty.

H. Declarations by the Republic of Estonia

- 27. Declaration by the Republic of Estonia on steel
- 28. Declaration by the Republic of Estonia on fisheries
- 29. Declaration by the Republic of Estonia on the North-East Atlantic Fisheries Commission (NEAFC)
- 30. Declaration by the Republic of Estonia on food safety

I. Declarations by the Republic of Latvia

- 31. Declaration by the Republic of Latvia on the weighting of votes in the Council
- 32. Declaration by the Republic of Latvia on fisheries
- 33. Declaration by the Republic of Latvia on Article 142a of Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark

J. Declaration by the Republic of Lithuania

34. Declaration by the Republic of Lithuania with respect to Lithuanian fishery activities in the regulatory area of the North-East Atlantic Fisheries Commission (NEAFC)

K. Declarations by the Republic of Malta

35. Declaration by the Republic of Malta on neutrality
36. Declaration by the Republic of Malta on the island region of Gozo
37. Declaration by the Republic of Malta on the maintenance of VAT zero-rating

L. Declarations by the Republic of Poland

38. Declaration by the Republic of Poland concerning competitiveness of the Polish production of some fruit
39. Declaration by the Government of the Republic of Poland concerning public morality

40. Declaration by the Government of the Republic of Poland on interpretation of the derogation from the requirements laid down in Directive 2001/82/EC and in Directive 2001/83/EC.

M. Declarations by the Republic of Slovenia

41. Declaration by the Republic of Slovenia on the future regional division of the Republic of Slovenia
42. Declaration by the Republic of Slovenia on the Slovenian indigenous bee *Apis mellifera Carnica* (kranjska čebela)

N. Declarations by the Commission of the European Communities

43. Declaration by the Commission of the European Communities on the general economic safeguard clause, the internal market safeguard clause and the justice and home affairs safeguard clause
44. Declaration by the Commission of the European Communities to the conclusions of the Accession Conference with Latvia

A. JOINT DECLARATIONS: THE PRESENT MEMBER STATES/ESTONIA

3. JOINT DECLARATION
ON THE HUNTING OF BROWN BEARS IN ESTONIA

As regards brown bears, Estonia will comply fully with the requirements of Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (Habitats Directive). By the latest upon accession, Estonia will establish a system of strict protection that complies with Article 12 of the said Directive.

While general hunting of brown bears could not be allowed, the Conference notes that under Article 16(1) of the Habitats Directive, Estonia may allow hunting of brown bears under specified circumstances and subject to the procedures laid down in Article 16(2) and (3).

B. JOINT DECLARATIONS: VARIOUS PRESENT MEMBER STATES/VARIOUS
NEW MEMBER STATES

4. JOINT DECLARATION
BY THE CZECH REPUBLIC AND THE REPUBLIC OF AUSTRIA
CONCERNING THEIR BILATERAL AGREEMENT
REGARDING THE TEMELIN NUCLEAR POWER PLANT

The Czech Republic and the Republic of Austria shall fulfil their bilateral obligations under their mutually adopted "Conclusions of the Melk Process and Follow-up" of 29 November 2001.

C. JOINT DECLARATIONS BY THE PRESENT MEMBER STATES

5. DECLARATION ON RURAL DEVELOPMENT

With regard to the rural development policy for the new Member States under the temporary rural development instrument funded by the EAGGF Guarantee Section, the Union notes that the following initial allocations can be expected by each of the new Member States:

Initial allocation (EUR million)				
	2004	2005	2006	2004-2006
Czech Republic	147,9	161,6	172,0	481,5
Estonia	41,0	44,8	47,7	133,5
Cyprus	20,3	22,2	23,9	66,4
Latvia	89,4	97,7	103,9	291,0
Lithuania	133,4	145,7	155,1	434,2
Hungary	164,2	179,4	190,8	534,4
Malta	7,3	8,0	8,5	23,8
Poland	781,2	853,6	908,2	2 543,0
Slovenia	76,7	83,9	89,2	249,8
Slovakia	108,2	118,3	125,8	352,3
Total	1 570,0	1 715,0	1 825,0	5 110,0

6. DECLARATION
ON THE FREE MOVEMENT OF WORKERS: CZECH REPUBLIC

The EU stresses the strong elements of differentiation and flexibility in the arrangement for the free movement of workers. Member States shall endeavour to grant increased labour market access to Czech nationals under national law, with a view to speeding up the approximation to the acquis. As a consequence, the employment opportunities in the EU for Czech nationals should improve substantially upon the Czech Republic's accession. Moreover, the EU Member States will make best use of the proposed arrangement to move as quickly as possible to the full application of the acquis in the area of free movement of workers.

7. DECLARATION
ON THE FREE MOVEMENT OF WORKERS: ESTONIA

The EU stresses the strong elements of differentiation and flexibility in the arrangement for the free movement of workers. Member States shall endeavour to grant increased labour market access to Estonian nationals under national law, with a view to speeding up the approximation to the acquis. As a consequence, the employment opportunities in the EU for Estonian nationals should improve substantially upon Estonia's accession. Moreover, the EU Member States will make best use of the proposed arrangement to move as quickly as possible to the full application of the acquis in the area of free movement of workers.

8. DECLARATION ON OIL SHALE, THE INTERNAL ELECTRICITY MARKET
AND DIRECTIVE 96/92/EC OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL OF 19 DECEMBER 1996
CONCERNING COMMON RULES
FOR THE INTERNAL MARKET IN ELECTRICITY
(ELECTRICITY DIRECTIVE): ESTONIA

The Union will closely monitor that Estonia fulfils its commitments notably with regard to the further preparation to the internal energy market (oil shale sector restructuring, electricity sector restructuring, legislation, strengthening Energy Market Inspectorate, etc).

The Union draws Estonia's attention to the conclusions of the Lisbon and Barcelona European Councils, related to accelerated market opening in – among others – the electricity and gas sectors, with the aim of achieving a fully operational internal market in these areas, and notes Estonia's earlier statements made in this regard on 27 May 2002 in the context of the accession negotiations. Notwithstanding the need for the early implementation of an operational internal electricity market, the Union takes note that Estonia reserves its position regarding future legislative developments in this area. The Union recognises in this respect the specific situation related to the restructuring of the oil shale sector which will require particular efforts until the end of 2012, and the need for gradual opening of the Estonian electricity market for non-household customers until that date.

The Union notes that, with a view to limiting the potential distortion of competition in the internal electricity market, safeguard mechanisms, such as the reciprocity clause of Directive 96/92/EC, may have to be applied.

The Commission will closely monitor the development of the electricity production and the possible changes in the electricity market in Estonia and in the neighbouring countries.

Without prejudice to the above, any Member State may from 2009 onwards request the Commission to assess the development of the electricity markets of the Baltic Sea area. Based on this assessment, with full consideration to the unique character of oil shale and social and economic considerations related to the extraction, production and consumption of oil shale in Estonia, and taking into account the objectives of the Community regarding the electricity market, the Commission shall report to the Council with appropriate recommendations.

9. DECLARATION
WITH RESPECT TO ESTONIAN AND LITHUANIAN FISHING ACTIVITIES
IN THE SVALBARD ZONE

The European Community is committed to maintain sound management based on sustainable conservation and optimal utilisation of fish stocks around Svalbard, and declares its willingness to continue the present management system applied by the European Community and by Estonia and Lithuania.

10. DECLARATION
ON THE FREE MOVEMENT OF WORKERS: LATVIA

The EU stresses the strong elements of differentiation and flexibility in the arrangement for the free movement of workers. Member States shall endeavour to grant increased labour market access to Latvian nationals under national law, with a view to speeding up the approximation to the *acquis*. As a consequence, the employment opportunities in the EU for Latvian nationals should improve substantially upon Latvia's accession. Moreover, the EU Member States will make best use of the proposed arrangement to move as quickly as possible to the full application of the *acquis* in the area of free movement of workers.

11. DECLARATION
ON THE FREE MOVEMENT OF WORKERS: LITHUANIA

The EU stresses the strong elements of differentiation and flexibility in the arrangement for the free movement of workers. Member States shall endeavour to grant increased labour market access to Lithuanian nationals under national law, with a view to speeding up the approximation to the acquis. As a consequence, the employment opportunities in the EU for Lithuanian nationals should improve substantially upon Lithuania's accession. Moreover, the EU Member States will make best use of the proposed arrangement to move as quickly as possible to the full application of the acquis in the area of free movement of workers.

12. DECLARATION
ON THE TRANSIT OF PERSONS BY LAND
BETWEEN THE REGION OF KALININGRAD
AND OTHER PARTS OF THE RUSSIAN FEDERATION

The Community shall assist Lithuania in fulfilling the conditions for full participation in the Schengen acquis as soon as possible in order to secure that Lithuania will be included in the first group of new Member States to participate fully in the Schengen acquis. Full participation will depend on an objective evaluation that all necessary conditions are fulfilled according to the Schengen acquis.

13. DECLARATION
ON THE FREE MOVEMENT OF WORKERS: HUNGARY

The EU stresses the strong elements of differentiation and flexibility in the arrangement for the free movement of workers. Member States shall endeavour to grant increased labour market access to Hungarian nationals under national law, with a view to speeding up the approximation to the *acquis*. As a consequence, the employment opportunities in the EU for Hungarian nationals should improve substantially upon Hungary's accession. Moreover, the EU Member States will make best use of the proposed arrangement to move as quickly as possible to the full application of the *acquis* in the area of free movement of workers.

14. DECLARATION
ON THE FREE MOVEMENT OF WORKERS: MALTA

Should the accession of Malta give rise to difficulties relating to the free movement of workers, the matter may be brought before the institutions of the Union in order to obtain a solution to this problem. This solution will be in strict accordance with the provisions of the Treaties (including those of the Treaty on European Union) and the provisions adopted in application thereof, in particular those relating to the free movement of workers.

15. DECLARATION
ON THE FREE MOVEMENT OF WORKERS: POLAND

The EU stresses the strong elements of differentiation and flexibility in the arrangement for the free movement of workers. Member States shall endeavour to grant increased labour market access to Polish nationals under national law, with a view to speeding up the approximation to the acquis. As a consequence, the employment opportunities in the EU for Polish nationals should improve substantially upon Poland's accession. Moreover, the EU Member States will make best use of the proposed arrangement to move as quickly as possible to the full application of the acquis in the area of free movement of workers.

16. DECLARATION
ON THE FREE MOVEMENT OF WORKERS: SLOVENIA

The EU stresses the strong elements of differentiation and flexibility in the arrangement for the free movement of workers. Member States shall endeavour to grant increased labour market access to Slovenian nationals under national law, with a view to speeding up the approximation to the acquis. As a consequence, the employment opportunities in the EU for Slovenian nationals should improve substantially upon Slovenia's accession. Moreover, the EU Member States will make best use of the proposed arrangement to move as quickly as possible to the full application of the acquis in the area of free movement of workers.

17. DECLARATION
ON THE DEVELOPMENT OF
THE TRANS-EUROPEAN NETWORK IN SLOVENIA

The Union recalls the importance of transport infrastructure in Slovenia for the development of a trans-European transport network and will take due account of this fact when identifying projects of common interest according to Article 155 of the EC Treaty.

18. DECLARATION
ON THE FREE MOVEMENT OF WORKERS: SLOVAKIA

The EU stresses the strong elements of differentiation and flexibility in the arrangement for the free movement of workers. Member States shall endeavour to grant increased labour market access to Slovak nationals under national law, with a view to speeding up the approximation to the acquis. As a consequence, the employment opportunities in the EU for Slovak nationals should improve substantially upon Slovakia's accession. Moreover, the EU Member States will make best use of the proposed arrangement to move as quickly as possible to the full application of the acquis in the area of free movement of workers.

D. JOINT DECLARATIONS BY VARIOUS PRESENT MEMBER STATES

19. JOINT DECLARATION
BY THE FEDERAL REPUBLIC OF GERMANY AND
THE REPUBLIC OF AUSTRIA ON THE FREE MOVEMENT OF WORKERS:
CZECH REPUBLIC, ESTONIA, HUNGARY, LATVIA, LITHUANIA, POLAND,
SLOVENIA AND SLOVAKIA

The wording of point number 13 of the transitional measures on the free movement of workers under Directive 96/71/EC in Annexes V, VI, VIII, IX, X, XII, XIII and XIV is understood by the Federal Republic of Germany and the Republic of Austria in agreement with the Commission as meaning that "certain regions" may, where appropriate, also comprise the entire national territory.

20. JOINT DECLARATION
BY THE FEDERAL REPUBLIC OF GERMANY AND
THE REPUBLIC OF AUSTRIA ON THE MONITORING OF NUCLEAR SAFETY

The Federal Republic of Germany and the Republic of Austria stress the importance of continuing the monitoring process on the implementation of the recommendations for the improvement of nuclear safety in the accession countries, as raised at the Council on General Affairs and External Relations of 10 December 2002, until a result is available.

E. GENERAL JOINT DECLARATION BY THE PRESENT MEMBER STATES

21. GENERAL JOINT DECLARATION

The present Member States underline that the Declarations attached to this Final Act cannot be interpreted or applied in a way contrary to the obligations of the Member States arising from the Treaty and Act of Accession.

The present Member States note that the Commission subscribes fully to the above.

F. JOINT DECLARATIONS BY VARIOUS NEW MEMBER STATES

22. JOINT DECLARATION

BY THE CZECH REPUBLIC, THE REPUBLIC OF ESTONIA, THE REPUBLIC OF LITHUANIA, THE REPUBLIC OF POLAND, THE REPUBLIC OF SLOVENIA AND THE SLOVAK REPUBLIC ON ARTICLE 38 OF THE ACT OF ACCESSION

1. The Czech Republic, the Republic of Estonia, the Republic of Lithuania, the Republic of Poland, the Republic of Slovenia and the Slovak Republic understand that the notion "has failed to implement commitments undertaken in the context of the accession negotiations" only covers the obligations that are arising from the original Treaties applicable to the Czech Republic, the Republic of Estonia, the Republic of Lithuania, the Republic of Poland, the Republic of Slovenia and the Slovak Republic, under the conditions laid down in the Act of Accession, and the obligations defined in this Act.

Therefore the Czech Republic, the Republic of Estonia, the Republic of Lithuania, the Republic of Poland, the Republic of Slovenia and the Slovak Republic understand that the Commission will consider application of Article 38 only in cases of alleged violations of the obligations referred to in the preceding paragraph.

2. The Czech Republic, the Republic of Estonia, the Republic of Lithuania, the Republic of Poland, the Republic of Slovenia and the Slovak Republic understand that Article 38 is without prejudice to the jurisdiction of the Court of Justice as defined by Article 230 of the EC Treaty on actions taken by the Commission pursuant to Article 38.
3. The Czech Republic, the Republic of Estonia, the Republic of Lithuania, the Republic of Poland, the Republic of Slovenia and the Slovak Republic understand that the Commission shall, before deciding on whether to apply the measures provided for in Article 38 against them, give the Czech Republic, the Republic of Estonia, the Republic of Lithuania, the Republic of Poland, the Republic of Slovenia and the Slovak Republic an opportunity to express their view and position in accordance with the Declaration by the Commission of the European Communities on the general safeguard clause, the internal market safeguard clause and the justice and home affairs safeguard clause, annexed to this Final Act.

23. JOINT DECLARATION
BY THE REPUBLIC OF HUNGARY AND THE REPUBLIC OF SLOVENIA
ON ANNEX X, CHAPTER 7, point 1(a)(ii) and
ANNEX XIII, CHAPTER 6, point (1)(a)(i) TO THE ACT OF ACCESSION

If the transitional period referred to in Article 28(1) of the Sixth VAT Directive is not replaced by a definitive system by mid-2007 and the proposal for its replacement is not at such a stage as to allow the replacement by the end of 2007, the Republic of Hungary and the Republic of Slovenia will request a report from the Commission to the Council on the functioning of the transitional arrangement provided for in Annex X, Chapter 7, point 1(a)(ii) and Annex XIII, Chapter 6, point 1(a)(i) to the Act of Accession to be prepared in due time. This report shall take into account the proper functioning of the internal market and possible adverse consequences for restaurant sectors in the Republic of Hungary and the Republic of Slovenia, in particular job losses, an increase in undeclared employment, and the level of price increases of restaurant services for the final consumer.

G. DECLARATIONS BY THE CZECH REPUBLIC

24. DECLARATION BY THE CZECH REPUBLIC ON TRANSPORT POLICY

In accordance with the EU Common Position to the Chapter on Transport Policy the current and new Member States may progressively exchange cabotage authorisations on the basis of bilateral agreements, including the possibility for full liberalisation. In the light of the above the Czech Republic therefore expects the bilateral talks with the Member States will be continued in the course of year 2003 in order to reach either a bilateral agreement on full liberalisation of cabotage or an exchange of progressive cabotage authorisations in case the transitional period is required.

The Czech Republic welcomes that a mutual agreement with Germany has been reached on working out the analysis of a cost structure on the basis of which bilateral cabotage quotas could be established from the year 2004 onwards.

25. DECLARATION
BY THE CZECH REPUBLIC ON WORKERS

The Czech Republic declares that it expects that the intentions of a present Member State to liberalise the access of Czech workers to its labour market based on individual sectors and professions will be subject to bilateral consultations between the Member State concerned and the Czech Republic.

26. DECLARATION
BY THE CZECH REPUBLIC ON ARTICLE 35 OF THE EU TREATY

The Czech Republic accepts the jurisdiction of the Court of Justice of the European Communities in accordance with the arrangements laid down in Article 35(2) and (3)(b) of the Treaty on European Union. The Czech Republic reserves the right to make provision in its national law that when a question concerning the validity or interpretation of an act referred to in Article 35(1) of the Treaty on European Union is raised in a case pending before a national court or tribunal against whose decisions there is no judicial remedy under national law, that court or tribunal is obliged to bring the matter before the Court of Justice.

H. DECLARATIONS BY THE REPUBLIC OF ESTONIA

27. DECLARATION BY THE REPUBLIC OF ESTONIA ON STEEL

The Estonian steel processing industry is in a dynamic stage of development.

When negotiating the necessary adjustments to the quantitative restrictions provided for in the bilateral steel agreements between the Community and the Russian Federation, the Ukraine and Kazakhstan, or adopting any other arrangements to that effect, the import needs resulting from the foreseeable expansion of the Estonian steel industry in the near future will have to be taken into account. Estonia underlines that its anticipated import needs have been provided to the Accession Conference.

28. DECLARATION
BY THE REPUBLIC OF ESTONIA
ON FISHERIES

Estonia is aware that the management of the Agreement between the Government of the Republic of Estonia and the Government of the Russian Federation on cooperation in the conservation and management of fish stocks in Peipsi, Lämmi and Pihkva Lake area will be ensured by Estonia in close cooperation with the Commission, insofar as the Community does or will not have secondary legislation on the management of inland fishery resources.

29. DECLARATION
BY THE REPUBLIC OF ESTONIA
ON THE NORTH-EAST ATLANTIC FISHERIES COMMISSION (NEAFC)

According to the principle of exclusive Community competence, the interests of Estonia in the NEAFC will be represented by the Community as from the date of accession. In case Estonia is not a member of NEAFC by the date of accession, Estonia relies on the Community's effort to integrate into the Community's share the "non-contracting party cooperation quota" used by Estonia and as recorded by NEAFC.

30. DECLARATION
BY THE REPUBLIC OF ESTONIA
ON FOOD SAFETY

As regard third countries, Estonia will comply fully with the requirements of Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002, laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.

I. DECLARATIONS BY THE REPUBLIC OF LATVIA

31. DECLARATION
BY THE REPUBLIC OF LATVIA
ON THE WEIGHTING OF VOTES IN THE COUNCIL

Declaration No 20 to the Nice Treaty established that the Republic of Latvia will be allocated four votes out of a total of 345 votes in the Council as from 1 January 2005 on the assumption of a Union of 27 Member States.

Bearing in mind the need to ensure an adequate, comparable and equal representation of the Member States in the Council according to the number of their population, the Republic of Latvia declares that it reserves the rights to discuss the issue of the weighting of votes in the Council during the next Intergovernmental Conference.

32. DECLARATION
BY THE REPUBLIC OF LATVIA
ON FISHERIES

With respect to Regulation (EEC) No 3760/92 establishing the share of Community fishing opportunities to be allocated to Member States for stocks, which are regulated by a catch limit, Latvia understands that the specific provisions of this Act related to fishing opportunities to be allocated to Latvia in the Baltic Sea refer to the existing management system within the IBSFC as it is calculated for the EU-15 and Estonia, Latvia, Lithuania and Poland.

With regard to the fishing opportunities within the North East Atlantic Fisheries Commission (NEAFC), Latvia declares its interests for fishing in that area, although it has no significant catch record during the recent period. Latvia as a cooperative party to the NEAFC, respecting all the decisions and regulations set by this Commission, expects that its interests will be duly taken into account when allocating the fishing opportunities to Latvia and other new Member States.

33. DECLARATION
BY THE REPUBLIC OF LATVIA
ON ARTICLE 142a OF COUNCIL REGULATION (EC) No 40/94
OF 20 DECEMBER 1993 ON THE COMMUNITY TRADE MARK

The Republic of Latvia considers that application of Article 142a(5) of Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark shall not preclude prohibiting the use of a Community trade mark in the territory of the Republic of Latvia pursuant to Article 106(2) of the Regulation.

J. DECLARATION BY THE REPUBLIC OF LITHUANIA

34. DECLARATION
BY THE REPUBLIC OF LITHUANIA
WITH RESPECT TO LITHUANIAN FISHERY ACTIVITIES
IN THE REGULATORY AREA
OF THE NORTH-EAST ATLANTIC FISHERIES COMMISSION (NEAFC)

Lithuania declares its interest in continuing traditional fishery in the North-East Atlantic Fisheries Commission (NEAFC) Regulatory Area after the accession to the European Union. Lithuania relies on the EU support in its accession to the NEAFC. Lithuania expects that after accession to the EU, Lithuania's fishing activities in the NEAFC Regulatory Area will be continued and adequate quotas in this Area will be allocated in line with the principle of relative stability.

K. DECLARATIONS BY THE REPUBLIC OF MALTA

35. DECLARATION
BY THE REPUBLIC OF MALTA
ON NEUTRALITY

Malta affirms its commitment to the common foreign and security policy of the European Union as set out in the Treaty on European Union.

Malta confirms that its participation in the European Union's common foreign and security policy does not prejudice its neutrality. The Treaty on European Union specifies that any decision by the Union to move to a common defence would have to be taken by unanimous decision of the European Council adopted by the Member States in accordance with their respective constitutional requirements.

36. DECLARATION
BY THE REPUBLIC OF MALTA
ON THE ISLAND REGION OF GOZO

The Government of Malta,

Noting that the island region of Gozo has economic and social specificities as well as handicaps arising from the combined effects of its double insularity, its environmental fragility, its small population size coupled with a high population density as well as its inherent limited resources,

Noting that the Gross Domestic Product per capita of the island region of Gozo is significantly lower than that of Malta as a whole,

Noting that it is pursuing specific economic and social policies with regard to the island region of Gozo, the object of which is to overcome the permanent structural handicaps from which it suffers,

Recognising that, upon the accession of Malta to the European Union, as a result of the agreement regarding the eligibility of Malta for the Structural Funds Objectives and for Cohesion Fund assistance, as well as of the agreements regarding the VAT zero-rate for inter-island passenger transport and the transitional period for the inter-island transport of agricultural goods, Gozo will be benefiting from measures which specifically address its structural handicaps, in addition to participating in measures of more general economic and social benefit,

Recognising further that the NUTS 3 classification accorded to the island region of Gozo may not, on its own, ensure implementation of the European Union's stated commitment to take measures for the benefit of less-favoured regions,

Declares that, before the end of each Community budgetary period entailing a redefinition of the Community regional policy, Malta will request that the Commission report to the Council on the economic and social situation of Gozo and, in particular, on the disparities in the social and economic development levels between Gozo and Malta. The Commission would be asked to propose appropriate measures, as required, in the framework of the Community regional policy or other relevant Community policies, to ensure the continuation of the reduction of disparities between Gozo and Malta as well as the further integration of Gozo into the internal market on fair conditions. In particular, in the event that Malta, as a whole, would no longer be eligible to certain measures of the regional policy, the report would assess whether the specific economic situation of Gozo justifies a continued eligibility of Gozo to those measures, and under which conditions, during the reference period.

37. DECLARATION
BY THE REPUBLIC OF MALTA
ON THE MAINTENANCE OF VAT ZERO-RATING

Malta's acceptance of a transition period until 1 January 2010 for the maintenance of its VAT 0% rate instead of the standard rate of 5% on the supplies of foodstuffs and pharmaceuticals is based on the premise that the transitional period referred to in Article 28(1) of the Sixth VAT Directive would expire on that day.

L. DECLARATIONS BY THE REPUBLIC OF POLAND

38. DECLARATION
 BY THE REPUBLIC OF POLAND
 CONCERNING COMPETITIVENESS OF
 THE POLISH PRODUCTION OF SOME FRUIT

Poland takes note that covering Poland with the EU common customs tariff can result in an adverse and immediate outcome for the competitiveness of Polish producers of soft fruits, sour cherries and apples. If after the accession difficulties arise which are serious and liable to persist in those sectors, Poland will request urgent application of the general safeguard clause and will request adoption of instruments allowing for permanent removal of disturbances of the competitiveness in the sector of soft fruits, sour cherries and apples.

39. DECLARATION
BY THE GOVERNMENT OF THE REPUBLIC OF POLAND
CONCERNING PUBLIC MORALITY

The Government of the Republic of Poland understands that nothing in the provisions of the Treaty on European Union, of the Treaties establishing the European Communities and the provisions of treaties amending or supplementing those treaties prevents the Polish State in regulating questions of moral significance, as well as those related to the protection of human life.

40. DECLARATION
BY THE GOVERNMENT OF THE REPUBLIC OF POLAND
ON INTERPRETATION OF THE DEROGATION FROM THE REQUIREMENTS
LAID DOWN IN DIRECTIVE 2001/82/EC AND IN DIRECTIVE 2001/83/EC

Poland considers that the pharmaceutical products on the list in Appendix A to Annex XII of this Act with marketing authorisations can be marketed in Poland.

M. DECLARATIONS BY THE REPUBLIC OF SLOVENIA

41. DECLARATION
BY THE REPUBLIC OF SLOVENIA
ON THE FUTURE REGIONAL DIVISION
OF THE REPUBLIC OF SLOVENIA

The Republic of Slovenia emphasises the importance it attaches to the balanced regional development and to the need to reduce socio-economic disparities between its regions.

The Republic of Slovenia notes that the competence for decisions on its regional division lies exclusively with the Republic of Slovenia. An exception to this is the regional division of Slovenia for the purposes of the common regional classification of the territorial units (NUTS).

In the context of the accession negotiations the issue of regional division of Slovenia at NUTS 2 level was provisionally settled at the nineteenth meeting of the Conference at Deputy level on 29 July 2002, under the terms set out in the Conclusions of the Conference. These Conclusions were confirmed at the Ministerial meeting of the Accession Conference on 1 October 2002.

A declaration by the Republic of Slovenia, to which none of the Member States objected at any stage, was included in the Conclusions of the Conference and the relevant part of it reads:

"Slovenia is pleased to note that the EU noted that the whole territory of Slovenia will be considered as one single region at NUTS 2 level for the period up to the end of 2006, that Slovenia intends to implement one Single Programming Document covering the whole territory of Slovenia for the programming period up to the end of 2006, and that Slovenia will continue discussions on the territorial division ensuring balanced regional development with the Commission in order to review, already being a Member State, its NUTS classification at the end of 2006 at the latest.

If the proposal for a Regulation of the European Parliament and of the Council on the establishment of a common classification of Territorial Units for statistics (NUTS) is adopted and enters into force before Slovenia's accession, Slovenia will, if necessary, negotiate with the EU its application to the territorial division of Slovenia.

On this basis Slovenia can accept the EU proposal and agree that at this stage this chapter does not require further negotiation."

42. DECLARATION
BY THE REPUBLIC OF SLOVENIA
ON THE SLOVENIAN INDIGENOUS BEE *Apis mellifera Carnica*
(kranjska čebela)

Having regard to the fact that the Slovenian honeybee subspecies *Apis mellifera Carnica* (known also under names "*kranjska čebela*", "*Carniolan bee*", "*Krainer Biene*", "*Carnica*", and "*Kärntner Biene*") is an indigenous animal population in the Republic of Slovenia,

Having regard to hundreds of years of continuous efforts to maintain and select the native bee on the territory of present Slovenia, aimed also at its preservation as indigenous genetic material, resulting in a honeybee population that is genetically stabilised and in balance,

Having regard to the compelling need to preserve this indigenous honeybee population with distinct characteristics and thus contribute to the maintenance of biodiversity,

The Republic of Slovenia declares that it intends to continue applying all appropriate measures necessary to ensure the preservation of the indigenous *Apis mellifera Carnica* on the territory of the Republic of Slovenia.

The Republic of Slovenia recalls that it raised this issue in the accession negotiations and that the European Union underlined that national measures can be taken on the basis of Article 30 of the Treaty, subject to the principle of proportionality, and that the inclusion of the issue in negotiations was not necessary.

N. DECLARATIONS
BY THE COMMISSION OF THE EUROPEAN COMMUNITIES

The High Contracting Parties took note of the following declarations by the Commission of the European Communities:

43. DECLARATION
BY THE COMMISSION OF THE EUROPEAN COMMUNITIES
ON THE GENERAL ECONOMIC SAFEGUARD CLAUSE,
THE INTERNAL MARKET SAFEGUARD CLAUSE
AND THE JUSTICE AND HOME AFFAIRS SAFEGUARD CLAUSE

Before deciding on whether to apply the internal market and justice and home affairs safeguard clauses, the Commission of the European Communities will hear the view(s) and positions of the Member State(s) which will be directly affected by such measures and will duly take into account these views and positions.

The general economic safeguard clause also covers agriculture. It may be triggered when in specific agricultural sectors difficulties arise, which are serious and liable to persist, or which could bring about serious deterioration in the economic situation of a given area. Taking into account the specific problems of the agricultural sector in Poland, the measures taken by the Commission to prevent market disturbances under the general economic safeguard clause may include systems of monitoring of trade flows between Poland and other Member States.

44. DECLARATION
BY THE COMMISSION OF THE EUROPEAN COMMUNITIES
TO THE CONCLUSIONS
OF THE ACCESSION CONFERENCE WITH LATVIA

The treatment of abandoned land, for example to return land to traditional environmental conditions and/or to prevent closed landscapes, can be supported as a measure under Article 33 of Regulation (EC) No 1257/1999 in the Single Programming Document under Objective I.

Article 33 offers different possibilities in this regard; e.g. under the eighth indent for agricultural water resources management, but in particular under the eleventh indent, which says that support can be provided for protection of the environment in connection with agriculture, forestry and landscape conservation as well as with the improvement of animal welfare. This support could be in the form of a single payment for environmentally-friendly treatment of abandoned land.

The proposed measure should not include as a specific aim the return of land to agricultural production covered by Common Market Organisations or to set-aside. However, land owned by farmers and treated as described above could be used by those farmers in combination with their existing farmland, in order to modify their current agricultural production methods in ways designed to protect the environment and to maintain the countryside. In this case further support may be possible under the agri-environment measure referred to in Article 22 of Regulation (EC) No 1257/1999.

IV. EXCHANGE OF LETTERS

The Plenipotentiaries have taken note of the Exchange of Letters between the European Union and the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic on an information and consultation procedure for the adoption of certain decisions and other measures to be taken during the period preceding accession and which is annexed to this Final Act.

Exchange of Letters
between the European Union and the Czech Republic,
the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia,
the Republic of Lithuania, the Republic of Hungary,
the Republic of Malta, the Republic of Poland,
the Republic of Slovenia and the Slovak Republic
on an information and consultation procedure
for the adoption of certain decisions and other measures
to be taken during the period preceding accession

Letter No 1

Sir,

I have the honour to refer to the question concerning an information and consultation procedure for the adoption of certain decisions and other measures to be taken during the period preceding the accession of your country to the European Union which was raised in the framework of the accession negotiations.

I hereby confirm that the European Union is able to agree to such a procedure, in the terms set out in the Annex to this letter, which could be applied as from the date on which our negotiating Conference declares that the enlargement negotiations have been finally concluded.

I should be obliged if you would confirm that your Government is in agreement with the contents of this letter.

Yours faithfully,

Letter No 2

Sir,

I have the honour to acknowledge receipt of your letter which reads as follows:

"I have the honour to refer to the question concerning an information and consultation procedure for the adoption of certain decisions and other measures to be taken during the period preceding the accession of your country to the European Union which was raised in the framework of the accession negotiations.

I hereby confirm that the European Union is able to agree to such a procedure, in the terms set out in the Annex to this letter, which could be applied as from the date on which our negotiating Conference declares that the enlargement negotiations have been finally concluded.

I should be obliged if you would confirm that your Government is in agreement with the contents of this letter."

I have the honour to confirm that my Government is in agreement with the contents of this letter.

Yours faithfully,

Annex

Information and consultation procedure for the adoption of certain decisions and other measures to be taken during the period preceding accession

I.

1. In order to ensure that the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic, hereinafter referred to as the "accessing States", are kept adequately informed, any proposal, communication, recommendation or initiative which might lead to decisions by the institutions or bodies of the European Union shall be brought to the knowledge of the accessing States after being transmitted to the Council.
2. Consultations shall take place pursuant to a reasoned request by an accessing State, which shall set out expressly therein its interests as a future member of the Union and its observations.
3. Administrative decisions shall not, as a general rule, give rise to consultations.
4. Consultations shall take place within an Interim Committee composed of representatives of the Union and of the accessing States.

5. On the Union side, the members of the Interim Committee shall be the members of the Permanent Representatives Committee or persons designated by them for this purpose. The Commission shall be invited to be represented in this work.
6. The Interim Committee shall be assisted by a Secretariat, which shall be that of the Conference, continued for this purpose.
7. Consultations shall normally take place as soon as the preparatory work carried out at Union level with a view to the adoption of decisions by the Council has produced common guidelines enabling such consultations to be usefully arranged.
8. If serious difficulties remain after consultations, the matter may be raised at ministerial level at the request of an acceding State.
9. The above provisions shall apply *mutatis mutandis* to the decisions of the Board of Governors of the European Investment Bank.
10. The procedure laid down in the above paragraphs shall also apply to any decision to be taken by the acceding States which might affect the commitments resulting from their position as future members of the Union.

II.

1. The procedure provided for under I shall apply *mutatis mutandis* to draft Council common strategies within the meaning of Article 13 of the TEU, draft Council joint actions within the meaning of Article 14 of the TEU and draft Council common positions within the meaning of Article 15 of the TEU, subject to the following provisions.
2. It is for the Presidency to bring these drafts to the attention of the acceding States when the proposal or communication is issued by a Member State.
3. Save for a reasoned objection from an acceding State, consultations may take place in the form of the exchange of messages by electronic means.
4. Should consultations take place within the Interim Committee, the Members of that Committee belonging to the Union may, where appropriate, be the Members of the Political and Security Committee.

III.

1. The procedure provided for under I shall apply *mutatis mutandis* to draft Council common positions, framework decisions and decisions within the meaning of Article 34 of the TEU and also to the drawing up of conventions as provided for under that Article, subject to the following provisions.
2. It is for the Presidency to bring these drafts to the attention of the acceding States when the proposal or communication is issued by a Member State.
3. Should consultations take place within the Interim Committee, the Members of that Committee belonging to the Union may, where appropriate, be the Members of the Committee referred to in Article 36 of the TEU.

IV.

The Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic shall take the necessary measures to ensure that their accession to the agreements or conventions referred to in Article 3(4), the second sentence of Article 5(1), Article 5(2), the first subparagraph of Article 6(2) and Article 6(5) of the Act concerning the conditions of accession and the adjustments to the Treaties coincides so far as possible, and under the conditions laid down in that Act, with the entry into force of the Treaty of Accession.

Insofar as the agreements or conventions referred to in Article 3(4), the second sentence of Article 5(1) and in Article 5(2) exist only in draft, have not yet been signed and probably can no longer be signed in the period before accession, the acceding States will be invited to be associated, after the signature of the Treaty of Accession and in accordance with appropriate procedures, with the preparation of those drafts in a positive spirit and in such manner as to facilitate their conclusion.

V.

With regard to the negotiation of the Protocols of transition and of adjustment with the co-contracting countries referred to in Articles 6(2) and 6(6) of the Act concerning the conditions of accession, the representatives of the acceding States shall be associated with the work as observers, side by side with the representatives of the present Member States.

Certain non-preferential agreements concluded by the Community, which remain in force after the date of accession, may be the subject of adaptations or adjustments in order to take account of the enlargement of the Union. These adaptations or adjustments will be negotiated by the Community in association with the representatives of the acceding States in accordance with the procedure referred to in the preceding paragraph.

VI.

The institutions shall, in due course, draw up the texts referred to in Articles 58 and 61 of the Act concerning the conditions of accession and the adjustments to the Treaties.

RATIFICATIONS, ACCESSIONS, EFFECTIVE DATES AND DECLARATIONS

STATE	ACTION	DATE	EFFECTIVE DATE
Austria	Ratification	23 Dec 2003	01 May 2004
Belgium	Ratification	29 Mar 2004	01 May 2004
Cyprus	Ratification	06 Aug 2003	01 May 2004
Czech Republic	Ratification	03 Nov 2003	01 May 2004
Germany	Ratification	27 Nov 2003	01 May 2004
Denmark	Ratification	11 Jun 2003	01 May 2004
Estonia	Ratification	04 Mar 2004	01 May 2004
Spain	Ratification	26 Nov 2003	01 May 2004
France	Ratification	26 Feb 2004	01 May 2004
United Kingdom	Ratification	18 Dec 2003	01 May 2004
Greece	Ratification	13 Apr 2004	01 May 2004
Hungary	Ratification	23 Dec 2003	01 May 2004
Italy	Ratification	26 Feb 2004	01 May 2004
Ireland	Ratification	18 Dec 2003	01 May 2004
Lithuania	Ratification	10 Oct 2003	01 May 2004
Luxembourg	Ratification	31 Mar 2004	01 May 2004
Latvia	Ratification	17 Dec 2003	01 May 2004
Malta	Ratification	29 Jul 2003	01 May 2004
Netherlands	Ratification	21 Apr 2004	01 May 2004
Portugal	Ratification	19 Feb 2004	01 May 2004
Poland	Ratification	05 Aug 2003	01 May 2004
Sweden	Ratification	11 Feb 2004	01 May 2004
Finland	Ratification	23 Dec 2003	01 May 2004
Slovenia	Ratification	12 Mar 2004	01 May 2004
Slovakia	Ratification	09 Oct 2003	01 May 2004

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