NEGOTIATIONS ON ACCESSION BY
THE CZECH REPUBLIC, ESTONIA, CYPRUS, LATVIA, LITHUANIA,
HUNGARY, MALTA, POLAND, SLOVENIA AND SLOVAKIA
TO THE EUROPEAN UNION

Brussels, 31 January 2003
(OR. en)

AA 2/03

TREATY OF ACCESSION: TREATY

DRAFT LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Delegations will find attached the draft Treaty of Accession of
the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta,
Poland, Slovenia and Slovakia to the European Union: TREATY.

Source document: MD 171/6/02 REV 6

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,

AND


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 PRESIDENT 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,
HIS MAJESTY THE KING 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 Union 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,

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 PRESIDENT 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,
HIS MAJESTY THE KING 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 * of the Act of Accession, to Annex *, Appendix * to that Act and to Protocols * 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 *. 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.

EN FE DE LO CUAL, los plenipotenciarios abajo firmantes suscriben el presente Tratado.

NA DŮKAZ TOHO níže podepsaní zmocněnci tuto smlouvu podepsali.

* To insert numbers
TIL BEKRÆFTELSE HERAF har undertegnede befuldmægtigede underskrevet denne traktat.

ZU URKUND DESSEN haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter diesen Vertrag gesetzt.

[TEXT IN ESTONIAN TO BE INSERTED]

ΣΕ ΠΙΣΤΩΣΗ ΤΩΝ ΑΝΩΤΕΡΩ, οι υπογεγραμμένοι πληρεξούσιοι υπέγραψαν την παρούσα συνθήκη

IN WITNESS WHEREOF the undersigned Plenipotentiaries have signed this Treaty.

EN FOI DE QUOI, les plénipotentiaires soussignés ont apposé leurs signatures au bas du présent traité.

DÁ FHIANÚ SIN, chuir na Láncumhachtaigh thíos-sínithe a lámh leis an gConradh seo.

IN FEDE DI CHE, i plenipotenziari sottoscritti hanno apposto le loro firme in calce al presente trattato.

TO APLIECINOT, attiecīgi pilnvarotās personas ir parakstījušas šo līgumu.

[TEXT IN LITHUANIAN TO BE INSERTED]

A FENTIEK HITELÉÜL az alulírott meghatalmazottak aláírták ezt a Szerződést.

B’XIEHDA TA’ DAN il-Plenipotenzjarji sottoskritt iffirmaw dan it-Trattat.
TEN BLIJKE WAARVAN de ondergetekende gevolyg die handtekening onder dit Verdrag hebben gesteld.

NA DOWÓD POWYŻSZEGO poniżsi pełnomocnicy podpisali niniejszy Traktat.

EM FÉ DO QUE, os plenipotenciários abaixo-assinados apuseram as suas assinaturas no final do presente Tratado.

[TEXT IN SLOVAK TO BE INSERTED]

V POTRDITEV TEGA so spodaj podpisani pooblaščenci podpisali to pogodbo.

TÄMÄN VAKUUDEKSI ALLA MAINITUT täysivaltaiset edustajat ovat allekirjoittaneet tämän sopimuksen.

SOM BEKRÄFTELSE PÅ DETTA har undertecknade befullmäktigade ombud undertecknat detta fördrag.

"[Done at (place) on (date)" in all languages] *

[Signatures] *

TREATY OF ACCESSION: ACT OF ACCESSION

DRAFT LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Delegations will find attached the draft Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta,

* To be inserted.
* To be inserted.
Poland, Slovenia and Slovakia to the European Union: **ACT OF ACCESSION.**

**Source document(s):** MD 179/14/02 REV 14, MD 561/03, MD 178/9/02 REV 9, MD 187/8/02 REV 8, MD 188/8/02 REV 8, MD 189/8/02 REV 8, MD 403/8/02 REV 8, MD 190/10/02 REV 10
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") and the Treaty establishing the European Atomic Energy Community ("Euratom Treaty"), as supplemented or amended by treaties or other acts which entered into force before this accession,

(b) the Treaty on European Union ("EU Treaty") 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;
– 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 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 of the European Union 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 22 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 of the European Union, 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, signed in Cotonou on 23 June 2000.\(^1\)

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

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

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\(^1\) OJ L 317, 15.12.2000, p. 3.
\(^2\) OJ L 1, 3.1.1994, p. 3.
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.

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

AMENDMENTS 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:
<table>
<thead>
<tr>
<th>Country</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Belgium</td>
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</tr>
<tr>
<td>Czech Republic</td>
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<tr>
<td>Denmark</td>
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</tr>
<tr>
<td>Germany</td>
<td>99</td>
</tr>
<tr>
<td>Estonia</td>
<td>6</td>
</tr>
<tr>
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<tr>
<td>Slovenia</td>
<td>7</td>
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<tr>
<td>Slovakia</td>
<td>14</td>
</tr>
<tr>
<td>Finland</td>
<td>14</td>
</tr>
</tbody>
</table>
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:

<table>
<thead>
<tr>
<th>Country</th>
<th>Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Belgium</td>
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<tr>
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<tr>
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<td>12</td>
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<td>Spain</td>
<td>27</td>
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<td>Country</td>
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<td>Ireland</td>
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<td>Cyprus</td>
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<td>Luxembourg</td>
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<td>Hungary</td>
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<td>Sweden</td>
<td>10</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>29</td>
</tr>
</tbody>
</table>
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 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:

"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"
<table>
<thead>
<tr>
<th>Country</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cyprus</td>
<td>6</td>
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<td>Latvia</td>
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<tr>
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</tr>
<tr>
<td>Luxembourg</td>
<td>6</td>
</tr>
<tr>
<td>Hungary</td>
<td>12</td>
</tr>
<tr>
<td>Malta</td>
<td>5</td>
</tr>
<tr>
<td>Netherlands</td>
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</tr>
<tr>
<td>Austria</td>
<td>12</td>
</tr>
<tr>
<td>Poland</td>
<td>21</td>
</tr>
<tr>
<td>Portugal</td>
<td>12</td>
</tr>
<tr>
<td>Slovenia</td>
<td>7</td>
</tr>
<tr>
<td>Slovakia</td>
<td>9</td>
</tr>
<tr>
<td>Finland</td>
<td>9</td>
</tr>
<tr>
<td>Sweden</td>
<td>12</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>24</td>
</tr>
</tbody>
</table>
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:

<table>
<thead>
<tr>
<th>Country</th>
<th>Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Belgium</td>
<td>12</td>
</tr>
<tr>
<td>Czech Republic</td>
<td>12</td>
</tr>
<tr>
<td>Denmark</td>
<td>9</td>
</tr>
<tr>
<td>Germany</td>
<td>24</td>
</tr>
<tr>
<td>Estonia</td>
<td>7</td>
</tr>
<tr>
<td>Greece</td>
<td>12</td>
</tr>
<tr>
<td>Spain</td>
<td>21</td>
</tr>
<tr>
<td>France</td>
<td>24</td>
</tr>
<tr>
<td>Ireland</td>
<td>9</td>
</tr>
<tr>
<td>Italy</td>
<td>24</td>
</tr>
<tr>
<td>Cyprus</td>
<td>6</td>
</tr>
<tr>
<td>Country</td>
<td>Code</td>
</tr>
<tr>
<td>------------------</td>
<td>------</td>
</tr>
<tr>
<td>Latvia</td>
<td>7</td>
</tr>
<tr>
<td>Lithuania</td>
<td>9</td>
</tr>
<tr>
<td>Luxembourg</td>
<td>6</td>
</tr>
</tbody>
</table>
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 is added to Article 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 AMENDMENTS

ARTICLE 18

In Article 57(1) of the Treaty establishing the European Community 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 is 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 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, 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:
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 people 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:

<table>
<thead>
<tr>
<th>Country</th>
<th>Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Belgium</td>
<td>5</td>
</tr>
<tr>
<td>Czech Republic</td>
<td>5</td>
</tr>
<tr>
<td>Denmark</td>
<td>3</td>
</tr>
<tr>
<td>Germany</td>
<td>10</td>
</tr>
<tr>
<td>Estonia</td>
<td>3</td>
</tr>
<tr>
<td>Greece</td>
<td>5</td>
</tr>
<tr>
<td>Spain</td>
<td>8</td>
</tr>
<tr>
<td>France</td>
<td>10</td>
</tr>
<tr>
<td>Ireland</td>
<td>3</td>
</tr>
<tr>
<td>Italy</td>
<td>10</td>
</tr>
<tr>
<td>Cyprus</td>
<td>2</td>
</tr>
<tr>
<td>Latvia</td>
<td>3</td>
</tr>
<tr>
<td>Lithuania</td>
<td>3</td>
</tr>
<tr>
<td>Luxembourg</td>
<td>2</td>
</tr>
<tr>
<td>Hungary</td>
<td>5</td>
</tr>
<tr>
<td>Malta</td>
<td>2</td>
</tr>
<tr>
<td>Netherlands</td>
<td>5</td>
</tr>
<tr>
<td>Austria</td>
<td>4</td>
</tr>
<tr>
<td>Poland</td>
<td>8</td>
</tr>
<tr>
<td>Portugal</td>
<td>5</td>
</tr>
<tr>
<td>Slovenia</td>
<td>3</td>
</tr>
<tr>
<td>Country</td>
<td>Count</td>
</tr>
<tr>
<td>------------------</td>
<td>-------</td>
</tr>
<tr>
<td>Slovakia</td>
<td>3</td>
</tr>
<tr>
<td>Finland</td>
<td>3</td>
</tr>
<tr>
<td>Sweden</td>
<td>4</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>10</td>
</tr>
</tbody>
</table>
(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 resources ¹, 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

¹ OJ L 253, 7.10.2000, p. 42.
equal to two-thirds of the annual base.
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:

<table>
<thead>
<tr>
<th></th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
</tr>
</thead>
<tbody>
<tr>
<td>Czech</td>
<td>125,4</td>
<td>178,0</td>
<td>85,1</td>
</tr>
<tr>
<td>Republic</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cyprus</td>
<td>68,9</td>
<td>119,2</td>
<td>112,3</td>
</tr>
<tr>
<td>Malta</td>
<td>37,8</td>
<td>65,6</td>
<td>62,9</td>
</tr>
<tr>
<td>Slovenia</td>
<td>29,5</td>
<td>66,4</td>
<td>35,5</td>
</tr>
</tbody>
</table>

(EUR million, 1999 prices)

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:
<table>
<thead>
<tr>
<th>Country</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
</tr>
</thead>
<tbody>
<tr>
<td>Czech Republic</td>
<td>174,7</td>
<td>91,55</td>
<td>91,55</td>
</tr>
<tr>
<td>Estonia</td>
<td>15,8</td>
<td>2,9</td>
<td>2,9</td>
</tr>
<tr>
<td>Cyprus</td>
<td>27,7</td>
<td>5,05</td>
<td>5,05</td>
</tr>
<tr>
<td>Latvia</td>
<td>19,5</td>
<td>3,4</td>
<td>3,4</td>
</tr>
<tr>
<td>Lithuania</td>
<td>34,8</td>
<td>6,3</td>
<td>6,3</td>
</tr>
<tr>
<td>Hungary</td>
<td>155,3</td>
<td>27,95</td>
<td>27,95</td>
</tr>
<tr>
<td>Malta</td>
<td>12,2</td>
<td>27,15</td>
<td>27,15</td>
</tr>
<tr>
<td>Poland</td>
<td>442,8</td>
<td>550,0</td>
<td>450,0</td>
</tr>
<tr>
<td>Slovenia</td>
<td>65,4</td>
<td>17,85</td>
<td>17,85</td>
</tr>
<tr>
<td>Slovakia</td>
<td>63,2</td>
<td>11,35</td>
<td>11,35</td>
</tr>
</tbody>
</table>

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\textsuperscript{1}: 

\textsuperscript{1} OJ L 79, 22.3.2002, p. 42.
(EUR million, current prices)

<table>
<thead>
<tr>
<th>Country</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Czech Republic</td>
<td>39.88</td>
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<tr>
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<td>2.5</td>
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<td>Latvia</td>
<td>2.69</td>
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<td>Hungary</td>
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<td>Poland</td>
<td>92.46</td>
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<td>Slovenia</td>
<td>2.36</td>
</tr>
<tr>
<td>Slovakia</td>
<td>20.11</td>
</tr>
</tbody>
</table>

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 programme \(^1\), the Phare Cross-Border Cooperation programme \(^2\), pre-accession funds for Cyprus and Malta \(^3\), the ISPA programme \(^4\) and the SAPARD programme \(^5\) 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 1999 \(^6\), 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 policy \(^1\), which will become eligible for Community funding only from the date of accession, in accordance with Article 2 of this Act.

\(^1\) OJ L 160, 26.6.99, p. 103.
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 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 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

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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\(^1\), the Phare CBC programme\(^2\) and pre-accession funds for Cyprus and Malta\(^3\) 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\(^4\).

If this Commission decision to waive ex-ante control has not been taken before the date of accession, any contracts signed between the date of

\(^4\) OJ L 232, 2.9.1999, p. 34.
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 Memorandum \(^1\), usually by the end of the third year after the commitment. No extensions shall be granted for the contracting period.

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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 programme ¹, 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 259/68 ². 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 Funds ¹.

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,

– 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

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2006 to finance actions at the new external borders of the Union for the implementation of the Schengen acquis and external border control.
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:

<table>
<thead>
<tr>
<th></th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(EUR million, 1999 prices)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Estonia</td>
<td>22,9</td>
<td>22,9</td>
<td>22,9</td>
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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 3, 4, 8 and 9 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

1. 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 first day 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 above 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 first day 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 above 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* shall not lead to border controls between Member States.

* Numbers to be inserted.
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 sector ¹, 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.

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 annexed to the EU Treaty and to the EC Treaty on the enlargement of the European Union.

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 appointment 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 Annex IV referred to in Article 22 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.

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 adopted before accession and drawn up by the Council or the Commission 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 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 XVII, the Appendices thereto and Protocols Nos 1 to 9 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 establishing the European Community, the Treaty establishing the European Atomic Energy Community and the Treaties amending or supplementing them, including the Treaties concerning the accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland, of the Hellenic Republic, of the Kingdom of Spain and the Portuguese Republic, and of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Economic Community and the European Atomic Energy Community, and the Treaty on European Union, in the Danish, Dutch, English, French, German, Greek, Irish, Italian, Portuguese, Spanish, Finnish and Swedish languages.
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.

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)**

1. The Agreement between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders dated
14 June 1985\(^1\).

2. The following provisions of the Convention signed in Schengen on 19 June 1990\(^2\) implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at their common borders, its related Final Act and Joint Declarations, as amended by certain of the acts listed in paragraph 7 below:

- Article 1 to the extent that it relates to the provisions of this paragraph;
- Articles 3 to 7, excluding Article 5(1)(d); Article 13; Articles 26 and 27;
- Article 39; Articles 44 to 59; Articles 61 to 63; Articles 65 to 69; Articles 71 to 73; Articles 75 and 76; Article 82; Article 91; Articles 126 to 130 to the extent that they relate to the provisions of this paragraph; and Article 136;
- Joint Declarations 1 and 3 of the Final Act.

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\(^1\) OJ L 239, 22.9.2000, p. 13.
3. The following provisions of the Agreements on Accession to the Convention signed in Schengen on 19 June 1990 implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at their common borders, their Final Acts and the related Declarations, as amended by certain of the acts listed in paragraph 7 below:

(a) the Agreement signed on 27 November 1990 on the Accession of the Italian Republic:
   – Article 4,
   – Joint Declaration 1 in Part II of the Final Act;

(b) the Agreement signed on 25 June 1991 on the Accession of the Kingdom of Spain:
   – Article 4,
   – Joint Declaration 1 in Part II of the Final Act; and
   – Declaration 2 in Part III of the Final Act;

(c) the Agreement signed on 25 June 1991 on the Accession of the Portuguese Republic:
   – Articles 4, 5 and 6,
   – Joint Declaration 1 in Part II of the Final Act;

(d) the Agreement signed on 6 November 1992 on the Accession of the Hellenic Republic:
   – Articles 3, 4 and 5,
   – Joint Declaration 1 in Part II of the Final Act; and
– Declaration 2 in Part III of the Final Act;
(e) the Agreement signed on 28 April 1995 on the Accession of the Republic of Austria:
   – Article 4,
   – Joint Declaration 1 in Part II of the Final Act;

(f) the Agreement signed on 19 December 1996 on the Accession of the Kingdom of Denmark:
   – Articles 4, 5(2) and 6,
   – Joint Declarations 1 and 3 in Part II of the Final Act;

(g) the Agreement signed on 19 December 1996 on the Accession of the Republic of Finland:
   – Articles 4 and 5,
   – Joint Declarations 1 and 3 in Part II of the Final Act,
   – Declaration by the Government of the Republic of Finland on the Åland islands in Part III of the Final Act;

(h) the Agreement signed on 19 December 1996 on the Accession of the Kingdom of Sweden:
   – Articles 4 and 5,
   – Joint Declarations 1 and 3 in Part II of the Final Act.
4. The provisions of the following Decisions of the Executive Committee established by the Convention signed in Schengen on 19 June 1990 implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at their common borders, as amended by certain of the acts listed in paragraph 7 below:

SCH/Com-ex (93) 10 Decision of the Executive Committee of 14 December 1993 concerning the declarations by the Ministers and State Secretaries

SCH/Com-ex (93) 14 Decision of the Executive Committee of 14 December 1993 on improving practical judicial cooperation for combating drug trafficking

SCH/Com-ex (93) 22 rev Decision of the Executive Committee of 14 December 1993 concerning the confidential nature of certain documents

SCH/Com-ex (94) 16 rev Decision of the Executive Committee of 21 November 1994 on the acquisition of common entry and exit stamps

SCH/Com-ex (94) 28 rev Decision of the Executive Committee of 22 December 1994 on the certificate provided for in Article 75 to carry narcotic drugs and psychotropic substances

SCH/Com-ex (94) 29 rev 2 Decision of the Executive Committee of 22 December 1994 on bringing into force the Convention implementing the
Schengen Agreement of 19 June 1990
SCH/Com-ex (95) 21 Decision of the Executive Committee of 
20 December 1995 on the swift exchange between the Schengen States of 
statistical and specific data on possible malfunctions at the external borders

SCH/Com-ex (98) 1 rev 2 Decision of the Executive Committee of 
21 April 1998 on the activities of the Task Force, insofar as it relates to the 
provisions in paragraph 2 above

SCH/Com-ex (98) 17 Decision of the Executive Committee of 23 June 1998 
concerning the confidential nature of certain documents

SCH/ Com-ex (98) 26 def Decision of the Executive Committee of 
16 September 1998 setting up a Standing Committee on the evaluation and 
implementation of Schengen

SCH/Com-ex (98) 35 rev 2 Decision of the Executive Committee of 
16 September 1998 on forwarding the Common Manual to EU applicant 
States

SCH/Com-ex (98) 37 def 2 Decision of the Executive Committee of 
27 October 1998 on the adoption of measures to fight illegal immigration, 
insofar as it relates to the provisions in paragraph 2 above

SCH/Com-ex (98) 51 rev 3 Decision of the Executive Committee of 
16 December 1998 on cross border police cooperation in the area of crime 
prevention and detection
SCH/Com-ex (98) 52 Decision of the Executive Committee of 16 December 1998 on the Handbook on cross-border police-cooperation, insofar as it relates to the provisions in paragraph 2 above

SCH/Com-ex (98) 57 Decision of the Executive Committee of 16 December 1998 on the introduction of a harmonised form providing proof of invitation, sponsorship and accommodation

SCH/Com-ex (98) 59 rev Decision of the Executive Committee of 16 December 1998 on coordinated deployment of document advisers

SCH/Com-ex (99) 1 rev 2 Decision of the Executive Committee of 28 April 1999 on the drugs situation

SCH/Com-ex (99) 6 Decision of the Executive Committee of 28 April 1999 on the Schengen acquis relating to telecommunications

SCH/Com-ex (99) 7 rev 2 Decision of the Executive Committee of 28 April 1999 on liaison officers

SCH/Com-ex (99) 8 rev 2 Decision of the Executive Committee of 28 April 1999 on general principles governing the payment of informers
SCH/Com-ex (99) 10 Decision of the Executive Committee of 28 April 1999 on the illegal trade in firearms

SCH/Com-ex (99) 13 Decision of the Executive Committee of 28 April 1999 on the definitive versions of the Common Manual and the Common Consular Instructions,

- Annexes 1-3, 7, 8 and 15 of the Common Consular Instructions
- The Common Manual, insofar as it relates to the provisions in paragraph 2 above, including Annexes 1, 5, 5A, 6, 10, 13

SCH/Com-ex (99) 18 Decision of the Executive Committee of 28 April 1999 on the improvement of police cooperation in preventing and detecting criminal offences.

5. The following Declarations of the Executive Committee established by the Convention signed in Schengen on 19 June 1990 implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at their common borders, to the extent that they relate to the provisions in paragraph 2 above:

SCH/Com-ex (96) decl 6 rev 2 Declaration of the Executive Committee of 26 June 1996 on extradition
SCH/Com-ex (97) decl 13 rev 2 Declaration of the Executive Committee of 9 February 1998 on the abduction of minors.

6. The following Decisions of the Central Group established by the Convention signed in Schengen on 19 June 1990 implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at their common borders, to the extent that they relate to the provisions in paragraph 2 above:

SCH/C (98) 117 Decision of the Central Group of 27 October 1998 on the adoption of measures to fight illegal immigration

SCH/C (99) 25 Decision of the Central Group of 22 March 1999 on general principles governing the payment of informers.

7. The following acts which build upon the Schengen acquis or otherwise relate to it:


Council Decision 1999/435/EC of 20 May 1999 concerning the definition of the Schengen acquis for the purpose of determining, in conformity with the relevant provisions of the Treaty establishing the European Community and the Treaty on European Union, the legal basis for each of the provisions or decisions which constitute the Schengen acquis (OJ L 176, 10.7.1999, p. 1)

Council Decision 1999/436/EC of 20 May 1999 determining, in conformity with the relevant provisions of the Treaty establishing the European Community and the Treaty on European Union, the legal basis for each of the provisions or decisions which constitute the Schengen acquis (OJ L 176, 10.7.1999, p. 17)

Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two states with the implementation, application and development of the Schengen acquis (OJ L 176, 10.7.1999, p. 31)


Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJ L 81, 21.03.2001, p. 1)


Council Regulation (EC) No 2414/2001 of 7 December 2001 amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders of Member States and those whose nationals are exempt from that requirement (OJ L 327, 12.12.2001, p. 1)


Council Regulation (EC) No 333/2002 of 18 February 2002 on a uniform format for forms for affixing the visa issued by Member States to persons holding travel documents not recognised by the Member State drawing up the form (OJ L 53, 23.2.2002, p. 4)


Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen acquis (OJ L 64, 7.3.2002, p. 20)


TREATY OF ACCESSION: ANNEX II

DRAFT LEGISLATIVE ACTS AND OTHER INSTRUMENTS
Delegations will find attached the draft Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the European Union: **ANNEX II.**

*Source document(s):*  MD 47/9/02 REV 9
2.

(lxxv) after the word "None." under the heading "272. NETHERLANDS – UNITED KINGDOM" insert:

"273. AUSTRIA – POLAND

Article 33(3) of the Convention on social security of 7 September 1998."

(lxxvi) the numbering of the heading "AUSTRIA – PORTUGAL" is changed from "96" to "274" and the following is inserted:

"275. AUSTRIA – SLOVENIA


276. AUSTRIA – SLOVAKIA

No convention.";

(lxxvii) the numbering of the heading "AUSTRIA – FINLAND" is changed from "97" to "277" and the subsequent headings are renumbered as
follows:

"278. AUSTRIA – SWEDEN"

"279. AUSTRIA – UNITED KINGDOM";
(lxxviii) after the last entry under the heading "279. AUSTRIA – UNITED KINGDOM" insert:

"280. POLAND – PORTUGAL

No convention.

281. POLAND – SLOVENIA

None.

282. POLAND – SLOVAKIA

None.

283. POLAND – FINLAND

No convention.

284. POLAND – SWEDEN

None.

285. POLAND – UNITED KINGDOM

None.";
(lxxix) after the word "None." under the heading "285. POLAND – UNITED KINGDOM" insert:

"286. PORTUGAL – SLOVENIA

No convention.

287. PORTUGAL – SLOVAKIA

No convention."

(lxxx) the numbering of the heading "PORTUGAL – FINLAND" is changed from "100" to "288" and the subsequent headings are renumbered as follows:

"289. PORTUGAL – SWEDEN"

"290. PORTUGAL – UNITED KINGDOM";

(lxxxi) after the last entry under the heading "290. PORTUGAL – UNITED KINGDOM" insert:

"291. SLOVENIA – SLOVAKIA

None."
292.  SLOVENIA – FINLAND

No convention.

293.  SLOVENIA – SWEDEN

None.

294.  SLOVENIA – UNITED KINGDOM

None.

(lxxxii) after the word "None." under the heading "294. SLOVENIA – UNITED KINGDOM" insert:

"295.  SLOVAKIA – FINLAND

No convention.

296.  SLOVAKIA – SWEDEN

No convention.

297.  SLOVAKIA – UNITED KINGDOM

None.";
(lxxxiii) the numbering of the heading "FINLAND – SWEDEN" is changed from "103" to "298" and the subsequent heading is renumbered as follows:

"299. FINLAND – UNITED KINGDOM";

(lxxxiv) the numbering of the heading "SWEDEN – UNITED KINGDOM" is changed from "105" to "300".

(j) Annex IV, Part A "Legislations referred to in Article 37 (1) of the Regulation under which the amount of invalidity benefits is independent of the length of periods of insurance" is amended as follows:

(i) after the last entry under the heading "A. BELGIUM" insert:

"B. CZECH REPUBLIC

None.";

(iii) after the word "None." under the heading "D. GERMANY" insert:

"E. ESTONIA

(a) Invalidation pensions granted before 1 April 2000 under the State Allowances Act and which are retained under the State Pension Insurance Act.

(b) National pensions granted on the basis of invalidity according to the State Pension Insurance Act.

(c) Invalidation pensions granted according to the Defence Forces Service Act, Police Service Act, Prosecutor's Office Act, Status of Judges Act, Members of the Riigikogu Salaries, Pensions and Other Social Guarantees Act and President of the Republic Official Benefits Act.";
(iv) after the word "None." under the heading "J. ITALY" insert:

"K. CYPRUS

None.

L. LATVIA

Article 16 (1) (2) of the Law on State Pensions of 1 January 1996.

M. LITHUANIA

None.

(v) after the word "None." under the heading "N. LUXEMBOURG" insert:

"O. HUNGARY

None.

P. MALTA

None.";
(vi) after the word "None." under the heading "R. AUSTRIA" insert:

"S. POLAND

None.";

(vii) after the word "None." under the heading "T. PORTUGAL" insert:

"U. SLOVENIA

None.

V. SLOVAKIA

None.";

(k) Annex IV, Part B "Special schemes for self-employed persons within the meaning of Articles 38 (3) and 45 (3) of Regulation 1408/71" is amended as follows:

(i) after the word "None." under the heading "A. BELGIUM" insert:

"B. CZECH REPUBLIC

None.";

(iii) after the entry under the heading "D. GERMANY" insert:

"E. ESTONIA

None.";

(iv) after the entry under the heading "J. ITALY" insert:

"K. CYPRUS

None.

L. LATVIA

None.
M. LITHUANIA

None.";

(v) after the word "None." under the heading "N. LUXEMBOURG" insert:

"O. HUNGARY

None.

P. MALTA

None.";

(vi) after the word "None." under the heading "R. AUSTRIA" insert:

"S. POLAND

None.";

(vii) after the word "None." under the heading "T. PORTUGAL" insert:

"U. SLOVENIA

None.
V. SLOVAKIA

None.

(l) Annex IV, Part C "Cases referred to in Article 46 (1) (b) of the Regulation, where the calculation of the benefit in accordance with Article 46 (2) of the Regulation may be waived" is amended as follows:

(i) after the word "None." under the heading "A. BELGIUM" insert:

"B. CZECH REPUBLIC

Invalidity (full and partial) and survivors' (widows', widowers' and orphans') pensions.";

(iii) after the word "None." under the heading "D. GERMANY" insert:

"E. ESTONIA

None.";

(iv) after the entry under the heading "J. ITALY" insert:

"K. CYPRUS

All applications for old-age, invalidity and widows' and widowers' pensions.

L. LATVIA

None.

M. LITHUANIA

None.";
(v) after the word "None." under the heading "N. LUXEMBOURG" insert:

"O. HUNGARY

Claims for old-age pension and invalidity pension when the applicant obtained at least 20 years of insurance in Hungary. Claims for survivors' benefits when the deceased person obtained a full pension exclusively under Hungarian law.

P. MALTA

None.";

(vi) after the word "None." under the heading "R. AUSTRIA" insert:

"S. POLAND

All applications for old-age, disability and survivors' pensions.";

(vii) after the entry under the heading "T. PORTUGAL" insert:

"U. SLOVENIA

None."
V. SLOVAKIA

None.

(m) Annex IV, Part D is replaced by the following:

"Benefits and agreements referred to in Article 46b(2) of the Regulation

1. Benefits referred to in Article 46b(2)(a) of the Regulation, the amount of which is independent of the length of periods of insurance or residence completed:

(a) The invalidity benefits provided for by the legislation referred to in part A of this Annex.

(b) The full Danish national old-age pension acquired after 10 years' residence by persons who will have been awarded a pension by 1 October 1989 at the latest.

(c) The Estonian national pension granted according to the State Pension Insurance Act, old-age pensions granted according to the State Audit Act, Police Service Act and Prosecutor's Office Act and old-age and survivors' pensions granted according to the Legal Chancellor Act, Defence Forces Service Act, Status of Judges Act, Members of the Riigikogu Salaries, Pensions and Other Social Guarantees Act and President of the Republic Official Benefits Act."
(d) The Spanish death allowances and survivors' pensions granted under the general and special schemes.

(e) The widows' allowance under the widowhood insurance of the French general social security system or the agricultural workers' system.

(f) The widowers' or widows' invalidity pension under the French general social security system or the agricultural workers' system, when calculated on the basis of the invalidity pension of a deceased spouse, paid in accordance with Article 46(1)(a)(i).

(g) The Netherlands survivors' pension under the Law of 21 December 1995 on general insurance for surviving dependants.

(h) Finnish national pensions determined according to the National Pensions Act of 8 June 1956 and awarded under the transitional rules of the National Pensions Act (547/93) and the additional amount of the child's pension in accordance with the Survivors' Pension Act of 17 January 1969.

(i) The full Swedish basic pension awarded under the basic pension legislation which applied before 1 January 1993 and the full basic pension awarded under the transitional rules to the legislation applying from that date.
2. Benefits referred to in Article 46b(2)(b) of the Regulation, the amount of which is determined by reference to a credited period deemed to have been completed between the date on which the risk materialised and a later date:

(a) Danish early-retirement pensions, the amount of which is determined in accordance with legislation in force before 1 October 1984.

(b) German invalidity and survivors’ pensions, for which account is taken of a supplementary period, and German old-age pensions, for which account is taken of a supplementary period already acquired.

(c) Italian pensions for total incapacity for work (inabilità).

(d) Latvian invalidity and survivors’ pensions for which account is taken of a credited period of insurance.

(e) Lithuanian social insurance invalidity and survivors’ pensions.

(f) Luxembourg invalidity and survivors’ pensions.

(g) Slovak invalidity pensions and partial invalidity pensions and survivors’ pensions derived thereof.
(h) Finnish employment pensions for which account is taken of future periods according to the national legislation.

(i) Swedish invalidity and survivors' pensions for which account is taken of a credited period of insurance and Swedish old-age pensions for which account is taken of credited periods already acquired.

3. Agreements referred to in Article 46b(2)(b)(i) of the Regulation intended to prevent the same credited period being taken into account two or more times:

(a) Nordic Convention of 15 June 1992 on social security.

(b) The Social Security Agreement of 28 April 1997 between the Federal Republic of Germany and Finland.

(n) Annex VI "Special procedures for applying the legislations of certain Member States" is amended as follows:

(i) after the last entry under the heading "A. BELGIUM" insert:

"B. CZECH REPUBLIC

None."

(iii) after the last entry under the heading "D. GERMANY" insert:

"E. ESTONIA

None.";

(iv) after the word "None." under the heading "J. ITALY" insert:

"K. CYPRUS

For the purpose of applying the provisions of Articles 18 (1), 38, 45 (1) to (3), 64, 67 (1) and (2) and 72 of the Regulation, for any period commencing on or after 6 October 1980, a week of insurance under the legislation of the Republic of Cyprus is determined by dividing the total insurable earnings for the relevant period by the weekly amount of the basic insurable
earnings applicable in the relevant contribution year, provided that the number of weeks so determined shall not exceed the number of calendar weeks in the relevant period.
L. LATVIA

None.

M. LITHUANIA

None.

(v) after the last entry under the heading "N. LUXEMBOURG" insert:

"O. HUNGARY

None.

P. MALTA

None.";
(vi) after the last entry under the heading "R. AUSTRIA" insert:

"S. POLAND

For the purposes of applying Article 88 of the Teachers Charter of 26 January 1982, as regards the entitlement of teachers to early retirement, periods of employment as a teacher completed under the legislation of another Member State shall be regarded as periods of employment as a teacher completed under Polish legislation, and the termination of an employment relationship by a teacher effected under the legislation of another Member State, shall be regarded as termination of an employment relationship as a teacher under Polish legislation."

(vii) after the entry under the heading "T. PORTUGAL" insert:

"U. SLOVENIA

None.

V. SLOVAKIA

None.";

(o) Annex VII is replaced by the following:
"ANNEX VII (B)(2)(5)(6)(15)
INSTANCES IN WHICH A PERSON SHALL BE SIMULTANEOUSLY SUBJECT TO THE LEGISLATION OF TWO MEMBER STATES

(ARTICLE 14c(1)(b) of the Regulation)

1. Where he is self-employed in Belgium and gainfully employed in any other Member State.

2. Where a person is self-employed in the Czech Republic and gainfully employed in any other Member State.

3. Where a person resident in Denmark is self-employed in Denmark and gainfully employed in any other Member State.

4. For the agricultural accident insurance scheme and the old-age insurance scheme for farmers: where he is self-employed in farming in Germany and gainfully employed in any other Member State.

5. Where a person resident in Estonia is self-employed in Estonia and gainfully employed in any other Member State.

6. For the pension insurance scheme for self-employed persons: where he is self-employed in Greece and gainfully employed in any other Member State.
7. Where a person resident in Spain is self-employed in Spain and gainfully employed in any other Member State.

8. Where he is self-employed in France and gainfully employed in any other Member State, except Luxembourg.

9. Where he is self-employed in farming in France and gainfully employed in Luxembourg.

10. Where he is self-employed in Italy and gainfully employed in any other Member State.

11. Where a person resident in Cyprus is self-employed in Cyprus and gainfully employed in any other Member State.

12. Where a person is self-employed in Malta and gainfully employed in any other Member State.

13. Where he is self-employed in Portugal and gainfully employed in any other Member State.

14. Where a person resident in Finland is self-employed in Finland and gainfully employed in any other Member State.
15. Where a person is self-employed in Slovakia and gainfully employed in any other Member State.

16. Where a person resident in Sweden is self-employed in Sweden and gainfully employed in any other Member State.

(p) Annex VIII "Schemes that provide only for family allowances or supplementary or special allowances for orphans (Article 78a of the Regulation)" is amended as follows:

(i) after the last entry under the heading "A. BELGIUM" insert:

"B. CZECH REPUBLIC

None."

(iii) after the word "None." under the heading "D. GERMANY" insert:

"E. ESTONIA

None.";

(iv) after the word "None." under the heading "J. ITALY" insert:

"K. CYPRUS

None.

L. LATVIA

None.

M. LITHUANIA

None.";

(v) after the word "None." under the heading "N. LUXEMBOURG" insert:

"O. HUNGARY

None."
P. MALTA

None.";

(vi) after the word "None." under the heading "R. AUSTRIA" insert:

"S. POLAND

None.";

(vii) after the word "None." under the heading "T. PORTUGAL" insert:

"U. SLOVENIA

None.

V. SLOVAKIA

None.".

TREATY OF ACCESSION: ANNEXES XIV, XV, XVI, XVII, XVIII

DRAFT LEGISLATIVE ACTS AND OTHER INSTRUMENTS
Delegations will find attached the draft Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the European Union: **ANNEXES XIV, XV, XVI, XVII, XVIII**.

Source document(s): ANNEX XIV:

MD 70/8/02 REV 8, 28/3/02 REV 3, 96/8/02 REV 8,
248/15/02 REV 15, 345/4/02 REV 4, 215/9/02 REV 9,
156/6/02 REV 6, 135/5/02 REV 5, 371/3/02 REV 3, 36/4/02
REV 4, 110/11/02 REV 11, 282/2/02 REV 2
ANNEX XV: 507/3/03 REV 3
ANNEX XVI: 316/2/02 REV 2
ANNEX XVII: 325/1/02 REV 1
ANNEX XVIII: 326/1/02 REV 1
List referred to in Article 24 of the Act of Accession: Slovakia

2. FREEDOM OF MOVEMENT FOR PERSONS

Treaty establishing the European Community:


– 11994 N: Act concerning the conditions of accession and the adjustments to the Treaties – Accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden (OJ C 241, 29.8.1994, p. 21);


1. Article 39 and the first paragraph of Article 49 of the EC Treaty shall fully apply only, in relation to the freedom of movement of workers and the freedom to provide services involving temporary movement of workers as defined in Article 1 of Directive 96/71/EC between Slovakia on the one hand, and Belgium, the Czech Republic, Denmark, Germany, Estonia, Greece, Spain, France, Ireland, Italy, Latvia, Lithuania, Luxembourg, Hungary, the Netherlands, Austria, Poland, Portugal, Slovenia, Finland, Sweden and the United Kingdom on the other hand, subject to the transitional provisions laid down in paragraphs 2 to 14.

2. By way of derogation from Articles 1 to 6 of Regulation (EEC) No 1612/68 and until the end of the two year period following the date of accession, the present Member States will apply national measures, or those resulting from
bilateral agreements, regulating access to their labour markets by Slovak nationals. The present Member States may continue to apply such measures until the end of the five year period following the date of accession.
Slovak nationals legally working in a present Member State at the date of accession and admitted to the labour market of that Member State for an uninterrupted period of 12 months or longer will enjoy access to the labour market of that Member State but not to the labour market of other Member States applying national measures.

Slovak nationals admitted to the labour market of a present Member State following accession for an uninterrupted period of 12 months or longer shall also enjoy the same rights.

The Slovak nationals mentioned in the second and third subparagraphs above shall cease to enjoy the rights contained in those subparagraphs if they voluntarily leave the labour market of the present Member State in question.

Slovak nationals legally working in a present Member State at the date of accession, or during a period when national measures are applied, and who were admitted to the labour market of that Member State for a period of less than 12 months shall not enjoy these rights.

3. Before the end of the two year period following the date of accession, the Council shall review the functioning of the transitional provisions laid down in paragraph 2, on the basis of a report from the Commission.
On completion of this review, and no later than at the end of the two year period following the date of accession, the present Member States shall notify the Commission whether they will continue applying national measures or measures resulting from bilateral agreements, or whether they will apply Articles 1 to 6 of Regulation (EEC) No 1612/68 henceforth. In the absence of such notification, Articles 1 to 6 of Regulation (EEC) No 1612/68 shall apply.

4. Upon Slovakia’s request, one further review may be held. The procedure referred to in paragraph 3 shall apply and shall be completed within six months of receipt of Slovakia’s request.

5. A Member State maintaining national measures or measures resulting from bilateral agreements at the end of the five year period indicated in paragraph 2 may, in case of serious disturbances of its labour market or threat thereof and after notifying the Commission, continue to apply these measures until the end of the seven year period following the date of accession. In the absence of such notification, Articles 1 to 6 of Regulation (EEC) No 1612/68 shall apply.

6. During the seven year period following the date of accession, those Member States in which, by virtue of paragraphs 3, 4 or 5, Articles 1 to 6 of Regulation (EEC) No 1612/68 apply as regards Slovak nationals, and which are issuing work permits to nationals of Slovakia for monitoring purposes during this period, will do so automatically.
7. Those Member States in which, by virtue of paragraphs 3, 4 or 5, Articles 1 to 6 of Regulation (EEC) No 1612/68 apply as regards Slovak nationals, may resort to the procedures set out in the subparagraphs below until the end of the seven year period following the date of accession.

When a Member State referred to in the preceding subparagraph undergoes or foresees disturbances on its labour market which could seriously threaten the standard of living or level of employment in a given region or occupation, that Member State shall inform the Commission and the other Member States thereof and shall supply them with all relevant particulars. On the basis of this information, the Member State may request the Commission to state that the application of Articles 1 to 6 of Regulation (EEC) No 1612/68 be wholly or partially suspended in order to restore to normal the situation in that region or occupation. The Commission shall decide on the suspension and on the duration and scope thereof not later than two weeks after receiving such a request and shall notify the Council of such a decision. Any Member State may, within two weeks from the date of the Commission's Decision, request the Council to annul or amend the Decision. The Council shall act on such a request within two weeks, by qualified majority.

A Member State referred to in the first subparagraph above may, in urgent and exceptional cases, suspend the application of Articles 1 to 6 of Regulation (EEC) No 1612/68, followed by a reasoned ex-post notification to the Commission.
8. As long as the application of Articles 1 to 6 of Regulation (EEC) No 1612/68 is suspended by virtue of paragraphs 2 to 5 and 7 above, Article 11 of the Regulation shall apply in Slovakia with regard to nationals of the present Member States, and in the present Member States with regard to Slovak nationals under the following conditions:

– the members of a worker’s family referred to in Article 10(1)(a) of the Regulation, legally residing with the worker in the territory of a Member State at the date of accession, shall have, upon accession, immediate access to the labour market of that Member State. This does not apply to family members of a worker legally admitted to the labour market of that Member State for a period of less than 12 months;

– the members of a worker’s family referred to in Article 10(1)(a) of the Regulation, legally residing with the worker in the territory of a Member State from a date later than the date of accession, but during the period of application of the transitional provisions laid down above, shall have access to the labour market of the Member State concerned once they have been resident in the Member State concerned for at least eighteen months or from the third year following the date of accession, whichever is the earlier.

These provisions shall be without prejudice to more favourable measures whether national or resulting from bilateral agreements.
9. Insofar as certain provisions of Directive 68/360/EEC may not be dissociated from those of Regulation (EEC) No 1612/68 whose application is deferred pursuant to paragraphs 2 to 5 and 7 and 8, Slovakia and the present Member States may derogate from those provisions to the extent necessary for the application of paragraphs 2 to 5 and 7 and 8.

10. Whenever national measures, or those resulting from bilateral agreements, are applied by the present Member States by virtue of the transitional provisions laid down above, Slovakia may maintain in force equivalent measures with regard to the nationals of the Member State or States in question.

11. If the application of Articles 1 to 6 of Regulation (EEC) No 1612/68 is suspended by any of the present Member States, Slovakia may resort to the procedures laid down in paragraph 7 with respect to the Czech Republic, Estonia, Latvia, Lithuania, Hungary, Poland or Slovenia. During any such period work permits issued by Slovakia for monitoring purposes to nationals of the Czech Republic, Estonia, Latvia, Lithuania, Hungary, Poland or Slovenia shall be issued automatically.

12. Any present Member State applying national measures in accordance with paragraphs 2 to 5 and 7 to 9, may introduce, under national law, greater freedom of movement than that existing at the date of accession, including full labour market access. From the third year following the date of accession, any present Member State applying national measures may at any
time decide to apply Articles 1 to 6 of Regulation (EEC) No 1612/68 instead.
The Commission shall be informed of any such decision.
13. In order to address serious disturbances or the threat thereof in specific sensitive service sectors on their labour markets, which could arise in certain regions from the transnational provision of services, as defined in Article 1 of Directive 96/71/EC, and as long as they apply, by virtue of the transitional provisions laid down above, national measures or those resulting from bilateral agreements to the free movement of Slovak workers, Germany and Austria may, after notifying the Commission, derogate from the first paragraph of Article 49 of the EC Treaty with a view to limit in the context of the provision of services by companies established in Slovakia, the temporary movement of workers whose right to take up work in Germany and Austria is subject to national measures.

The list of service sectors which may be covered by this derogation is as follows:

– in Germany:

<table>
<thead>
<tr>
<th>Sector</th>
<th>NACE (*) code, unless otherwise specified</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction, including related branches</td>
<td>45.1 to 4; Activities listed in the Annex to Directive 96/71/EC</td>
</tr>
<tr>
<td>Industrial cleaning</td>
<td>74.70 Industrial cleaning</td>
</tr>
<tr>
<td>Other Services</td>
<td>74.87 Only activities of interior</td>
</tr>
<tr>
<td>decorators</td>
<td></td>
</tr>
</tbody>
</table>
in Austria:

<table>
<thead>
<tr>
<th>Sector</th>
<th>NACE (*) code, unless otherwise specified</th>
</tr>
</thead>
<tbody>
<tr>
<td>Horticultural service activities</td>
<td>01.41</td>
</tr>
<tr>
<td>Cutting, shaping and finishing of stone</td>
<td>26.7</td>
</tr>
<tr>
<td>Manufacture of metal structures and parts of structures</td>
<td>28.11</td>
</tr>
<tr>
<td>Construction, including related branches</td>
<td>45.1 to 4; Activities listed in the Annex to Directive 96/71/EC</td>
</tr>
<tr>
<td>Security activities</td>
<td>74.60</td>
</tr>
<tr>
<td>Industrial cleaning</td>
<td>74.70</td>
</tr>
<tr>
<td>Home nursing</td>
<td>85.14</td>
</tr>
<tr>
<td>Social work and activities without accommodations</td>
<td>85.32</td>
</tr>
</tbody>
</table>

To the extent that Germany or Austria derogate from the first paragraph of Article 49 of the EC Treaty in accordance with the preceding subparagraphs, Slovakia may, after notifying the Commission, take equivalent measures.

The effect of the application of this paragraph shall not result in conditions for the temporary movement of workers in the context of the transnational provision of services between Germany or Austria and Slovakia which are more restrictive than those prevailing on the date of signature of the Treaty of Accession.

14. The effect of the application of paragraphs 2 to 5 and 7 to 12 shall not result in conditions for access of Slovak nationals to the labour markets of the present Member States which are more restrictive than those prevailing on the date of signature of the Treaty of Accession.

Notwithstanding the application of the provisions laid down in paragraphs 1 to 13, the present Member States shall, during any period when national measures or those resulting from bilateral agreements are applied, give preference to workers who are nationals of the Member States over workers who are nationals of third countries as regards access to their labour market.
Slovak migrant workers and their families legally resident and working in another Member State or migrant workers from other Member States and their families legally resident and working in Slovakia shall not be treated in a more restrictive way than those from third countries resident and working in that Member State or Slovakia respectively. Furthermore, in application of the principle of Community preference, migrant workers from third countries resident and working in Slovakia shall not be treated more favourably than nationals of Slovakia.

3. FREEDOM TO PROVIDE SERVICES


By way of derogation from Article 4(1) of Directive 97/9/EC, the minimum level of compensation shall not apply in Slovakia until 31 December 2006. Slovakia shall ensure that its investor-compensation scheme provides for cover of not less than EUR 10 000 until 31 December 2004, of not less than EUR 13 000 from 1 January 2005 until 31 December 2005, and of not less than EUR 16 000 from 1 January 2006 until 31 December 2006.
During the transitional period the other Member States will retain the right to prevent a branch of a Slovak investment firm established on their territories from operating unless and until such a branch has joined an officially recognised investor-compensation scheme within the territory of the Member State concerned in order to cover the difference between the Slovak level of compensation and the minimum level referred to in Article 4(1).

4. FREE MOVEMENT OF CAPITAL

Treaty on European Union,

Treaty establishing the European Community:

Notwithstanding the obligations under the Treaties on which the European Union is founded, Slovakia may maintain in force for seven years from the date of accession the rules regarding the acquisition by non-residents of agricultural land and forests laid down in Foreign Exchange Act No. 202/1995 Coll. and in Act No. 229/1991 Coll. on Ownership of Land and Agricultural Property, as amended. In no instance may a national of a Member State be treated less favourably in respect of the acquisition of agricultural land and forests than at the date of signature of the Accession Treaty or be treated in a more restrictive way than a national of a third country.
Nationals of the other Member States who want to establish themselves as self-employed farmers and who have been legally resident and active in farming in Slovakia for at least three years continuously, shall not be subject to the provisions of the preceding paragraph or to any procedures other than those to which nationals of Slovakia are subject.

A general review of these transitional measures shall be held before the end of the third year following the date of accession. To this effect, the Commission shall submit a report to the Council. The Council may, acting unanimously on a proposal from the Commission, decide to shorten or terminate the transitional period indicated in the first paragraph.

Should Slovakia introduce authorisation procedures for the acquisition of real estate in Slovakia by non-residents during the transitional period, they shall be based on transparent, objective, stable and public criteria. These criteria shall be applied in a non-discriminatory manner and shall not differentiate between nationals of Slovakia and of other Member States.

If there is sufficient evidence that, upon expiry of the transitional period, there will be serious disturbances or a threat of serious disturbances on the agricultural land market of Slovakia, the Commission, at the request of Slovakia, shall decide upon the extension of the transitional period for up to a maximum of three years.
6. COMPETITION POLICY

1. Treaty establishing the European Community, Title VI, Chapter 1, Rules on Competition:

(a) Notwithstanding Articles 87 and 88 of the EC Treaty and provided that the conditions set out below are fulfilled, Slovakia may apply until the end of the fiscal year 2008 the corporate income tax exemption granted on the basis of Government Regulation No 192/1998 Coll. to one beneficiary in the motor vehicle industry, provided that the total aid under this tax exemption does not exceed 30% of the eligible investment costs of the relevant project incurred since 1998.

For the purposes of this paragraph, eligible costs shall be defined on the basis of the Guidelines on national regional aid

1

(b) Slovakia shall supply to the Commission monitoring reports containing the following information:

- on a half-yearly basis, information on the eligible investment undertaken by the aid beneficiary, and,

- on an annual basis, information on the aid granted to the aid beneficiary under the aid scheme referred to above.

Slovakia shall provide the reports within four months of the end of each half year or year, beginning by the end of April 2003. The first reports shall include the information relating to the years 1998-2002. The last report shall be submitted by the end of August 2009, unless agreed otherwise by the Commission and Slovakia.

(c) Without prejudice to the preceding paragraph, the provisions on monitoring contained in Council Regulation (EC) No 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty shall apply.

(d) If the total aid reaches before the end of the fiscal year 2008 the maximum admissible level set out in paragraph (a), the tax exemption shall be discontinued and the normal corporate income tax shall be due by the beneficiary for that part of the company's earnings whose exemption from the tax would result in exceeding the maximum admissible level.

2. Treaty establishing the European Community, Title VI, Chapter 1, Rules on Competition

(a) Notwithstanding Articles 87 and 88 of the EC Treaty, Slovakia may apply until the end of the fiscal year 2009 the corporate income tax exemption on the basis of Act No 366/1999 Coll. on Income Tax to one beneficiary in the steel industry, provided that the following conditions are fulfilled:
(i) the aid beneficiary caps its production of flat products and its sales of flat products (hot-rolled, cold-rolled and coated) in the enlarged EU. These caps shall be established on the basis of the figures concerned for the year 2001. As from 2002, the aid beneficiary may make annual increases of 3% in the cap for production and 2% in the cap for sales. The cap for sales shall take effect as from the date of accession. Output of specific product types may vary on condition that combined output does not exceed the established caps;

(ii) the beneficiary does not extend its range of groups of finished products existing on 13 December 2002;

(iii) the total aid granted to the beneficiary on the basis of Act No 366/1999 Z.z on Income Tax does not exceed a total of US $ 500 million. This aid can only be granted once and may not be extended or renewed under any circumstances. All aid granted to the same beneficiary during the transitional period must be included within the level of US $ 500 million.

(iv) the beneficiary meets the terms of the privatisation contract regarding the maintenance of employment levels.
If the tax concession to the aid beneficiary is adapted in such a way as to guarantee a significant reduction in the total aid amount while not jeopardising viability, the Commission may review the above conditions in accordance with the procedure provided for in Article 88(1) of the EC Treaty. Before beginning this procedure, the Commission shall take full account of the views of Member States on whether a reduction of aid is significant. These views shall be expressed on the basis of a Commission recommendation and on the basis of available relevant information.

(b) Slovakia shall supply to the Commission and the Council half-yearly monitoring reports containing the following information as regards the aid beneficiary:

- production (in tonnes) of each of the following products: hot rolled coil, cold rolled sheet, galvanised sheet, tinplate, electrical sheet, organic coated sheet, welded tubes, as well as any other product (to be specified);

- sales (in tonnes) of the above products in the enlarged EU;

- development of employment in the company and the region as well as progress in preparations for the orderly outplacement of staff;

- once a year, the cost of staffing in the year and since privatisation;
– once a year, profits before tax for the fiscal year and the specified total amount of aid.
Slovakia shall provide these reports within **four** months of the end of each half year, beginning by the end of **April** 2003. The first report shall include the information relating to the years 2000, 2001 and 2002. The last report shall be submitted by the end of **April** 2010, unless agreed otherwise by the Commission, the Council and Slovakia.

(c) Without prejudice to the preceding paragraph, the provisions on monitoring as contained in Council Regulation (EC) No 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty shall apply.

(d) If the total aid reaches the maximum admissible level set out in subparagraph (a)(iii) before the end of the fiscal year 2009, the tax exemption shall be discontinued and the normal corporate income tax shall be due by the beneficiary for that part of the company's earnings whose exemption from the tax would result in exceeding the maximum admissible level.

(e) If the beneficiary fails to meet the terms of the privatisation contract regarding the maintenance of employment levels, the aid shall be discontinued with immediate effect and the penalties provided for in the privatisation contract shall apply.
7. AGRICULTURE

A. AGRICULTURAL LEGISLATION


By way of derogation from Article 45 of Regulation (EC) No 1260/2001 and the corresponding Articles of the other Regulations on the common organisation of agricultural markets, Slovakia may until 31 December 2006 continue to grant State aid in order to ensure the functioning of the warehouse receipt and goods receipt system laid down in Act No 144/1998 Z.z. on Warehouse Receipt and Goods Receipt which entered into force on 1 June 1998.

Slovakia shall submit an annual report to the Commission on the implementation of this State aid measure, indicating the form of the aid and the amounts.
II VETERINARY AND PHYTOSANITARY LEGISLATION

I VETERINARY LEGISLATION


(b) As long as the establishments referred to in paragraph (a) above benefit from the provisions of that paragraph, products originating from those establishments shall only be placed on the domestic market or used for further processing in the same establishment, irrespective of the date of marketing. These products must bear a special health/identification mark.

The previous subparagraph also applies to all products originating from integrated meat establishments where a part of the establishment is subject to the provisions of paragraph (a).
(c) Slovakia shall ensure gradual compliance with the structural requirements referred to in paragraph (a) in accordance with the deadlines for correcting existing shortcomings set out in the Appendix to this Annex. Slovakia shall ensure that only those establishments which fully comply with these requirements by 31 December 2006 may continue to operate. Slovakia shall submit annual reports to the Commission on progress made in each of the establishments listed in the Appendix to this Annex, including a list of the establishments which have corrected the existing shortcomings during the year in question.

(d) The Commission may update the Appendix to this Annex before accession and until 31 December 2006, and in this context may add to a limited extent or delete individual establishments, in the light of progress made in the correction of existing shortcomings and the outcome of the monitoring process.

Detailed implementing rules to ensure the smooth operation of the above transitional regime shall be adopted in accordance with Article 16 of Directive 64/433/EEC, Article 20 of Directive 77/99/EEC and Article 15 of Directive 91/493/EEC.
9. TRANSPORT POLICY

31993 R 3118: Council Regulation (EEC) No 3118/93 of 25 October 1993 laying down the conditions under which non-resident carriers may operate national road haulage services within a Member State (OJ L 279, 12.11.1993, p. 1), as last amended by:


(a) By way of derogation from Article 1 of Regulation (EEC) No 3118/93 and until the end of the second year following the date of accession, carriers established in Slovakia shall be excluded from the operation of national road haulage services in the other Member States, and carriers established in the other Member States shall be excluded from the operation of national road haulage services in Slovakia.
(b) Before the end of the second year following the date of accession, Member States shall notify the Commission whether they will prolong this period for a maximum of two years or whether they will fully apply Article 1 of the Regulation henceforth. In the absence of such notification, Article 1 of the Regulation shall apply. Only carriers established in those Member States in which Article 1 of the Regulation applies may perform national road haulage services in those other Member States in which Article 1 also applies.

(c) Before the end of the fourth year following the date of accession, in case of serious disturbances, or threat thereof, in the national road haulage market, Member States in which Article 1 of the Regulation does not apply by virtue of paragraph (b) above shall notify the Commission whether they will prolong this period for a maximum of one year or whether they will fully apply Article 1 of the Regulation henceforth. In the absence of such notification, Article 1 of the Regulation shall apply. Only carriers established in those Member States in which Article 1 of the Regulation applies may perform national road haulage services in those other Member States in which Article 1 also applies.

(d) As long as Article 1 of the Regulation does not fully apply in all Member States, those Member States in which Article 1 of the Regulation applies by virtue of paragraph (b) or (c) above may resort to the procedure set out below.
When a Member State referred to in the preceding subparagraph undergoes a serious disturbance of its national market or parts thereof due to or aggravated by cabotage, such as serious excess of supply over demand or a threat to the financial stability or survival of a significant number of road haulage undertakings, that Member State shall inform the Commission and the other Member States thereof and shall supply them with all relevant particulars. On the basis of this information, the Member State may request the Commission to suspend, in whole or in part, the application of Article 1 of the Regulation, in order to restore to normal the situation.

The Commission shall examine the situation on the basis of data provided by the Member State concerned and shall decide within one month of receipt of the request on the need for the adoption of safeguard measures. The procedure laid down in the second, third and fourth subparagraphs of paragraph 3, as well as paragraphs 4, 5 and 6 of Article 7 of the Regulation shall apply.

A Member State referred to in the first subparagraph above may, in urgent and exceptional cases, suspend the application of Article 1 of the Regulation, followed by a reasoned ex-post notification to the Commission.
(e) As long as Article 1 of the Regulation is not applied by virtue of paragraphs (a) to (c) above, Member States may regulate access to their national road haulage services by progressively exchanging cabotage authorisations on the basis of bilateral agreements. This may include the possibility of full liberalisation.

(f) The effect of the application of paragraphs (a) to (d) shall not lead to more restrictive access to national road haulage services than that prevailing on the date of signature of the Treaty of Accession.

10. TAXATION


By way of derogation from Article 12(3)(a) of Directive 77/388/EEC, Slovakia may maintain a) a reduced rate of value added tax of not less than 5% on the supply of heat energy used by private households and small entrepreneurs who are not registered for VAT for heating and the production of hot water, excluding raw materials used to generate heat energy, until 31 December 2008, and b) a reduced rate of value added tax of not less than 5% on the supply of construction work for residential housing not provided as part of a social policy, and excluding building materials until 31 December 2007.

Without prejudice to a formal decision to be adopted according to the procedure set out in Article 12(3)(b) of Directive 77/388/EEC, Slovakia may maintain a reduced rate of value added tax of not less than 5% on the supply of natural gas and electricity until one year after the date of accession.

For the purposes of applying Article 28(3)(b) of Directive 77/388/EEC, Slovakia may maintain an exemption from value added tax on international transport of passengers, referred to in point 17 of Annex F to the Directive, until the condition set out in Article 28(4) of the Directive is fulfilled or for as long as the same exemption is applied by any of the present Member States, whichever is the earlier.


By way of derogation from Article 2(1) of Directive 92/79/EEC, Slovakia may postpone the application of the overall minimum excise duty on the retail selling price (inclusive of all taxes) for cigarettes of the price category most in demand until 31 December 2008, provided that during this period Slovakia gradually adjusts its excise duty rates towards the overall minimum excise duty provided for in the Directive.

Without prejudice to Article 8 of Council Directive 92/12/EEC on the general arrangements for products subject to excise duty and on the holding, movement and monitoring of such products, and having informed the Commission, Member States may, as long as the above derogation applies, maintain the same quantitative limits for cigarettes which may be brought into their territories from Slovakia without further excise duty payment as those applied to imports from third countries. Member States making use of this possibility may carry out the necessary checks provided that these checks do not affect the proper functioning of the internal market.

14. ENERGY


By way of derogation from Article 1(1) of Directive 68/414/EEC, the minimum level of stocks of petroleum products shall not apply in Slovakia until 31 December 2008. Slovakia shall ensure that its minimum level of stocks of petroleum products corresponds, for each of the categories of petroleum products listed in Article 2, to at least the following number of days’ average daily internal consumption as defined in Article 1(1):

– 47 days by the date of accession;
– 55 days by 31 December 2004;
– 64 days by 31 December 2005;
– 73 days by 31 December 2006;
– 82 days by 31 December 2007;
– 90 days by 31 December 2008.
22. ENVIRONMENT

A. AIR QUALITY


1. By way of derogation from Article 3 and Annex I of Directive 94/63/EC, the requirements for existing storage installations at terminals shall not apply in Slovakia:

   – until 31 December 2004 to 41 storage installations with a throughput loaded greater than 50 000 tonnes/year;

   – until 31 December 2007 to 26 storage installations with a throughput loaded less than 25 000 tonnes/year.
2. By way of derogation from Article 4 and Annex II of Directive 94/63/EC, the requirements for loading and unloading equipment at terminals shall not apply in Slovakia:

- until 31 December 2004 to 3 terminals with a throughput greater than 150 000 tonnes/year;

- until 31 December 2007 to 5 terminals with a throughput less than 150 000 tonnes/year.

3. By way of derogation from Article 5 of Directive 94/63/EC, the requirements for existing mobile containers at terminals shall not apply in Slovakia until 31 December 2007 to 74 road tankers.

4. By way of derogation from Article 6 and Annex III of Directive 94/63/EC, the requirements for loading into existing storage installations at service stations shall not apply in Slovakia:

- until 31 December 2004 to 226 service stations with a throughput greater than 1000 m\(^3\)/year;

- until 31 December 2007 to a further 116 service stations with a throughput greater than 500 m\(^3\)/year;

- until 31 December 2007 to a further 24 service stations with a throughput
equal to or less than 500 m³/year.
B. WASTE MANAGEMENT


(a) Until 31 December 2011, all shipments to Slovakia of waste for recovery listed in Annexes II, III and IV to Regulation (EEC) 259/93 and shipments of waste for recovery not listed in those Annexes shall be notified to the competent authorities and processed in conformity with Articles 6, 7 and 8 of the Regulation.

(b) By way of derogation from Article 7(4) of Regulation (EEC) No 259/93, the competent authorities shall object to shipments of waste for recovery listed in Annexes II, III and IV to the Regulation and shipments of waste for recovery not listed in those Annexes destined for a facility benefiting from a temporary derogation from certain provisions of Directives 94/67/EC on the incineration of hazardous waste, 96/61/EC

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concerning integrated pollution control, 2000/76/EC \(^1\) on the incineration of waste, and 2001/80/EC \(^2\) on the limitation of emissions of certain pollutants into the air from large combustion plants, during the period in which the temporary derogation is applied to the facility of destination.


By way of derogation from Article 6(1)(a) of Directive 94/62/EC, Slovakia shall attain the overall recovery targets for the following packaging materials by 31 December 2007 in accordance with the following intermediate targets:

- recycling of metals: 7% by weight by the date of accession, 9% for 2004, 11% for 2005 and 13% for 2006;

- overall recovery target: 34% by weight by the date of accession, 39% for 2004, 43% for 2005 and 47% for 2006.

C. WATER QUALITY


By way of derogation from Article 3 and Annex I of Directive 84/156/EEC, the limit values for discharges of mercury and benzopyrene into the waters referred to in Article 1 of Directive 76/464/EEC on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community, shall not apply until 31 December 2006 to the Novácke chemické závody, a.s. in Nováky, Slovakia.


By way of derogation from Article 3 and Annex II of Directive 86/280/EEC, the limit values for discharges of tetrachlorthylene, trichlorethylene and tetrachlormethane into the waters referred to in Article 1 of Directive 76/464/EEC on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community, shall not apply until 31 December 2006 to Duslo, a.s. in Slovakia.

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By way of derogation from Articles 3, 4 and 5(2) of Directive 91/271/EEC, the requirements for collecting systems and treatment of urban waste water shall not fully apply in Slovakia until 31 December 2015 in accordance with the following intermediate targets:

– by 31 December 2004, compliance with the Directive shall be achieved for 83% of the total biodegradable load;

– by 31 December 2008, compliance with the Directive shall be achieved for 91% of the total biodegradable load;

– by 31 December 2010, compliance with the Directive shall be achieved for agglomerations with a population equivalent of more than 10 000;

– by 31 December 2012, compliance with the Directive shall be achieved for 97% of the total biodegradable load.
D. INDUSTRIAL POLLUTION CONTROL AND RISK MANAGEMENT


By way of derogation from Articles 7 and 11 and from Annex III of Directive 94/67/EC and by way of derogation from Articles 6, 7(1) and 11 of Directive 2000/76/EC, the emission limit values and the requirements for measurements shall not apply to the following incinerators in Slovakia until 31 December 2006:

Hospital incinerators

   – NsP Svidník
   – NsP Trebišov
   – NsP Košice
   – NsP Rožňava
   – NsP Poprad
   – NsP Lučenec
   – NsP Žilina
   – NsP Levice
– NsP Prievidza-Bojnice
– NsP Trnava
– NsP Senica
Hazardous waste incinerators

- Slovnaft, a. s., Bratislava (1978)
- Duslo, a. s., Šaľa (1982)
- Petrochema, a. s., Dubová (1977)
- Petrochema, a. s., Dubová (1988)


By way of derogation from Article 5(1) of Directive 96/61/EC, the requirements for the granting of permits for existing installations shall not apply in Slovakia to the following installations until the date indicated for each installation, insofar as the obligation to operate these installations in accordance with emission limit values, equivalent parameters or technical measures based on the best available techniques according to Article 9(3) and (4) is concerned:

- Považská cementáreň, a. s., Ladce: 31 December 2011;
- Slovenský hodváb, a. s., Senica: 31 December 2011;
- Istrochem, a. s., Bratislava: 31 December 2011;
– NCHZ, a. s., Nováky: 31 December 2011;
– SLZ Chémia a. s. Hnúšťa: 31 December 2011;
– Duslo, a. s. Šaľa: 31 December 2010;
– ŽOS Trnava, a.s.: 31 December 2010;
– Bukocel, a. s.: 31 December 2009;
– U.S. Steel: 31 December 2010;

Fully coordinated permits will be issued for these installations before 30 October 2007, containing individually binding timetables for the achievement of full compliance. These permits shall ensure compliance with the general principles governing the basic obligations of the operators as set out in Article 3 of the Directive by 30 October 2007.


By way of derogation from Article 4(1) and part A of Annexes III to VII of Directive 2001/80/EC, the emission limit values for sulphur dioxide, nitrogen oxides and dust shall not apply until 31 December 2007 to the following plants in Slovakia:

– SSE, Žilina, Heat Production Plant Zvolen (Boilers K1 and K2);
– SSE, Žilina, Heat Production Plant Žilina (Boilers K1 and K2);
- SSE, Žilina, Heat Production Plant Martin (Boilers K4, K5, K6 and K7).
Appendix

referred to in Title 7: Agriculture, B.I(a) of Annex XIV

List of establishments, including shortcomings and deadlines for the correction of these shortcomings

<table>
<thead>
<tr>
<th>No</th>
<th>Vet. No</th>
<th>Name of establishment</th>
<th>Shortcomings</th>
<th>Date of full compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>GA 6-2</td>
<td>Sereďský MP a.s., Bratislavská 385, Sereď</td>
<td>Council Directive 64/433/EEC: Annex I, Chapter I, point 1(a), (b) and (g) Annex I, Chapter I, point 11 Annex I, Chapter II, point 14(a) Council Directive 77/99/EEC: Annex A, Chapter I, point 2(a), (b) and (c) Annex A, Chapter I, point 11</td>
<td>31.12.2006</td>
</tr>
<tr>
<td>2</td>
<td>PB 5-6-1</td>
<td>Slovryb a.s., Príbovce Hospodárske stredisko Považská Bystrica-Rybníky, Žilinská 776/3, 017 01</td>
<td>Council Directive 91/493/EEC Annex, Chapter III.I point 1 Annex, Chapter III.I point 2(a), (b), (c), (d), (e) and (g)</td>
<td>30.11.2006</td>
</tr>
</tbody>
</table>
Maximum additional appropriations referred to in Article 32(1) of the Act of Accession

Based on the accession of 10 new Member States by 1 May 2004, the maximum additional enlargement-related appropriations for commitments for agriculture, structural operations, internal policies and administration, **as agreed in the conclusions of the European Council in Copenhagen**, shall be the amounts as set out in the following table:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Heading 1 Agriculture</strong></td>
<td>1,897</td>
<td>3,747</td>
<td>4,147</td>
</tr>
<tr>
<td>Of which:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1a - Common Agricultural Policy</td>
<td>327</td>
<td>2,032</td>
<td>2,322</td>
</tr>
<tr>
<td>1b - Rural development</td>
<td>1,570</td>
<td>1,715</td>
<td>1,825</td>
</tr>
<tr>
<td><strong>Heading 2 Structural actions after capping</strong></td>
<td>6,070</td>
<td>6,907</td>
<td>8,770</td>
</tr>
<tr>
<td>Of which:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Structural fund</td>
<td>3,453</td>
<td>4,755</td>
<td>5,948</td>
</tr>
<tr>
<td>Cohesion Fund</td>
<td>2,617</td>
<td>2,152</td>
<td>2,822</td>
</tr>
<tr>
<td><strong>Heading 3 Internal Policies and additional transitional expenditure</strong></td>
<td>1,457</td>
<td>1,428</td>
<td>1,372</td>
</tr>
<tr>
<td>Of which:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Existing policies</td>
<td>846</td>
<td>881</td>
<td>916</td>
</tr>
<tr>
<td>Category</td>
<td>2003</td>
<td>2004</td>
<td>2005</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>-------</td>
<td>-------</td>
<td>-------</td>
</tr>
<tr>
<td>Transitional Nuclear safety measures</td>
<td>125</td>
<td>125</td>
<td>125</td>
</tr>
<tr>
<td>Transitional Institution building measures</td>
<td>200</td>
<td>120</td>
<td>60</td>
</tr>
<tr>
<td>Transitional Schengen measures</td>
<td>286</td>
<td>302</td>
<td>271</td>
</tr>
<tr>
<td>Heading 5 Administration</td>
<td>503</td>
<td>558</td>
<td>612</td>
</tr>
<tr>
<td>Total Maximum Appropriations for commitments</td>
<td>9,927</td>
<td>12,640</td>
<td>14,901</td>
</tr>
</tbody>
</table>
This is without prejudice to the EU-25 ceiling for category 1a for 2007-2013 set out in the Decision of the Representatives of the Governments of the Member States, meeting within the Council on 14 November 2002, concerning the conclusions of the European Council meeting in Brussels on 24 and 25 October 2002.
ANNEX XVI

List referred to in Article 52(1) of the Act of Accession

1. Economic and Financial Committee:


2. Economic Policy Committee:


3. Advisory Committee on Tourism:

4. Pharmaceutical Committee:


5. Consultative Committee for the implementation of Directive 89/105/EEC relating to the transparency of measures regulating the pricing of medicinal products for human use and their inclusion in the scope of national health insurance systems:


6. Advisory Committee on Restrictive Practices and Dominant Positions:


7. Advisory Committee on Concentrations:


8. Advisory Committee on Agreements and Dominant Positions in Air Transport:


9. Advisory Committee on Agreements and Dominant Positions in Maritime Transport:


– 11994 N: Act concerning the conditions of accession and adjustments to the Treaties Accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden (OJ C 241, 29.8.1994, p. 21)

10. Advisory Committee on Restrictive Practices and Monopolies in the Transport Industry:

Set up by 31968 R 1017: Council Regulation (EEC) 1017/68 of 19 July 1968 (OJ L 175, 23.7.1968, p. 1), as last amended by:

– 11994 N: Act concerning the conditions of accession and adjustments to the Treaties Accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden (OJ C 241, 29.8.1994, p. 21)

11. Employment Committee:

Set up by Article 130 of the EC Treaty and by 32000 D 0098: Council AA 41/03 – Act/Annex XVI/en 4
12. Social Protection Committee:


13. Advisory Committee on Social Security for Migrant Workers:


14. Advisory Committee on Freedom of Movement for Workers:

Set up by 31968 R 1612: Council Regulation (EEC) 1612/68 of 15 October 1968 (OJ L 257, 19.10.1968, p. 2), as last amended by:

15. Technical Committee on Freedom of Movement for Workers:

Set up by 31968 R 1612: Council Regulation (EEC) 1612/68 of 15 October 1968 (OJ L 257, 19.10.1968, p. 2), as last amended by:


16. Advisory Committee on Safety, Hygiene and Health Protection at Work:


17. Advisory Committee on Transport:

Set up by Article 79 of the EC Treaty
18. Committee on the Trans-European Transport Network:


19. Committee on the System of Charging for the Use of Transport Infrastructure:

Set up by 31965 D 0270: Council Decision of 13 May 1965 (OJ 88, 24.5.1965, p. 1473), as amended by:


20. Advisory Committee on Programme Management for the Management and Storage of Radioactive Waste:

21. Advisory Committee on Aids to Transport by Rail, Road and Inland Waterway:


22. European Community Energy Star Board (ECESB):


23. Expert Group appointed by the Euratom Scientific and Technical Committee to address Basic Standards:

Set up by Article 31 of the Euratom Treaty

24. Expert Group appointed by the Euratom Scientific and Technical Committee to address Radioactive Effluents:

Set up by Article 37 of the Euratom Treaty


26. Scientific and Technical Research Committee:

Set up by 31974 Y 0129(01): Council Resolution of 14 January 1974 (OJ C 7, 29.1.1974, p. 2), as replaced by:


27. Coordinating Committee for Fast Reactors:

28. Advisory Committee for Public Works Contracts:


29. Banking Advisory Committee:


30. Contact Committee on Prevention of the Use of the Financial System for the Purpose of Money Laundering:


31. Contact Committee on the Coordination of Laws, Regulations and Administrative Provisions relating to Undertakings for Collective Investment in Transferable Securities (UCITS):


32. Contact Committee on the European Economic Interest Grouping (EEIG):


33. Contact Committee on the annual accounts of certain types of companies:


34. Advisory Committee on Medical Training:


35. Advisory Committee on Training in Nursing:


36. Advisory Committee on the Training of Midwives:


37. Advisory Committee on the Training of Dental Practitioners:


38. Advisory Committee on Pharmaceutical Training:

39. Advisory Committee on Veterinary Training:


40. Advisory Committee on Education and Training in the Field of Architecture:


41. Advisory Committee on Value Added Tax:


42. Television Without Frontiers Contact Committee:


43. Committee on Monetary, Financial and Balance of Payments Statistics:


List referred to in Article 52(2) of the Act of Accession

1. Enterprise Policy Group:

   Set up by 32000 D 0690: Commission Decision 2000/690/EC of 8

2. Scientific Committee for Occupational Exposure Limits to Chemical
   Agents:

   Set up by 31995 D 0320: Commission Decision 95/320/EC of 12 July

3. Committee of Senior Labour Inspectors:

   Set up by 31995 D 0319: Commission Decision 95/319/EC of 12 July
4. Advisory Committee on Equal Opportunities for Women and Men:


5. Committee in the Area of Supplementary Pensions (the Pensions Forum):


6. Committee of Experts on the Transit of Natural Gas through Grids:


7. Committee of Experts on the Transit of Electricity between Grids:


8. Committee on Waste Management:

Set up by 31976 D 0431: Commission Decision 76/431/EEC of 21 April 1976 (OJ L 115, 1.5.1976, p. 73), as last amended by:

- 11985 I: Act concerning the conditions of accession and the adjustments to the Treaties – Accession of the Kingdom of Spain and the Portuguese Republic (OJ L 302, 15.11.1985, p. 23)
9. Advisory Committee on the Control and Reduction of Pollution Caused by Oil and Other Harmful Substances Discharged at Sea:


10. Advisory Committee on the Protection of Animals Used for Experimental and Other Scientific Purposes:


11. Advisory Committee for Coordination in the Internal Market Field:

12. Committee of European Securities Regulators:


13. Consumer Committee:


14. Advisory Committee for the Coordination of Fraud Prevention:

List referred to in Article 52(3) of the Act of Accession

1. Committee of the European Social Fund:


2. Advisory Committee on Vocational Training:


3. Scientific, Technical and Economic Committee for Fisheries:


4. Advisory Committee on Fisheries and Aquaculture:


5. Advisory Committee on the Opening-up of Public Procurement in the Community:


6. Advisory Committee on Customs and Indirect Taxation:

CONSUMERS AND HEALTH PROTECTION


In Article 3, in the first indent, "15" is replaced by "25".

24. COOPERATION IN THE FIELDS OF JUSTICE AND HOME AFFAIRS

A. JUDICIAL COOPERATION IN CIVIL AND COMMERCIAL MATTERS


(a) The following is added to Article 44(1):

"(l) the Convention between the Federative People's Republic of Yugoslavia and the Kingdom of Greece on the Mutual Recognition and Enforcement of Judgments, signed at Athens on 18 June 1959;"
(m) the Agreement between the Federative People's Republic of Yugoslavia and the Republic of Austria on the Mutual Recognition and Enforcement of Arbitral Awards and Arbitral Settlements in Commercial Matters, signed at Vienna on 18 March 1960;

(n) the Convention between the Federative People's Republic of Yugoslavia and the Republic of Italy on Mutual Judicial Cooperation in Civil and Administrative Matters, signed at Rome on 3 December 1960;

(o) the Agreement between the Socialist Federative Republic of Yugoslavia and the Kingdom of Belgium on Judicial Cooperation in Civil and Commercial Matters, signed at Belgrade on 24 September 1971;

(p) the Convention between the Governments of Yugoslavia and France on the Recognition and Enforcement of Judgments in Civil and Commercial Matters, signed at Paris on 18 May 1971;

(q) the Treaty between the Czechoslovak Socialistic Republic and the Hellenic Republic on Legal Aid in Civil and Criminal Matters, signed at Athens on 22 October 1980, still in force between the Czech Republic and Greece;
(r) the Agreement between the Czechoslovak Socialist Republic and the Republic of Cyprus on Legal Assistance in Civil and Criminal Matters, signed at Nicosia on 23 April 1982, still in force between the Czech Republic and Cyprus;

(s) the Treaty between the Government of the Czechoslovak Socialist Republic and the Government of the Republic of France on Legal Aid in Civil, Family and Commercial Matters, signed at Paris on 10 May 1984, still in force between the Czech Republic and France;

(t) the Treaty between the Czechoslovak Socialist Republic and the Italian Republic on Legal Aid in Civil and Criminal Matters, signed at Prague on 6 December 1985, still in force between the Czech Republic and Italy;

(u) the Treaty between the Republic of Latvia, the Republic of Estonia and the Republic of Lithuania on Legal Assistance and Legal Relationships, signed at Tallinn on 11 November 1992;

(v) the Agreement between Estonia and Poland on Granting Legal Aid and Legal Relations on Civil, Labour and Criminal Matters, signed at Tallinn on 27 November 1998;

(w) the Agreement between the Republic of Lithuania and the Republic of Poland on Legal Assistance and Legal Relations in Civil, Family,
Labour and Criminal Matters, signed in Warsaw on 26 January 1993."
(b) In Annex A, the following is inserted between the entries for Belgium and Germany:

"ČESKÁ REPUBLIKA
– Konkurs
– Nucené vyrovnání
– Vyrovnání"

and, between the entries for Germany and Greece:

"EESTI
– Pankrotimenetlus"

and, between the entries for Italy and Luxembourg:

"ΚΥΠΡΟΣ
– Υποχρεωτική εκκαθάριση από το Δικαστήριο (Compulsory winding up by the court)
– Εκούσια εκκαθάριση από πιστωτές κατόπιν Δικαστικού Διατάγματος (Creditor's voluntary winding up by court order)
– Εκούσια εκκαθάριση από μέλη (Company's (members) voluntary winding up)
– Εκκαθάριση με την εποπτεία του Δικαστηρίου (Winding up subject to the supervision of the court)
– Πτώχευση κατόπιν Δικαστικού Διατάγματος (Bankruptcy by court

ΛΑ 24/03 - Act/Annex II/en 7
– Διαχείριση της περιουσίας προσώπων που απεβίωσαν αφερέγγυα
(The administration of the estate of persons dying insolvent)
and, between the entries for Luxembourg and the Netherlands:

"MAGYARORSZÁG
  – Csődeljárás
  – Felszámolási eljárás

MALTA
  – Falliment
  – Stralc permezz tal-Qorti
  – Stralč volontarju tal-kredituri"

and, between the entries for Austria and Portugal:

"POLSKA
  – Postępowanie upadłościowe,
  – Postępowanie układowe"
and, between the entries for Portugal and Finland:

"SLOVENIJA
– Stečajni postopek
– Skrajšani stečajni postopek
– Postopek prisilne poravnave
– Prisilna poravnava v stečaju
– Likvidacija pravne osebe pred sodiščem

SLOVENSKO
– Konkurzné konanie
– Nútené vyrovnanie
– Vyrovnanie."

(c) In Annex B, the following is inserted between the entries for Belgium and Germany:

"ČESKÁ REPUBLIKA
– Konkurs
– Nucené vyrovnání"

and, between the entries for Germany and Greece:

"EESTI
– Pankrotimenetlus"
and, between the entries for Italy and Luxembourg:

"ΚΥΠΡΟΣ
– Υποχρεωτική εκκαθάριση από το Δικαστήριο (Compulsory winding up by the court)
– Εκκαθάριση με την εποπτεία του Δικαστηρίου (Winding up subject to the supervision of the court)
– Εκκαθάριση εκκαθάριση από πιστωτές (με την επικύρωση του Δικαστηρίου) (Creditor's voluntary winding up (with confirmation by the court))
– Πτώχευση (Bankruptcy)
– Διαχείριση της περιουσίας προσώπων που απεβίωσαν αφερέγγυα (The administration of the estate of persons dying insolvent)

LATVIJA
– Bankrots
– Likvidācija
– Sanācija

LIETUVA
– Likvidavimo procedūra"
and, between the entries for Luxembourg and the Netherlands:

"MAGYARORSZÁG
- Csődeljárás
- Felszámolási eljárás

MALTA
- Falliment
- Stralc permezz tal-Qorti
- Stralč volontarju tal-kredituri"

and, between the entries for Austria and Portugal:

"POLSKA
- Postępowanie upadłościowe"

and, between the entries for Portugal and Finland:

"SLOVENIJA
- Stečajni postopek
- Skrajšani stečajni postopek
- Likvidacija pravne osebe pred sodiščem
SLOVENSKO
- Konkurzné konanie
- Nútené vyrovnanie
- Vyrovnanie;

(d) In Annex C, the following is inserted between the entries for Belgium and Germany:

"ČESKÁ REPUBLIKA
- Správce podstaty
- Předběžný správce
- Vyrovnací správce
- Zvláštní správce
- Zástupce správce"

and, between the entries for Germany and Greece:

"EESTI
- Pankrotihaldur
- Ajutine pankrotihaldur"
and, between the entries for Italy and Luxembourg:

"ΚΥΠΡΟΣ
– Εκκαθαριστής και Προσωρινός Εκκαθαριστής (Liquidator and Provisional liquidator)
– Επίσημος Παραλήπτης (Official Receiver)
– Διαχειριστής της Πτώχευσης (Trustee in bankruptcy)
– Εξεταστής (Examiner)

LATVIJA
– Administrators
– Tiesu izpildītājs
– Likvidātors

LIETUVA
– Įmonės administratorius
– Įmonės likvidatorius"

and, between the entries for Luxembourg and the Netherlands:

"MAGYARORSZÁG
– Vagyonfelügyelő
– Felszámoló
MALTA
– Kuratur tal-fallut
– Likwidatur
– Riċevitur uffiċjali”

and, between the entries for Austria and Portugal:

"POLSKA
– Syndyk
– Nadzorca sądowy”

and, between the entries for Portugal and Finland:

"SLOVENIJA
– Poravnalni senat (senat treh sodnikov)
– Upravitelj prisilne poravnavse
– Stečajni senat (senat treh sodnikov)
– Stečajni upravitelj
– Upniški odbor
– Likvidacijski senat (kot stečajni senat, če sodišče ne odloči drugače)
– Likvidacijski upravitelj (kot stečajni upravitelj, če sodišče ne odloči drugače)


(a) The following is added to Article 40(3):

"(c) Agreement between the Holy See and Malta on the recognition of civil effects to canonical marriages and to decisions of ecclesiastical authorities and tribunals on those marriages of 3 February 1993, with the second Additional Protocol of 6 January 1995.";
(b) Article 40(4) is replaced by the following:

"(4) Recognition of the decisions provided for in paragraph 2 may, in Spain, Italy and Malta respectively, be subject to the same procedures and the same checks as are applicable to decisions of the ecclesiastical courts handed down in accordance with the international treaties concluded with the Holy See referred to in paragraph 3.";

(c) In Annex I, the following is inserted between the entries for Belgium and Germany:

"– in the Czech Republic, the "okresní soud" or "soudní exekutor"," and, between the entries for Germany and Greece:

"– in Estonia, the "maakohus" or the "linnakohus"," and, between the entries for Italy and Luxembourg:

"– in Cyprus, the "Οικογενειακό Δικαστήριο", – in Latvia, the "Bāriņtiesa" or "Pagasttiesa", – in Lithuania, the "Lietuvos apeliacinis teismas","
and, between the entries for Luxembourg and the Netherlands:

"– in Hungary, the "megyei bíróság székhelyén működő helyi bíróság", and in Budapest, the "Budai Központi Kerületi Bíróság",

– in Malta, the "Prim' Awla tal-Qorti Ċivili" or "il-Qorti tal-Maġistrati ta' Għawdex fil-ġurisdizzjoni superjuri taġħma"," and, between the entries for Austria and Portugal:

"– in Poland, the "Sąd Okręgowy"," and, between the entries for Portugal and Finland:

"– in Slovenia, the "Okrajno sodišče",

– in Slovakia, the "okresný súd";

(d) In Annex II, the following is inserted between the entries for Belgium and Germany:

"– in the Czech Republic, the "okresní soud","
and, between the entries for Germany and Greece:

"– in Estonia, the "ringkonnakohus","n

and, between the entries for Italy and Luxembourg:

"– in Cyprus, the "Οικογενειακό Δικαστήριο",

– in Latvia, the "Apgabaltiesa",

– in Lithuania, the "Lietuvos Auksciausiasis Teismas","n

and, between the entries for Luxembourg and the Netherlands:

"– in Hungary, the "megyei bíróság", and in Budapest the "Fővárosi Bíróság",

– in Malta, the "Qorti tal-Appell" in accordance with the procedure laid down for appeals in the Kodiċi tal-Organizzażzjoni u Proċedura Ċivili – Kap. 12,"n

and, between the entries for Austria and Portugal:

"– in Poland, the "Sąd Apelacyjny","n
and, between the entries for Portugal and Finland:

"– in Slovenia, the "Višje sodišče",

– in Slovakia, the "krajský súd"."

(e) In Annex III, the first indent is replaced by the following:

"– in Belgium, Greece, Spain, France, Italy, Latvia, Lithuania, Luxembourg and the Netherlands, by an appeal in cassation,"

(f) In the same Annex the following is inserted immediately before the entry for Germany:

"– in the Czech Republic, by a "dovolání" and a "žaloba pro zmatečnost","n

and, between the entries for Germany and Ireland:

"– in Estonia, by "kassatsioonkaebus";"
and, between the entries for Ireland and Austria:

"– in Cyprus, by an appeal to the Ανώτατο Δικαστήριο (Supreme Court),

– in Lithuania, by "kasacinis skundas",

– in Hungary, "felülvizsgálati kérelem",

and, between the entries for Austria and Portugal:

"– in Poland, by an appeal in cassation to the "Sąd Najwyższy","n

and, between the entries for Portugal and Finland:

"– in Slovenia, by a retrial, only in cases prescribed by statute.".

(a) Article 65 is replaced as follows:

"1. The jurisdiction specified in Article 6(2) and Article 11 in actions on a warranty of guarantee or in any other third party proceedings may not be resorted to Germany, Austria and Hungary. Any person domiciled in another Member State may be sued in the courts:

(a) of Germany, pursuant to Articles 68 and 72 to 74 of the Code of Civil Procedure (Zivilprozessordnung) concerning third-party notices;

(b) of Austria, pursuant to Article 21 of the Code of Civil Procedure (Zivilprozessordnung) concerning third-party notices;

(c) of Hungary, pursuant to Articles 58 to 60 of the Code of Civil Procedure (Polgári perrendtartás) concerning third-party notices.

2. Judgments given in other Member States by virtue of Article 6(2), or Article 11 shall be recognised and enforced in Germany, Austria and Hungary in accordance with Chapter III. Any effects which judgments given in these States may have on third parties by application of the provisions in paragraph 1 shall also be recognised in the other Member States.";
(b) The following is added to Article 69:

"– the Convention between the Czechoslovak Republic and Portugal on the Recognition and Enforcement of Court Decisions, signed at Lisbon on 23 November 1927, still in force between the Czech Republic and Portugal,

– the Convention between the Federative People's Republic of Yugoslavia and the Republic of Austria on Mutual Judicial Cooperation, signed at Vienna on 16 December 1954,

– the Convention between the Polish People's Republic and the Hungarian People's Republic on the Legal Assistance in Civil, Family and Criminal Matters, signed at Budapest on 6 March 1959,

– the Convention between the Federative People's Republic of Yugoslavia and the Kingdom of Greece on the Mutual Recognition and Enforcement of Judgments, signed at Athens on 18 June 1959,

– the Convention between the Polish People's Republic and the Federative People's Republic of Yugoslavia on the Legal Assistance in Civil and Criminal Matters, signed at Warsaw on 6 February 1960, now in force between Poland and Slovenia,
– the Agreement between the Federative People’s Republic of Yugoslavia and the Republic of Austria on the Mutual Recognition and Enforcement of Arbitral Awards and Arbitral Settlements in Commercial Matters, signed at Vienna on 18 March 1960,

– the Agreement between the Federative People’s Republic of Yugoslavia and the Republic of Austria on the Mutual Recognition and Enforcement of Decisions in Alimony Matters, signed at Vienna on 10 October 1961,

– the Convention between Poland and Austria on Mutual Relations in Civil Matters and on Documents, signed at Vienna on 11 December 1963,

– the Treaty between the Czechoslovak Socialist Republic and the Socialist Federative Republic of Yugoslavia on Settlement of Legal Relations in Civil, Family and Criminal Matters, signed at Belgrade on 20 January 1964, still in force between the Czech Republic, Slovakia and Slovenia,

– the Convention between Poland and France on Applicable Law, Jurisdiction and the Enforcement of Judgments in the Field of Personal and Family Law, concluded in Warsaw on 5 April 1967,

– the Convention between the Governments of Yugoslavia and France
on the Enforcement of Judgments in Civil and Commercial Matters, signed at Paris on 18 May 1971,
– the Convention between the Federative Socialist Republic of Yugoslavia and the Kingdom of Belgium on the Recognition and Enforcement of Court Decisions in Alimony Matters, signed at Belgrade on 12 December 1973,

– the Convention between Hungary and Greece on Legal Assistance in Civil and Criminal Matters, signed at Budapest on 8 October 1979,

– the Convention between Poland and Greece on Legal Assistance in Civil and Criminal Matters, signed at Athens on 24 October 1979,

– the Convention between Hungary and France on Legal Assistance in Civil and Family Law, on the Recognition and Enforcement of Decisions and on Legal Assistance in Criminal Matters, signed at Budapest on 31 July 1980,

– the Treaty between the Czechoslovak Socialist Republic and the Hellenic Republic on Legal Aid in Civil and Criminal Matters, signed at Athens on 22 October 1980, still in force between the Czech Republic, Slovakia and Greece,

– the Convention between the Republic of Cyprus and the Hungarian People’s Republic on Legal Assistance in Civil and Criminal Matters, signed at Nicosia on 30 November 1981,
– the Agreement between the Czechoslovak Socialist Republic and the Republic of Cyprus on Legal Assistance in Civil and Criminal Matters, signed at Nicosia on 23 April 1982, still in force between the Czech Republic, Slovakia and Cyprus,

– the Agreement between the Republic of Cyprus and the Republic of Greece on Legal Cooperation in Matters of Civil, Family, Commercial and Criminal Law, signed at Nicosia on 5 March 1984,


– the Agreement between the Republic of Cyprus and the Socialist Federal Republic of Yugoslavia on Legal Assistance in Civil and Criminal Matters, signed at Nicosia on 19 September 1984, now in force between Cyprus and Slovenia,

– the Treaty between the Czechoslovak Socialist Republic and the Italian Republic on Legal Aid in Civil and Criminal Matters, signed at Prague on 6 December 1985, still in force between the Czech Republic, Slovakia and Italy,
– the Treaty between the Czechoslovak Socialist Republic and the Kingdom of Spain on Legal Aid, Recognition and Enforcement of Court Decisions in Civil Matters, signed at Madrid on 4 May 1987, still in force between the Czech Republic, Slovakia and Spain,

– the Treaty between the Czechoslovak Socialist Republic and the Polish People's Republic on Legal Aid and Settlement of Legal Relations in Civil, Family, Labour and Criminal Matters, signed at Warsaw on 21 December 1987, still in force between the Czech Republic, Slovakia and Poland,

– the Treaty between the Czechoslovak Socialist Republic and the Hungarian People's Republic on Legal Aid and Settlement of Legal Relations in Civil, Family and Criminal Matters, signed at Bratislava on 28 March 1989, still in force between the Czech Republic, Slovakia and Hungary,

– the Convention between Poland and Italy on Judicial Assistance and the Recognition and Enforcement of Judgments in Civil Matters, signed at Warsaw on 28 April 1989,

– the Treaty between the Czech Republic and the Slovak Republic on Legal Aid provided by Judicial Bodies and on Settlements of Certain Legal Relations in Civil and Criminal Matters, signed at Prague on 29 October 1992,
– the Agreement between the Republic of Latvia, the Republic of Estonia and the Republic of Lithuania on Legal Assistance and Legal Relationships, signed at Tallinn on 11 November 1992,

– the Agreement between the Republic of Poland and the Republic of Lithuania on Legal Assistance and Legal Relations in Civil, Family, Labour and Criminal Matters, signed in Warsaw on 26 January 1993, [PL+LT]

– the Agreement between the Republic of Latvia and the Republic of Poland on Legal Assistance and Legal Relationships in Civil, Family, Labour and Criminal Matters, signed at Riga on 23 February 1994,

– the Agreement between the Republic of Cyprus and the Republic of Poland on Legal Cooperation in Civil and Criminal Matters, signed at Nicosia on 14 November 1996,

– the Agreement between Estonia and Poland on Granting Legal Assistance and Legal Relations on Civil, Labour and Criminal Matters, signed at Tallinn on 27 November 1998.";
(c) In Annex I, the following is inserted between the entries for Belgium and Germany:

"– in the Czech Republic: Article 86 of Act No 99/1963 Coll., the Code of Civil (občanský soudní řád), as amended,"

and, between the entries for Germany and Greece:

"– in Estonia: Article 139, paragraph 2 of the Code of Civil Procedure (tsiviilkohtumenetluse seadustik),"

and, between the entries for Italy and Luxembourg:

"– in Cyprus: section 21(2) of the Courts of Justice Law No 14 of 1960, as amended,

– in Latvia: Articles 7 to 25 of the Civil Law (Civillikums),

– in Lithuania: Article 31 of the Code of Civil Procedure (Civilinio proceso kodeksas),"

and, between the entries for Luxembourg and the Netherlands:

törvényerejű rendelet),
– in Malta: Articles 742, 743 and 744 of the Code of Organisation and Civil Procedure – Cap. 12 (Kodiċi ta’ Organiżazzjoni u Proċedura Ĉivili – Kap. 12) and Article 549 of the Commercial Code – Cap. 13 (Kodiċi Kummerċjali – Kap. 13),”

and, between the entries for Austria and Portugal:

”– in Poland: Articles 1103 and 1110 of the Code of Civil Procedure (Kodeks postępowania cywilnego),”

and, between the entries for Portugal and Finland:

”– in Slovenia: Articles 48(2) and 58 of the Private International Law and Procedure Act (Zakon o mednarodnem zasebnem pravu in postopku),

– in Slovakia: sections 37, 39 (only as regards maintenance) and 46 of Act No 97/1963 Z.z. on Private International Law and Rules of Procedure relating thereto.”;

(d) In Annex II, the following is inserted between the entries for Belgium and Germany:

”– in the Czech Republic, the "okresní soud" or "soudní exekutor",”
and, between the entries for Germany and Greece:

"– in Estonia, the "maakohus" or the "linnakohus","

and, between the entries for Italy and Luxembourg:

"– in Cyprus, the "Επαρχιακό Δικαστήριο" or in the case of a maintenance judgment the "Οικογενειακό Δικαστήριο",

– in Latvia, the "Rajona (pilsētas) tiesa",

– in Lithuania, the "Lietuvos apeliacinis teismas","n

and, between the entries for Luxembourg and the Netherlands:

"– in Hungary, the "megyei bíróság székhelyén működő helyi bíróság", and in Budapest the "Budai Központi Kerületi Bíróság",

– in Malta, the "Prim' Awla tal-Qorti Ćivili" or "Qorti tal-Maġistrati ta’ Ġħawdex fil-ġurisdizzjoni superjuri tagħha", or, in the case of a maintenance judgment, the "Registratür tal-Qorti" on transmission by the "Ministru responsabbli għall-Ġustizzja","
and, between the entries for Austria and Portugal:

"– in Poland, the "Sąd Okręgowy","n

and, between the entries for Portugal and Finland:

"– in Slovenia, the "Okrajno sodišče","n

– in Slovakia, the "okresný súd" or "exekútor".

(e) In Annex III, the following is inserted between the entries for Belgium and Germany:

"– in the Czech Republic, the "okresní soud","n

and, between the entries for Germany and Greece:

"– in Estonia, the "ringkonnakohus","n

and, between the entries for Italy and Luxembourg:

"– in Cyprus, the "Επαρχιακό Δικαστήριο" or in the case of a maintenance judgment the "Οικογενειακό Δικαστήριο","
– in Latvia, the "Apgabaltiesa",

– in Lithuania, the "Lietuvos Aukščiausasis Teismas",

and, between the entries for Luxembourg and the Netherlands:

"– in Hungary, the "megyei bíróság"; in Budapest, the "Fővárosi Bíróság",

– in Malta, the "Qorti tal-Appell" in accordance with the procedure laid down for appeals in the Kodici ta' Organiżazzjoni u Proċedura Ċivili – Kap.12 or in the case of a maintenance judgment by "citazzjoni" before the "Prim' Awla tal-Qorti ivili jew il-Qorti tal-Maġistrati ta' Għawdex fil-ġurisdizzjoni superjuri taghha",

and, between the entries for Austria and Portugal:

"– in Poland, the "Sąd Apelacyjny",

and, between the entries for Portugal and Finland:

"– in Slovenia, the "Višje sodišče",

– in Slovakia, "odvolanie" to the "krajský súd" or "námietka" to the "okresný súd" in cases of execution ordered by the "exekútor";
(f) In Annex IV, the following is inserted between the entries for Belgium and Germany:

"– in the Czech Republic, a "dovolání" and a "žaloba pro zmatečnost","

and, between the entries for Germany and Greece:

"– in Estonia, a "kassatsioonkaebus","

and, between the entries for Ireland and Austria:

"– in Cyprus, an appeal to the Supreme Court,

– in Latvia, an appeal to the "Augstākā tiesa",

– in Lithuania, by "kasacinis skundas" (appeal in cassation),

– in Hungary, "felülvizsgálati kérelem",

– in Malta, no further appeal lies to any other court; in the case of a maintenance judgment the "Qorti tal-Appell" in accordance with the procedure laid down for appeal in the "Kodici ta' Organiżazzjoni u Procedura ċivili – Kap. 12","
and, between the entries for Austria and Portugal:

"– in Poland, by an appeal in cassation to the "Sąd Najwyższy","

and, between the entries for Portugal and Finland:

"– in Slovenia, the "retrial, only in cases prescribed by statute",

– in Slovakia "odvolanie" in cases of execution ordered by the "exekútor"
  to the "Krajský súd".".

B. VISA POLICY

laying down a uniform format for visas (OJ L 164, 14.7.1995, p. 1), as
amended by:

In the Annex, point 3 is replaced by the following:

"3. The logo consisting of a letter or letters indicating the issuing Member State (or "BNL" in the case of the Benelux countries, namely Belgium, Luxembourg and the Netherlands) with a latent image effect shall appear in this space. This logo shall appear light when held flat and dark when turned by 90°. The following logos shall be used: A for Austria, BNL for Benelux, CY for Cyprus, CZE for the Czech Republic, D for Germany, DK for Denmark, E for Spain, EST for Estonia, F for France, FIN for Finland, GR for Greece, H for Hungary, I for Italy, IRL for Ireland, LT for Lithuania, LVA for Latvia, M for Malta, P for Portugal, PL for Poland, S for Sweden, SK for Slovakia, SVN for Slovenia, UK for the United Kingdom."


The following adaptations are made to the Common Consular Instructions:

(a) In Annex 1, part II, the following entries are deleted:

"CYPRUS",
"CZECH REPUBLIC",
"ESTONIA",
"HUNGARY",
"LITHUANIA",
"LATVIA",
"MALTA",
"POLAND",
"SLOVENIA",
"SLOVAKIA".
(b) In Annex 2, Schedule A is replaced by the following:

1. "Schedule A

2. Countries whose nationals are NOT subject to a visa requirement in one or more Schengen States when they are holders of diplomatic, official or service passports, but who are subject to this requirement when they are holders of ordinary passports

|                | BN | CZ | DK | D  | EE | EL | E  | F  | I  | CY | LV | LT | HU | MT | A  | PL | P  | SI | SK | FIN | S  | ISL | N  |
|----------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| Albania        |    | DS | D  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| Algeria        |    | DS |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| Angola         |    | DS |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| Antigua and    |    | DS |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| Barbuda       |

1 Holders of diplomatic passports who are posted in Hungary shall be subject to visa requirements during their first entry, but shall be exempt from these requirements during the rest of their assignment.
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AA 24/03 - Act/Annex II/en 44
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| Iran             |    |    |    |    |    |    |    |    |    | DS |    |    |    |    |    |    | D  | D  |    |    |    |    |    |    |
| Jamaica          | DS | D  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| Kazakhstan       |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | DS |    |    |    |    |    |    |
| Kenya            |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| Kuwait           |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | DS |    |    |    |    |    |
| Kyrgyzstan       |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| Laos             | DS |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| Lesotho          |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| Malawi           | DS | D  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
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| Morocco          | DS | DS | D  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | DS | DS | DS | DS | DS |
| Mauritania       |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| Moldova          |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | DS | D  | DS |    |    |    |    |

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AA 24/03 - Act/Annex II/en 51
Zimbabwe

DS: Holders of diplomatic and service passports are exempt from visa requirements.
D: Only holders of diplomatic passports are exempt from a visa requirement.";}
(c) In Annex 2, Schedule B is replaced by the following:

"Schedule B

Countries whose nationals are subject to a visa requirement in one or more Schengen States when they are holders of diplomatic, official or service passports, but who are NOT subject to this requirement when they are holders of ordinary passports

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AA 24/03 - Act/Annex II/en 56
(d) In Part I of Annex 3, footnote 2 is replaced by the following:

"For the Benelux countries, the Czech Republic, Spain, France, Hungary and Slovakia

The following persons shall be exempt from the ATV requirement:
– holders of diplomatic and service passports";

(e) In Part I of Annex 3, footnote 3 is replaced by the following:

"For Estonia and Germany

The following persons shall be exempt from the ATV requirement:
– holders of diplomatic and service passports.

For Poland

The following persons shall be exempt from the ATV requirement:
– holders of diplomatic passports.";
(f) In Part II of Annex 3, the list is replaced by the following:

"PART II

Joint list of third countries whose nationals are subject to an airport transit visa requirement by some Schengen States only, with holders of travel documents issues by these third countries also being subject to this requirement.

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AA 24/03 - Act/Annex II/en 58
|                | BNL | CZ | DK | D | EE | EL | E³ | F⁴ | I⁵ | CY | LT | HU | A¹ | PL | P | FIN | S | ISL | N |
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| Congo          |     |    |    |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |   |
| Côte d’Ivoire  |     | X  | X  |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |   |
| Cuba           |     |    |    |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | X  |
| Egypt          |     |    |    |   |    |    |    |    |    |    | X  | X  |    |    |    |    |    |    |    |    |   |
| Gambia         |     |    |    |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | X  |
| Guinea         | X   |    |    |   |    |    |    |    |    |    | X  | X  | X  |    |    |    |    |    |    |    |   |
| Guinea Bissau  |     |    |    |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | X  |
| Haiti          |     |    |    |   |    |    |    |    |    |    | X  | X  |    |    |    |    |    |    |    |    |   |
| India          | X²  | X⁶ | X  | X | X  | X  | X  | X  | X  | X  |    |    |    |    |    |    |    |    |    |    |   |
| Indonesia      |     |    |    |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | X  |

AA 24/03 - Act/Annex II/en 59
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1. Aliens subject to transit visa obligations do not require an airport transit visa (ATV) for transit via an Austrian airport provided they hold one of the following documents that is valid for the length of the stay necessary for the transit:
   – a residence permit issued by Andorra, Japan, Canada, Monaco, San Marino, Switzerland, the Holy See or the USA which guarantees the right to return;
   – a visa or residence permit issued by a Schengen State for which the Accession Agreement has been brought into force;
   – a residence permit issued by a Member State of the EEA.
2. Only when nationals are not in possession of a valid residence permit for the Member States of the EEA, the United States or Canada. Holders of diplomatic, service or special passports are also exempt.
3. Holders of diplomatic, official and service passports are not subject to the ATV requirement. The same applies to holders of ordinary passports residing in a Member State of the EEA, the United States or Canada, or in possession of an entry visa valid for one of these countries.
4. The following persons shall be exempt from the ATV requirement:
   – holders of diplomatic and service passports;
– holders of one of the residence permits listed in Part III;
– flight crew who are nationals of a Contracting Party to the Chicago Convention.

5. Only when nationals are not in possession of a valid residence permit for the Member States of the EEA, Canada or the United States.
6. Only when nationals are not in possession of a valid visa or residence permit for a Member State of the EU or a State party to the Agreement on the European Economic Area of 2 May 1992, Canada, Switzerland or the United States.

7. Only for holders of the travel document for Palestinian refugees.

8. Indian nationals are not subject to the ATV requirement if they are holders of a diplomatic or service passport. Indian nationals are also not subject to the ATV requirement if they are in possession of a valid visa or residence permit for a country of the EU or the EEA or for Canada, Switzerland or the United States. In addition, Indian nationals are not subject to the ATV requirement if they are in possession of a valid residence permit for Andorra, Japan, Monaco or San Marino and a re-entry permit for their country of residence valid for three months following their airport transit.

   It should be noted that the exception concerning Indian nationals in possession of a valid residence permit for Andorra, Japan, Monaco or San Marino enters into force on the date of Denmark's integration into Schengen cooperation, i.e. on 25 March 2001.

9. Also for holders of the travel document for Palestinian refugees.;
(g) In Annex 7, the following is inserted between the entries for Belgium and Denmark:

"CZECH REPUBLIC

Reference amounts are fixed by Act No 326/1999 Sb. on Residence of Aliens in the Territory of the Czech Republic and Amendments of Some Acts.

According to Section 5 of the Act on Residence of Aliens in the Territory of the Czech Republic on the request of the Police, an alien shall be obliged to submit a document confirming that funds are available for his/her stay in the Territory (Section 13) or a certified invitation not older than 90 days from the date of its certification by the Police (Sections 15 and 180), Section 13 provides the following:

"Funds to Cover the Stay in the Territory

(1) Unless provided otherwise below, the following shall be submitted to prove the availability of funds for the stay in the Territory:
(a) funds amounting at least to the following:

- 0.5 times the subsistence minimum set out under a special legal regulation as required to cover maintenance and other basic personal needs (hereinafter the "Subsistence Minimum for Personal Needs") per day of stay if the total period of stay is not to exceed 30 days,

- 15 times the Subsistence Minimum for Personal Needs if the period of stay in the Territory is to exceed 30 days while this sum shall be increased to double the subsistence minimum for each whole month of expected stay in the Territory,

- 50 times the Subsistence Minimum for Personal Needs in case of stay for the purposes of business activity the total period of which is to exceed 90 days, or

- a document confirming the payment of services connected with the stay of the alien in the Territory or a document confirming that services will be provided free of charge.

(2) Instead of funds as referred to in sub-section 1, the following may be used to prove the availability of funds for the stay in the Territory:
(a) a bank account statement in the name of the alien confirming that the alien is free to use funds in the amount as referred to in sub-section 1 during his stay in the Czech Republic; or

(b) another document to certify that funds are available, such as a valid internationally recognised credit card.

(3) An alien who will study in the Territory may submit, as proof of availability of funds for his stay, a commitment by a state authority or a legal entity to cover the stay of the alien by providing funds equivalent to the Subsistence Minimum for Personal Needs for 1 month of expected stay, or a document confirming that all costs related to his studies and stay shall be covered by the receiving organisation (school). If the sum referred to in the undertaking does not reach this amount, the alien shall be obliged to submit a document proving the ownership of funds equivalent to the difference between the Subsistence Minimum for Personal Needs and the amount of the commitment for the period of his expected stay, however, not more than 6 times the Subsistence Minimum for Personal Needs. Document on the provision of means for one’s residence may be replaced by a decision or an agreement on the allocation of a grant acquired pursuant to an international treaty by which the Czech Republic is bound.

(4) An alien who has not attained 18 years shall be obliged to prove the
availability of funds for his stay pursuant to sub-section 1 equivalent to a half of the amount."
and Section 15 provides the following:

"Invitation

In an invitation, the person inviting an alien shall undertake to cover the costs:

(a) related to the maintenance of the alien throughout his stay in the Territory until he leaves the Territory;

(b) related to the accommodation of the alien throughout his stay in the Territory until he leaves the Territory;

(c) related to the provision of healthcare to the alien throughout his stay in the Territory until he leaves the Territory, and the transfer of the alien when ill or of the remains of the deceased;

(d) arising to the Police in connection with the alien staying in the Territory and leaving the Territory in case of administrative expulsion."
and, between the entries for Germany and Greece:

"ESTONIA

Under Estonian law, aliens arriving into Estonia without a letter of invitation, shall upon request by a border guard official upon entry into the country provide proof of sufficient monetary means to cover the costs of his/her stay in and departure from Estonia. Sufficient monetary means for each allowed day is considered to be 0,2 times the monthly minimum salary implemented by the Government of the Republic.

Otherwise the inviter shall assume responsibility for the costs of the alien's stay in and departure from Estonia."

and, between the entries for Italy and Luxembourg:
"CYPRUS

According to the Aliens and Immigration Regulations (Regulation (9(2)(B)) the entry of aliens for temporary stay in the Republic depends on the discretionary power of the immigration officers at the borders, which is exercised according to the general or specific instructions of the Minister of Interior or to the provisions of the above mentioned Regulations. The immigration officers at the borders decide on the entry on a case by case basis, taking into consideration the purpose and length of stay, possible hotel reservations or hospitality by persons normally residing in Cyprus.

LATVIA

Article 81 of Cabinet of Ministers' Regulation No 131 of 6 April 1999, as amended by Cabinet of Ministers' Regulation No 124 of 19 March 2002, stipulates that upon the request of an official of the State Border Guard, an alien or a stateless person shall present the documents referred to in sub-paragraph 67.2.2 and 67.2.8 of these Regulations:
"67.2.2. a health resort or travel voucher confirmed in accordance with the regulatory enactments of the Republic of Latvia, or a tourist carnet prepared pursuant to a specified pattern and issued by the Alliance of International Tourism (AIT);

67.2.8. for the receipt of a single entry visa:

67.2.8.1. traveller's cheques in the convertible currency or cash in LVL or in convertible currency corresponding to LVL 60 for each day; if the person presents the documents proving the payment already made for a certified place of accommodation for the whole duration of his/her stay – traveller's cheques in the convertible currency or cash in LVL or in convertible currency corresponding to LVL 25 for each day;

67.2.8.2. a document which certifies the reservation of a certified place of accommodation;

67.2.8.3. a round trip ticket with fixed dates."
LITHUANIA

Pursuant to Article 7(1) of the Lithuanian Law on the Legal Status of Aliens, an alien shall be refused admission to the Republic of Lithuania where he is unable to prove that he has sufficient funds for the stay in the Republic of Lithuania, a return trip to his country or for proceeding to another country which he has the right to enter.

However, there are no reference amounts for the above. Decisions are made on case-by-case basis depending on the purpose, type and duration of the stay."

and, between the entries for Luxembourg and the Netherlands:

"HUNGARY

A reference amount is specified in the aliens policing legislation: under Decree No 25/2001. (XI. 21.) of the Minister of Interior, currently at least HUF 1000 is required upon each entry.

Under Article 5 of the Aliens Act (Act XXXIX of 2001 on the Entry and Stay of Foreigners), the means of subsistence required for entry and stay may be certified by the presentation of:

- Hungarian currency or foreign currency or non-cash means of
payment (e.g. cheque, credit card etc.),
– a valid letter of invitation issued by a Hungarian national, a foreigner holding a residence permit or settlement permit or a legal entity if the person inviting the foreigner declares to cover the costs of the accommodation, lodging, health care and return (repatriation). The official consent of the aliens policing authority shall be attached to the letter of invitation,

– confirmation of board and lodging reserved and paid in advance by means of a travel agency (voucher),

– any other credible proof.

MALTA

It is the practice to ensure that persons entering Malta would have a minimum amount of MTL20 (EUR 48) per day for the duration of their visit."

and, between the entries for Austria and Portugal:
Amounts required for crossing borders are determined in the Ordinance of the Minister of Internal Affairs and Administration of 20 June 2002 on the amount of means to cover expenses concerning entry, transit, stay and departure of aliens crossing the border of the Republic of Poland and detailed rules of documentation evidencing possession of these means – Dz.U. 2002, Nr 91, poz. 815).

Amounts indicated in the above regulation are as follows:

- PLN 100 per day of stay for persons over 16 years old, but not less than 500 PLN,

- PLN 50 per day of stay for persons under 16 years old, but not less than 300 PLN,

- PLN 20 per day of stay, but not less then 100 PLN, for persons participating in tourist trips, youth camps, sport competitions or having costs of stay in Poland covered or arriving to Poland for health treatment in a sanatorium,

- PLN 300 for persons over 16 years old, whose stay in Poland does not exceed 3 days (including transit),
– PLN 150 for persons under 16 years old, whose stay in Poland does not exceed 3 days (including transit),"
and, between the entries for Portugal and Finland:

"SLOVENIA

EUR 70 per person for each day of the planned stay.

SLOVAKIA

Pursuant to Article 3(2c) of Act No 48/2002 Z.z. on the Stay of Aliens, an alien is obliged, upon request, to prove he or she has a financial amount for the stay, in convertible currency, amounting to at least half the minimum income provided for in Act No 90/1996 Z.z. on minimum income, as amended, for each day of the stay; an alien younger than 16 years old is obliged to prove he or she has the financial means for the stay amounting to half the minimum income.";
In the Annex to Annex 8, point 3 is replaced by the following:

"3. The logo consisting of a letter or letters indicating the issuing Member State (or "BNL" in the case of the Benelux countries, namely Belgium, Luxembourg and the Netherlands) with a latent image effect shall appear in this space. This logo shall appear light when held flat and dark when turned by 90°. The following logos shall be used: A for Austria, BNL for Benelux, CY for Cyprus, CZE for the Czech Republic, D for Germany, DK for Denmark, E for Spain, EST for Estonia, F for France, FIN for Finland, GR for Greece, H for Hungary, I for Italy, IRL for Ireland, LT for Lithuania, LVA for Latvia, M for Malta, P for Portugal, PL for Poland, S for Sweden, SK for Slovakia, SVN for Slovenia, UK for the United Kingdom."

2. 32001 R 0539: Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJ L 81, 21.3.2001, p. 1), as amended by:

In Annex II(1), the following entries are deleted:

"Cyprus",
"Czech Republic",
"Estonia",
"Hungary",
"Latvia",
"Lithuania",
"Malta",
"Poland",
"Slovakia",
"Slovenia".

C. EXTERNAL BORDERS


In the annexed document SCH/I-front (98) 184 rev 3, the list "I-Choice of locations currently considered suitable for document adviser assignments" is replaced by the following:
"On the basis of an evaluation of the current situation, consular representations and/or overseas offices of airlines and shipping companies at the following locations are considered suitable in principle for document adviser assignments (the list will be updated where the need arises):

- Abidjan (Côte d’Ivoire)
  Airlines
  Representations: France, Portugal

- Abu Dhabi (United Arab Emirates)
  Important transit airport for flights to Europe, so advice and training should be particularly for the benefit of the airlines

- Accra (Ghana)
  Airlines

- Ankara (Turkey)
  Airlines

- Bamako (Mali)
  Airlines
  Representations: France

- Bangkok (Thailand)
  Airlines
- Beirut (Lebanon):
  Airlines
  Shipping Lines
  Representations: Cyprus

- Bissau (Guinea Bissau)
  Airlines
  Representations: Portugal

- Brazzaville (Congo)
  Airlines
  Representations: France

- Cairo (Egypt):
  Airlines
  Shipping Lines
  Representations: Cyprus

- Casablanca (Morocco)
  Airlines
  Representations: Spain

- Colombo (Sri Lanka)
  Airlines
  Representations: France
– Dacca (Bangladesh)
  Airlines
  Representations: France

– Dakar (Senegal)
  Airlines
  Representations: France, Portugal, Spain

– Damascus (Syria):
  Airlines
  Representations: Cyprus

– Douala (Cameroon)
  Airlines
  Representations: France

– Dubai (United Arab Emirates)
  Important transit airport for flights to Europe, which means that advice and training should be of particular benefit to airlines

– Haiti
  Airlines
  Representations: France
– Ho Chi Minh City (Vietnam)
  Airlines
  Representations: France

– Hong Kong
  Airlines
  Representations: France

– Islamabad (Pakistan)
  Airlines
  Representations: Spain

– Istanbul (Turkey)
  Airlines
  Representations: Spain

– Karachi (Pakistan)
  Airlines
  Representations: Germany (intensive advice and training desirable).

– Kiev (Ukraine)
  Representations: Portugal

– Kuwait
  Airlines
- Lagos (Nigeria)
  Airlines
  Representations: Germany, France, Spain.

- Lima (Peru)
  Airlines
  Representations: Spain

- Luanda (Angola)
  Airlines
  Representations: Portugal

- Macao
  Airlines
  Representations: Portugal

- Malabo (Equatorial Guinea)
  Airlines
  Representations: Spain

- Maputo (Mozambique)
  Airlines
  Representations: Portugal
- Moscow (Russia)
  Airlines

- Nador (Morocco)
  Representations: Spain

- Nairobi (Kenya)
  Airlines
  Representations: Germany, France

- Peking (China)
  Airlines
  Representations: France, Spain

- Praia (Cape Verde)
  Airlines
  Representations: Portugal

- Rabat (Morocco)
  Airlines
  Representations: Spain

- Rio de Janeiro (Brazil)
  Airlines
  Representations: Portugal
– S. Tomé (S. Tomé e Principe)
  Airlines
  Representations: Portugal

– Sal (Cape Verde)
  Airlines
  Representations: Portugal

– Sanaa (Yemen)
  Airlines

– Santo Domingo (Dominican Republic)
  Airlines
  Representations: Spain

– Shanghai (China)
  Airlines
  Representations: France

– Skopje (Former Yugoslav Republic of Macedonia)
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– Tangiers (Morocco)
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  Shipping companies
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– Tetuan (Morocco)
  Representations: Spain

– Tirana (Albania)
  Airlines

– Tunis (Tunisia)
  Airlines

– Yaounde (Cameroon)
  Airlines
  Representations: France”.

PROTOCOL NO 1
ON AMENDMENTS TO THE STATUTE OF
THE EUROPEAN INVESTMENT BANK
PART ONE

AMENDMENTS TO THE STATUTE OF 
THE EUROPEAN INVESTMENT BANK

ARTICLE 1

The Protocol on the Statute of the European Investment Bank shall be amended as follows:

– Articles 3, 4(1) – first subparagraph, 11(2) – first, second and third subparagraphs, 12(2) and 13(1) – first subparagraph, shall be replaced by the following texts;

– a new fourth subparagraph shall be added after Article 11(2) third subparagraph;

"ARTICLE 3

In accordance with Article 266 of this Treaty, the following shall be members of the Bank:

– 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,
– the United Kingdom of Great Britain and Northern Ireland"
ARTICLE 4(1), FIRST SUBPARAGRAPH

"1. The capital of the Bank shall be EUR 163 727 670 000, subscribed by the Member States as follows:

Germany 26 649 532 500
France 26 649 532 500
Italy 26 649 532 500
United Kingdom 26 649 532 500
Spain 15 989 719 500
Belgium 7 387 065 000
Netherlands 7 387 065 000
Sweden 4 900 585 500
Denmark 3 740 283 000
Austria 3 666 973 500
Poland 3 635 030 500
Finland 2 106 816 000
Greece 2 003 725 500
Portugal 1 291 287 000
Czech Republic 1 212 590 000
Hungary 1 121 583 000
Ireland 935 070 000

1 The figures quoted for the new Member States are indicative and based on the forecast 2002 data published by Eurostat (New Cronos).
ARTICLE 11(2), FIRST, SECOND AND THIRD SUBPARAGRAPHS

"2. The Board of Directors shall consist of twenty-six (26) directors and sixteen (16) alternate directors.

The directors shall be appointed by the Board of Governors for five years, one nominated by each Member State, and one nominated by the Commission.

The alternate directors shall be appointed by the Board of Governors for five years as shown below:

- two alternates nominated by the Federal Republic of Germany,
two alternates nominated by the French Republic,
two alternates nominated by the Italian Republic,

two alternates nominated by the United Kingdom of Great Britain and Northern Ireland,

one alternate nominated by common accord of the Kingdom of Spain and the Portuguese Republic,

one alternate nominated by common accord of the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands,

one alternate nominated by common accord of the Kingdom of Denmark, the Hellenic Republic and Ireland,

one alternate nominated by common accord of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden,

three alternates nominated by common accord 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, one alternate nominated by the Commission."
ARTICLE 11(2), FOURTH SUBPARAGRAPH TO BE ADDED

"The Board of Directors shall co-opt six non-voting experts: three as members and three as alternates."

"ARTICLE 12(2)

2. Save as otherwise provided in this Statute, decisions of the Board of Directors shall be taken by at least one third of the members entitled to vote representing at least fifty per cent of the subscribed capital. A qualified majority shall require eighteen votes in favour and sixty-eight per cent of the subscribed capital. The rules of procedure of the Bank shall lay down the quorum required for the decisions of the Board of Directors to be valid."

ARTICLE 13(1), FIRST SUBPARAGRAPH

"1. The Management Committee shall consist of a President and eight Vice-Presidents appointed for a period of six years by the Board of Governors on a proposal from the Board of Directors. Their appointments shall be renewable."
PART TWO

TRANSITIONAL PROVISIONS

ARTICLE 2

The Kingdom of Spain shall pay the amount of EUR 309 686 775 as share of the capital paid in for its subscribed capital increase. This contribution shall be paid in eight equal instalments falling due on 30/09/2004, 30/09/2005, 30/09/2006, 31/03/2007, 30/09/2007, 31/03/2008, 30/09/2008 and 31/03/2009 ¹.

The Kingdom of Spain shall contribute, in eight equal instalments falling due on the dates referred above, to the reserves and provisions equivalent to reserves, as well as to the amount still to be appropriated to the reserves and provisions, comprising the balance of the profit and loss account, established at the end of the month preceding accession, as entered on the balance sheet of the Bank, in amounts corresponding to 4.1292% of the reserves and provisions.

¹ These dates are based on the assumption of effective accession of the new Member States at the latest two months before 30/09/2004.
ARTICLE 3

From the date of the accession, the new Member States shall pay the following amounts corresponding to their share of the capital paid in for the subscribed capital as defined in Article 4 of the Statute.¹

<table>
<thead>
<tr>
<th>Country</th>
<th>Amount (EUR)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Poland</td>
<td>181 751 525</td>
</tr>
<tr>
<td>Czech Republic</td>
<td>60 629 500</td>
</tr>
<tr>
<td>Hungary</td>
<td>56 079 150</td>
</tr>
<tr>
<td>Slovakia</td>
<td>20 424 475</td>
</tr>
<tr>
<td>Slovenia</td>
<td>18 971 450</td>
</tr>
<tr>
<td>Lithuania</td>
<td>12 542 600</td>
</tr>
<tr>
<td>Cyprus</td>
<td>9 037 350</td>
</tr>
<tr>
<td>Latvia</td>
<td>7 809 625</td>
</tr>
<tr>
<td>Estonia</td>
<td>5 758 600</td>
</tr>
<tr>
<td>Malta</td>
<td>3 692 450</td>
</tr>
</tbody>
</table>


¹ The figures quoted are indicative and based on the forecast 2002 data published by Eurostat (New Cronos).
² These dates are based on the assumption of effective accession of the new Member States at the latest two months before 30/09/2004.
ARTICLE 4

The new Member States shall contribute, in eight equal instalments falling due on the dates referred to in Article 3, to the reserves and provisions equivalent to reserves, as well as to the amount still to be appropriated to the reserves and provisions, comprising the balance of the profit and loss account, established at the end of the month preceding accession, as entered on the balance sheet of the Bank, in amounts corresponding to the following percentages of the reserves and provisions ¹:

<table>
<thead>
<tr>
<th>Country</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Poland</td>
<td>2.4234%</td>
</tr>
<tr>
<td>Czech Republic</td>
<td>0.8084%</td>
</tr>
<tr>
<td>Hungary</td>
<td>0.7477%</td>
</tr>
<tr>
<td>Slovakia</td>
<td>0.2723%</td>
</tr>
<tr>
<td>Slovenia</td>
<td>0.2530%</td>
</tr>
<tr>
<td>Lithuania</td>
<td>0.1672%</td>
</tr>
<tr>
<td>Cyprus</td>
<td>0.1205%</td>
</tr>
<tr>
<td>Latvia</td>
<td>0.1041%</td>
</tr>
<tr>
<td>Estonia</td>
<td>0.0768%</td>
</tr>
<tr>
<td>Malta</td>
<td>0.0492%</td>
</tr>
</tbody>
</table>

¹ The figures quoted are indicative and based on the forecast 2002 data published by Eurostat (New Cronos).
ARTICLE 5

The capital and payments provided for in Articles 2, 3 and 4 of this Protocol shall be paid in by the Kingdom of Spain and the new Member States in cash in euro, save by way of derogation decided unanimously by the Board of Governors.

ARTICLE 6

1. Upon accession, the Board of Governors shall appoint a director for each of the new Member States, as well as alternate directors, as indicated in Article 11(2) of the Statute.

2. The terms of office of the directors and alternate directors so appointed shall expire at the end of the annual meeting of the Board of Governors during which the annual report for the 2007 financial year is examined.

3. Upon accession, the Board of Directors shall co-opt the experts and the alternate experts.
PROTOCOL NO 2
ON THE RESTRUCTURING OF
THE CZECH STEEL INDUSTRY
1. Notwithstanding Articles 87 and 88 of the EC Treaty, State aid granted by the Czech Republic for restructuring purposes to specified parts of the Czech steel industry from 1997 to 2003 shall be deemed to be compatible with the common market provided that:

- the period provided for in Article 8(4) of Protocol 2 on ECSC products to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Czech Republic, of the other part, has been extended until the date of accession,

- the terms set out in the restructuring plan on the basis of which the above mentioned Protocol was extended are adhered to throughout the period 2002-2006,

- the conditions set out in this Protocol are met, and

- no State aid for restructuring is to be paid to the Czech steel industry after the date of accession.

2. Restructuring of the Czech steel sector, as described in the individual business plans of the companies listed in Annex 1, and in line with the conditions set out in this Protocol, shall be completed no later than

\[ \text{OJ L 360, 31.12.1994, p. 2.} \]
31 December 2006 (hereinafter referred to as "the end of the restructuring period").
3. Only companies listed in Annex 1 (hereinafter referred to as "benefiting companies") shall be eligible for State aid in the framework of the Czech steel restructuring programme.

4. A benefiting company may not:

(a) in the case of a merger with a company not included in Annex 1, pass on the benefit of the aid granted to the benefiting company;

(b) take over the assets of any company not included in Annex 1 which is declared bankrupt in the period up to 31 December 2006.

5. Any subsequent privatisation of any of the benefiting companies shall respect the conditions and principles regarding viability, State aids and capacity reduction defined in this Protocol.

6. The total restructuring aid to be granted to the benefiting companies shall be determined by the justifications set out in the approved Czech steel restructuring plan and individual business plans as approved by the Council. But in any case, the aid paid out in the period 1997-2003 is limited to a maximum amount of CZK 14 147 425 201. Of this total figure Nová Hutí receives a maximum of CZK 5 700 075 201, Vítkovice Steel receives a maximum of CZK 8 155 350 000 and Válcovny Plechu Frydek Mistek receives a maximum of CZK 292 000 000 depending on the requirements as set out in the approved restructuring plan. The aid shall only be granted
once. No further State aid shall be granted by the Czech Republic for restructuring purposes to the Czech steel industry.
7. The net capacity reduction to be achieved by the Czech Republic for finished products during the period 1997-2006 shall be 590 000 tonnes.

Capacity reduction shall be measured only on the basis of permanent closure of production facilities by physical destruction such that the facilities cannot be restored to service. A declaration of bankruptcy of a steel company shall not qualify as capacity reduction.

The above level of net capacity reduction, together with any other capacity reductions identified as necessary in the restructuring programmes, shall be completed in line with the timetable in Annex 2.

8. The Czech Republic shall remove trade barriers in the coal market in accordance with the acquis by accession, enabling Czech steel companies to obtain access to coal at international market prices.

9. The business plan for the benefiting company Nová Hut' shall be implemented. In particular:

(a) the Vysoke Pece Ostrava plant shall be brought into the organisational framework of Nová Hut' by acquisition of full ownership. A target date shall be set for this merger, including assignation of responsibility for its implementation;
(b) restructuring efforts shall concentrate on the following:

- evolving Nová Hůť from being production oriented to being marketing orientated and improving the efficiency and effectiveness of its business management, including greater transparency on costs,

- Nová Hůť reviewing its product mix and entry into higher added-value markets,

- Nová Hůť making the necessary investments in order to achieve a higher quality of finished products in the short term;

(c) employment restructuring shall be implemented; levels of productivity comparable to those obtained by EU steel industry product groups shall be reached by 31 December 2006, on the basis of the consolidated figures of the benefiting companies concerned;

(d) compliance with the relevant Community acquis in the field of environmental protection shall be achieved by accession including the necessary investments addressed in the business plan. In accordance with the business plan the necessary future IPPC-related investment shall also be made, in order to ensure compliance with Directive 96/61/EC concerning integrated pollution prevention and
control \textsuperscript{1} by 1 November 2007.

10. The business plan for the benefiting company Vítkovice Steel shall be implemented. In particular:

(a) the Duo Mill shall be permanently closed no later than 31 December 2006. In the event of purchase of the company by a strategic investor, the purchase contract shall be made conditional on this closure by this date;

(b) restructuring efforts shall concentrate on the following:

– an increase in direct sales and a greater focus on cost reduction, this being essential for more efficient business management,

– adapting to market demand and shifting towards higher value-added products,

– bringing forward the proposed investment in the secondary steel making process from 2004 to 2003, in order to allow the company to compete on quality rather than on price;

(c) compliance with the relevant Community acquis in the field of environmental protection shall be achieved by accession including the necessary investments addressed in the business plan, which include the need for future IPPC-related investment.
11. The business plan for the benefiting company Válkovny Plechu Frydek Mistek (VPFM) shall be implemented. In particular:

(a) the Hot Rolling Mills Nos 1 and 2 shall be permanently closed by the end of 2004;

(b) restructuring efforts shall concentrate on the following:

– making the necessary investment in order to reach a higher quality of finished product in the short term,

– giving priority to the implementation of key identified profit improvement opportunities (including employment restructuring, cost reductions, yield improvements and distribution reorientation).

12. Any subsequent changes in the overall restructuring plan and the individual plans must be agreed by the Commission and, where appropriate, by the Council.

13. The implementation of the restructuring shall take place under conditions of full transparency and on the basis of sound market economy principles.

14. The Commission and the Council shall closely monitor the implementation of the restructuring and the fulfilment of the conditions set out in this Protocol concerning viability, State aid and capacity reductions before
and after accession until the end of the restructuring period, in accordance with paragraphs 15 to 18. For this purpose the Commission shall report to the Council.
15. The Commission and the Council shall monitor the restructuring benchmarks set out in Annex 3.

16. Monitoring shall include an independent evaluation to be carried out in 2003, 2004, 2005 and 2006. The Commission's viability test shall be an important element in ensuring that viability is achieved.

17. The Czech Republic shall cooperate fully with all the arrangements for monitoring. In particular:

- the Czech Republic shall supply the Commission with 6-monthly reports concerning the restructuring of the benefiting companies, no later than 15 March and 15 September of each year until the end of the restructuring period,

- the first report shall reach the Commission by 15 March 2003 and the last report by 15 March 2007, unless the Commission decides otherwise,

- the reports shall contain all the information necessary to monitor the restructuring process and the reduction and use of capacity and shall provide sufficient financial data to allow an assessment to be made of whether the conditions and requirements contained in this Protocol have been fulfilled. The reports shall at the least contain the information set out in Annex 4, which the Commission reserves the right to modify in line with its experiences during the monitoring process. In addition to the
individual business reports of the companies listed in Annex 1, there shall also be a report on the overall situation of the Czech steel sector, including recent macroeconomic developments,
the Czech Republic shall oblige the benefiting companies to disclose all relevant data which might, under other circumstances, be considered as confidential. In its reporting to the Council, the Commission shall ensure that company-specific confidential information is not disclosed.

18. The Commission may at any time decide to mandate an independent consultant to evaluate the monitoring results, undertake any research necessary and report to the Commission and the Council.

19. If the Commission establishes, on the basis of the reports referred to in paragraph 16, that substantial deviations from the financial data on which the viability assessment has been made have occurred, it may require the Czech Republic to take appropriate measures to reinforce the restructuring measures of the benefiting companies concerned.

20. Should the monitoring show that:

(a) the conditions for the transitional arrangements contained in this Protocol have not been fulfilled, or that

(b) the commitments made in the framework of the extension of the period during which the Czech Republic may exceptionally grant State support for the restructuring of its steel industry under the Europe Agreement ¹

have not been fulfilled, or that
(c) the Czech Republic in the course of the restructuring period has granted additional incompatible State aid to the steel industry and to the benefiting companies in particular,

the transitional arrangements contained in this Protocol shall not have effect.

The Commission shall take appropriate steps requiring any company concerned to reimburse any aid granted in breach of the conditions laid down in this Protocol.
ANNEX I

COMPANIES BENEFITING FROM STATE AID
UNDER THE STEEL RESTRUCTURING PROGRAMME OF
THE CZECH REPUBLIC

NOVÁ HUŤ, a.s.
Vratimovská 689
707 02 Ostrava-Kunčice
Czech Republic

VÍTKOVICE STEEL, a. s.
Ruská 2887/101
706 02 Ostrava – Vítkovice
Czech Republic

VÁLCOVNY PLECHU, a.s.
Křižíkova 1377
Frýdek – Místeck
Czech Republic
## Annex II

### Timetable for Capacity Changes (Reductions and Increases) ¹

<table>
<thead>
<tr>
<th>Company</th>
<th>Facility</th>
<th>Capacity change (tpy)</th>
<th>Date of production change</th>
<th>Date of permanent closure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Poldi Hütte</td>
<td>Rolling mills V1-V8</td>
<td>-120 000</td>
<td>01.08.1999</td>
<td>31.05.20</td>
</tr>
<tr>
<td>Vitkovice Steel</td>
<td>Duo rolling mill</td>
<td>-130 000</td>
<td>30.06.2006</td>
<td>31.12.2006</td>
</tr>
<tr>
<td>Nova Hut</td>
<td>Heavy section mill – HCC</td>
<td>-600 000</td>
<td>31.08.2006</td>
<td>31.12.2006</td>
</tr>
<tr>
<td>Nova Hut</td>
<td>Section mill</td>
<td>+330 000</td>
<td>01.01.2007</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Net capacity change</td>
<td>-590 000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

¹ Capacity reductions should be permanent as defined in Commission Decision No 3010/91/ECSC (OJ L 286, 16.10.1991, p. 20.)
ANNEX III

RESTRUCTURING BENCHMARKS AND MONITORING

1. Viability

Taking into account the special accounting rules applied by the Commission, each benefiting company shall achieve a minimum annual gross operating result of turnover (10 % for non-integrated steel undertakings, 13.5 % for integrated steel mills) and a minimum return of 1.5 % of turnover on own capital no later than 31 December 2006. This shall be verified in the independent evaluation carried out annually between 2003 and 2006, as provided for in paragraph 17 of the Protocol.

2. Productivity

An overall productivity comparable with the one attained by the EU steel industry shall be achieved gradually by 31 December 2006. This shall be verified in the independent evaluation carried out annually between 2003 and 2006, as set out in paragraph 17 of the Protocol.

3. Cost reductions

Particular importance shall be attached to cost reductions as one of the key elements of viability. These shall be fully implemented, in
accordance with the business plans of the benefiting companies.
ANNEX IV

INDICATIVE LIST OF INFORMATION REQUIREMENTS

1. Production and market effects

   – monthly production of crude steel, semi-finished and finished products by category as well as by product range,

   – products sold, including volumes, prices and markets; breakdown by product range.

2. Investments

   – details of investments realised,

   – date of completion,

   – the costs of the investment, the sources of finance and the sum of any related aid involved,

   – the date of aid payment if any.
3. Workforce reductions

– number and timing of job losses,

– evolution in employment at beneficiary companies (distinguishing between direct and indirect employment).

4. Capacity (with regard to the entire steel sector in the Czech Republic)

– date or expected date of cessation of production of capacities expressed in MPP (MPP being the maximum possible annual production that can be obtained in ordinary working conditions) to be closed, and description of these,

– date (or expected date) of dismantling, as defined in Commission Decision No 3010/91/ECSC on the information to be furnished by steel undertakings about their investments ¹, of the installation concerned and details of the dismantling,

– date (or expected date) of introduction of new capacities and description of these,

– evolution in total capacity in the Czech Republic of crude steel and

finished products per category.
5. Cost

- breakdown of costs and their respective evolution in the past and in the future, in particular for workforce cost saving, energy consumption, raw material cost saving, accessories and external services reduction.

6. Financial performance

- evolution of selected key financial ratios to ensure progress is being made towards viability (the financial results and ratios must be provided in a way which allows comparisons with the company’s financial restructuring plan and must include the Commission’s viability test),

- level of financial charges,

- details and timing of aid granted,

- details and timing of the paying out of aid already granted,

- terms and conditions of any new loans (irrespective of source).
7. Privatisation

- selling price and treatment of existing liabilities,
- disposal of proceeds of sale,
- date of sale,
- financial position of company at the time of sale,
- value of the company/assets at the time of sale and method used for valuation.

8. Creation of a new company or new plants incorporating capacity extensions

- identity of each private and public sector participant,
- sources of their financing for the creation of the new company or new plants,
- terms and conditions of the private and the public shareholders' participation,
- management structure of the new company.
PROTOCOL NO 3
ON THE SOVEREIGN BASE AREAS OF
THE UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND IN CYPRUS
The High Contracting Parties,

RECALLING that the Joint Declaration on the Sovereign Base Areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus annexed to the Final Act of the Treaty concerning the Accession of the United Kingdom to the European Communities provided that the arrangements applicable to relations between the European Economic Community and the Sovereign Base Areas will be defined within the context of any agreement between the Community and the Republic of Cyprus;

TAKING ACCOUNT of the provisions concerning the Sovereign Base Areas set out in the Treaty concerning the Establishment of the Republic of Cyprus (hereafter referred to as the "Treaty of Establishment") and the associated Exchanges of Notes dated 16 August 1960;

NOTING the Exchange of Notes between the Government of the United Kingdom and the Government of the Republic of Cyprus concerning the administration of the Sovereign Base Areas, dated 16 August 1960, and the attached Declaration by the United Kingdom Government that one of the main objects to be achieved is the protection of the interests of those resident or working in the Sovereign Base Areas, and considering in this context that the said persons should have, to the extent possible, the same treatment as those resident or working in the Republic of Cyprus;
NOTING FURTHER the provisions of the Treaty of Establishment regarding customs arrangements between the Sovereign Base Areas and the Republic of Cyprus and in particular those of Annex F to the said Treaty;

NOTING ALSO the commitment of the United Kingdom not to create customs posts or other frontier barriers between the Sovereign Base Areas and the Republic of Cyprus and the arrangements made pursuant to the Treaty of Establishment whereby the authorities of the Republic of Cyprus administer a wide range of public services in the Sovereign Base Areas, including in the fields of agriculture, customs and taxation;

CONFIRMING that the accession of the Republic of Cyprus to the European Union should not affect the rights and obligations of the parties to the Treaty of Establishment;

RECOGNISING therefore the need to apply certain provisions of the Treaty establishing the European Community and related EC law to the Sovereign Base Areas and to make special arrangements regarding the implementation of these provisions in the Sovereign Base Areas,
HAVE AGREED UPON THE FOLLOWING PROVISIONS:

ARTICLE 1

Article 299(6)(b) of the Treaty establishing the European Community shall be replaced by the following:

"(b) This Treaty shall not apply to the United Kingdom Sovereign Base Areas of Akrotiri and Dhekelia in Cyprus except to the extent necessary to ensure the implementation of the arrangements set out in the Protocol on the Sovereign Base Areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus 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 to the European Union and in accordance with the terms of that Protocol."

ARTICLE 2

1. The Sovereign Base Areas shall be included within the customs territory of the Community and, for this purpose, the customs and common
commercial policy acts listed in Part I of the Annex to this Protocol shall apply to the Sovereign Base Areas with the amendments set out in the Annex.
2. The acts on turnover taxes, excise duties and other forms of indirect taxation listed in Part II of the Annex to this Protocol shall apply to the Sovereign Base Areas with the amendments set out in the Annex as well as the relevant provisions applying to Cyprus as set out in 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 to the European Union.

3. The acts listed in Part III of the Annex to this Protocol shall be amended as set out in the Annex to enable the United Kingdom to maintain the reliefs and exemptions from duties and taxes on supplies to its forces and associated personnel which are granted by the Treaty of Establishment.

ARTICLE 3

The following Treaty and related provisions shall apply to the Sovereign Base Areas:

(a) Title II of Part Three of the EC Treaty, on agriculture, and provisions adopted on their basis;

(b) Measures adopted under Article 152(4)(b) of the EC Treaty.
ARTICLE 4

Persons resident or employed in the territory of the Sovereign Base Areas who, under arrangements made pursuant to the Treaty of Establishment and the associated Exchange of Notes dated 16 August 1960, are subject to the social security legislation of the Republic of Cyprus shall be treated for the purposes of Council Regulation 1408/71 of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community¹ as if they were resident or employed in the territory of the Republic of Cyprus.

ARTICLE 5

1. The Republic of Cyprus shall not be required to carry out checks on persons crossing their land and sea boundaries with the Sovereign Base Areas and any Community restrictions on the crossing of external borders shall not apply in relation to such persons.

2. The United Kingdom shall exercise controls on persons crossing the external borders of the Sovereign Base Areas in accordance with the undertakings set out in Part IV of the Annex to this Protocol.

ARTICLE 6

The Council, acting unanimously on a proposal from the Commission, may, in order to ensure effective implementation of the objectives of this Protocol, amend Articles 2 to 5 above, including the Annex, or apply other provisions of the EC Treaty and related Community legislation to the Sovereign Base Areas on such terms and subject to such conditions as it may specify. The Commission shall consult the United Kingdom and the Republic of Cyprus before bringing forward a proposal.

ARTICLE 7

1. Subject to paragraph 2, the United Kingdom shall be responsible for the implementation of this Protocol in the Sovereign Base Areas. In particular:

(a) the United Kingdom shall be responsible for the application of the Community measures specified in this Protocol in the fields of customs, indirect taxation and the common commercial policy in relation to goods entering or leaving the island of Cyprus through a port or airport within the Sovereign Base Areas;

(b) customs controls on goods imported into or exported from the island of Cyprus by the forces of the United Kingdom through a port or airport in the Republic of Cyprus may be carried out within the Sovereign Base Areas;
Areas;
(c) the United Kingdom shall be responsible for issuing any licences, authorisations or certificates which may be required under any applicable Community measure in respect of goods imported into or exported from the island of Cyprus by the forces of the United Kingdom.

2. The Republic of Cyprus shall be responsible for the administration and payment of any Community funds to which persons in the Sovereign Base Areas may be entitled pursuant to the application of the common agricultural policy in the Sovereign Base Areas under Article 3 of this Protocol and the Republic of Cyprus shall be accountable to the Commission for such expenditure.

3. Without prejudice to paragraphs 1 and 2, the United Kingdom may delegate to the competent authorities of the Republic of Cyprus, in accordance with arrangements made pursuant to the Treaty of Establishment, the performance of any functions imposed on a Member State by or under any provision referred to in Articles 2 to 5 above.

4. The United Kingdom and the Republic of Cyprus shall cooperate to ensure the effective implementation of this Protocol in the Sovereign Base Areas and, where appropriate, shall conclude further arrangements concerning the delegation of the implementation of any of the provisions referred to in Articles 2 to 5 above. A copy of any such arrangements shall be submitted to the Commission.
ARTICLE 8

The arrangements provided for in this Protocol shall have the sole purpose of regulating the particular situation of the Sovereign Base Areas of the United Kingdom in Cyprus and shall not apply to any other territory of the Community, nor serve as a precedent, in whole or in part, for any other special arrangements which either already exist or which might be set up in another European territory provided for in Article 299 of the Treaty.

ARTICLE 9

The Commission shall report to the European Parliament and the Council every five years on the implementation of the provisions of this Protocol.
References in this Protocol to directives and regulations shall be interpreted as references to those directives and regulations as amended or substituted from time to time and their implementing acts.

PART ONE

1. Council Regulation (EEC) No 2913/92 of October 1992 establishing the Community Customs Code of which Article 3(2) shall be replaced by the following:

“the following territories situated outside the territory of the Member States shall, taking the conventions and treaties applicable to them into account, be considered to be part of the customs territory of the Community:

(a) FRANCE

The territory of the principality of Monaco as defined in the Customs Convention signed in Paris on 18 May 1963 (Journal officiel of 27 September 1963, p. 8679)

(b) CYPRUS
The territory of the United Kingdom Sovereign Base Areas of Akrotiri and Dhekelia as defined in the Treaty concerning the Establishment of the Republic of Cyprus, signed in Nicosia on 16 August 1960 (United Kingdom Treaty Series No 4 (1961) Cmnd. 1252)“;

3. Council Regulation (EEC) No 918/83 of 28 March 1983 setting up a Community system of reliefs from customs duty;


5. Council Regulation (EEC) No 3677/90 of 13 December 1990 laying down measures to be taken to discourage the diversion of certain substances to the illicit manufacture of narcotic drugs and psychotropic substances;


8. Council Regulation (EC) No 3295/94 of 22 December 1994 laying down measures to prohibit the release for free circulation, export, re-export or entry for a suspensive procedure of counterfeit and pirated goods;


PART TWO


   (a) Article 3(4), first subparagraph, shall be replaced by the following:

   "By way of derogation from paragraph 1, in view of:

   – the conventions and treaties which the Principality of Monaco and the Isle of Man have concluded respectively with the French Republic and the United Kingdom of Great Britain and Northern Ireland,"
the Treaty concerning the Establishment of the Republic of Cyprus, the Principality of Monaco, the Isle of Man and the United Kingdom Sovereign Base Areas of Akrotiri and Dhekelia shall not be treated for the purpose of the application of this Directive as third territories."

(b) Article 3(4), second subparagraph, shall be amended by the addition of a third indent as follows:

"– the United Kingdom Sovereign Base Areas of Akrotiri and Dhekelia are treated as transactions originating in or intended for the Republic of Cyprus."

2. Council Directive 92/12/EEC of 25 February 1992 on the general arrangements for products subject to excise duty and on the holding, movement and monitoring of such products: Article 2(4) shall be amended by the addition of a fifth indent as follows:

"– the United Kingdom Sovereign Base Areas of Akrotiri and Dhekelia are treated as transactions originating in or intended for the Republic of Cyprus."
PART THREE

1. Article 135 of Council Regulation (EEC) No 918/83 of 28 March 1983 setting up a Community system of reliefs from customs duty shall be amended by the addition of a new point (d), as follows:

"(d) by the United Kingdom of the reliefs on importations of goods for the use of its forces or the civilian staff accompanying them or for supplying their messes or canteens resulting from the Treaty of Establishment concerning the Republic of Cyprus, dated 16 August 1960".


(a) by the insertion of a fourth indent in Article 14(1) point (g), as follows:

"– The exemptions set out in the third indent, shall extend to imports by and supplies of goods and services to the forces of the United Kingdom stationed in the island of Cyprus pursuant to the Treaty of Establishment concerning the Republic of Cyprus, dated 16 August 1960, which are for the use of the forces or the civilian staff accompanying them or for supplying their messes or canteens."
(b) by the replacement of point (b) of Article 17(3) with the following:

"(b) transactions which are exempt under Article 14(1)(g)(i) and under Articles 15, and 16(1)(B) and (C), and paragraph 2".

3. Article 23(1), first subparagraph, of Council Directive 92/12/EEC of 25 February 1992 on the general arrangements for products subject to excise duty and on the holding, movement and monitoring of such products shall be amended by the addition of a new indent, as follows:

"– for the armed forces of the United Kingdom stationed in the island of Cyprus pursuant to the Treaty of Establishment concerning the Republic of Cyprus dated 16 August 1960, for the use of those forces, for the civilian staff accompanying them or for supplying their messes or canteens".

PART FOUR

1. In this Protocol:

(a) "external borders of the Sovereigns Base Areas" means their sea boundaries and their airports and seaports, but not their land or sea boundaries with the Republic of Cyprus;
(b) "crossing points" shall mean any crossing point authorised by the competent authorities of the United Kingdom for the crossing of external borders.
2. The United Kingdom shall only allow the external borders of the Sovereign Base Areas to be crossed at crossing points.

3. (a) Nationals of third countries shall only be permitted to cross the external borders of the Sovereign Base Areas if –

   (i) they possess a valid travel document;

   (ii) they are in possession of a valid visa for the Republic of Cyprus, if required;

   (iii) they are engaged in defence-related activity or are the family member of a person who is engaged in such activity; and

   (iv) they are not a threat to national security.

(b) The United Kingdom may only derogate from these conditions on humanitarian grounds, on grounds of national interest or in order to comply with its international obligations.

(c) For the purpose of the undertaking in letter (a)(ii) members of a force, civilian component and dependants, as defined in annex C to the Treaty of Establishment, shall be treated as not requiring a visa for the Republic of Cyprus.
4. The United Kingdom shall carry out checks on persons crossing the external borders of the Sovereign Base Areas. These checks shall include the verification of travel documents. All persons shall undergo at least one such check in order to establish their identity.

5. The competent authorities of the United Kingdom shall use mobile units to carry out external border surveillance between border crossing points and at crossing points outside of normal opening hours. This surveillance shall be carried out in such a way as to discourage people from circumventing the checks at crossing points. The competent authorities of the United Kingdom shall deploy enough suitably qualified officers to carry out checks and surveillance along the external borders of the Sovereign Base Areas.

6. The United Kingdom authorities shall maintain constant close cooperation with the authorities of the Republic of Cyprus with a view to the effective implementation of checks and surveillance.

7. (a) An applicant for asylum who first entered the island of Cyprus from outside the European Community by one of the Sovereign Base Areas shall be taken back or readmitted to the Sovereign Base Areas at the request of the Member State of the European Community in whose territory the applicant is present.

(b) The Republic of Cyprus, bearing in mind humanitarian considerations, shall work with the United Kingdom with a view to
devising practical ways and means of respecting the rights and satisfying the needs of asylum seekers and illegal migrants in the Sovereign Base Areas, in accordance with the relevant Sovereign Base Area Administration legislation.
DECLARATION BY THE EUROPEAN COMMISSION

The European Commission confirms its understanding that the provisions of Community law applicable to the Sovereign Base Areas pursuant to Article 3(a) of this Protocol include

(a) Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products;

PROTOCOL NO 4
ON THE IGALINA NUCLEAR POWER PLANT
IN LITHUANIA
THE HIGH CONTRACTING PARTIES,

DECLARING the Union's willingness to continue to provide adequate additional Community assistance to Lithuania's decommissioning effort also after Lithuania's accession to the European Union for the period until 2006 and beyond and noting that Lithuania, bearing in mind this expression of Union solidarity, has committed to close Unit 1 of the Ignalina Nuclear Power Plant before 2005 and Unit 2 by 2009,

RECOGNISING that the decommissioning of the Ignalina Nuclear Power Plant with two 1500 MW RBMK-type reactor units inherited from the former Soviet Union is of an unprecedented nature and represents for Lithuania an exceptional financial burden not commensurate with the size and economic strength of the country and that this decommissioning will continue beyond the Community's current Financial Perspective,

NOTING the need to adopt implementing provisions for the additional Community assistance to address the consequences of the closure and the decommissioning of the Ignalina Nuclear Power Plant,

NOTING that Lithuania will pay due attention to the needs of the regions most affected by the closure of the Ignalina Nuclear Power Plant in its use of Community assistance,
DECLARING that certain measures that will be supported through public aids shall be considered as compatible with the internal market, such as the decommissioning of the Ignalina Nuclear Power Plant, and the environmental upgrading in line with the acquis and modernisation of conventional electricity production capacity needed to replace the two Ignalina Nuclear Power Plant reactors after their closure,

HAVE AGREED AS FOLLOWS:

ARTICLE 1

Acknowledging the readiness of the Union to provide adequate additional Community assistance to the efforts by Lithuania to decommission the Ignalina Nuclear Power Plant and highlighting this expression of solidarity, Lithuania commits to the closure of Unit 1 of the Ignalina Nuclear Power Plant before 2005 and of Unit 2 of this plant by 31 December 2009 at the latest and to the subsequent decommissioning of these units.

ARTICLE 2

1. During the period 2004-2006, the Community shall provide Lithuania with additional financial assistance in support of its efforts to decommission and to address the consequences of the closure and decommissioning of the
Ignalina Nuclear Power Plant (hereinafter "the Ignalina Programme").
2. Measures under the Ignalina Programme shall be decided and implemented in accordance with the provisions laid down in Council Regulation (EEC) No 3906/89 of 18 December 1989 on economic aid to certain countries of Central and Eastern Europe\(^1\), as last amended by Regulation (EC) No 2500/2001\(^2\).

3. The Ignalina Programme shall, inter alia, cover: measures in support of the decommissioning of the Ignalina Nuclear Power Plant; measures for the environmental upgrading in line with the acquis and modernisation measures of conventional production capacity to replace the production capacity of the two Ignalina Nuclear Power Plant reactors; and other measures which are consequential to the decision to close and decommission this plant and which contribute to the necessary restructuring, environmental upgrading and modernisation of the energy production, transmission and distribution sectors in Lithuania as well as to enhancing the security of energy supply and improving energy efficiency in Lithuania.

4. The Ignalina Programme shall include measures to support plant personnel in maintaining a high level of operational safety at the Ignalina Nuclear Power Plant in the periods prior to the closure and during the decommissioning of the said reactor units.

5. For the period 2004-2006 the Ignalina Programme shall amount to EUR

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\(^1\) OJ L 375, 23.12.1989, p. 11.
285 million in commitment appropriations, to be committed in equal annual tranches.
6. The contribution under the Ignalina Programme may, for certain measures, amount to up to 100% of the total expenditure. Every effort should be made to continue the co-financing practice established under the pre-accession assistance for Lithuania's decommissioning effort as well as to attract co-financing from other sources, as appropriate.

7. The assistance under the Ignalina Programme, or parts thereof, may be made available as a Community contribution to the Ignalina International Decommissioning Support Fund, managed by the European Bank for Reconstruction and Development.

8. Public aid from national, Community and international sources:

   – for the environmental upgrading in line with the acquis and modernisation measures of the Lithuanian Thermal Power Plant in Elektrenai as the key replacement for the production capacity of the two Ignalina Nuclear Power Plant reactors; and

   – for the decommissioning of the Ignalina Nuclear Power Plant shall be compatible with the internal market as defined in the EC Treaty.

9. Public aid from national, Community and international sources in support of Lithuania's efforts to address the consequences of the closure and of the decommissioning of the Ignalina Nuclear Power Plant may, on a case by case basis, be considered to be compatible – under the EC Treaty – with the
internal market, in particular public aid provided for enhancing the security of energy supply.
ARTICLE 3

1. Recognising that the decommissioning of the Ignalina Nuclear Power Plant is of a long-term nature and represents for Lithuania an exceptional financial burden not commensurate with its size and economic strength, the Union shall, in solidarity with Lithuania, provide adequate additional Community assistance to the decommissioning effort beyond 2006.

2. The Ignalina Programme will be, for this purpose, seamlessly continued and extended beyond 2006. Implementing provisions for the extended Ignalina Programme shall be decided in accordance with the procedure laid down in Article 56 of the Act of Accession and enter into force, at the latest, by the date of expiry of the current Financial Perspective.

3. The Ignalina Programme, as extended in accordance with the provisions of Article 3(2) of this Protocol, shall be based on the same elements and principles as described in Article 2 of this Protocol.

4. For the period of the next Financial Perspectives, the overall average appropriations under the extended Ignalina Programme shall be appropriate. Programming of these resources will be based on actual payment needs and absorption capacity.

ARTICLE 4
Without any prejudice to the provisions of Article 1, the general safeguard clause referred to in Article 37 of the Act of Accession shall apply until 31 December 2012 if energy supply is disrupted in Lithuania.
PROTOCOL NO 5
ON THE TRANSIT OF PERSONS BY LAND
BETWEEN THE REGION OF KALININGRAD AND
OTHER PARTS OF THE RUSSIAN FEDERATION
THE HIGH CONTRACTING PARTIES,

CONSIDERING the particular situation of the region of Kaliningrad of the Russian Federation in the context of the Union's enlargement,

RECOGNISING the obligations and commitments of Lithuania with regard to the acquis establishing an area of freedom, security and justice,

NOTING, in particular, that Lithuania shall fully apply and implement the EC acquis regarding the list of countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement as well the EC acquis regarding the uniform format for a visa as from accession at the latest,

RECOGNISING that the transit of persons by land between the region of Kaliningrad and other parts of the Russian Federation through EU territory is a matter concerning the Union as a whole and should be treated as such and must not entail any unfavourable consequence for Lithuania,

CONSIDERING the decision to be taken by the Council to remove controls at internal borders after it has verified that the necessary conditions to that effect have been met,

DETERMINED to assist Lithuania in fulfilling the conditions for full participation in the Schengen area without internal frontiers as soon as
possible,
HAVE AGREED ON THE FOLLOWING PROVISIONS:

ARTICLE 1

The Community rules and arrangements on transit of persons by land between the region of Kaliningrad and other parts of the Russian Federation, and in particular Council Regulation [details] shall not in themselves delay or prevent the full participation of Lithuania in the Schengen acquis, including the removal of internal border controls.

ARTICLE 2

The Community shall assist Lithuania in implementing the rules and arrangements for the transit of persons between the region of Kaliningrad and the other parts of the Russian Federation with a view to Lithuania’s full participation in the Schengen area as soon as possible.

The Community shall assist Lithuania in managing the transit of persons between the region of Kaliningrad and the other parts of the Russian Federation and shall, notably, bear any additional costs incurred by implementing the specific provisions of the acquis provided for such transit.
ARTICLE 3

Without prejudice to the sovereign rights of Lithuania, any further decision concerning the transit of persons between the region of Kaliningrad and other parts of the Russian Federation will be only adopted after the accession of Lithuania by the Council acting unanimously on a proposal from the Commission.
PROTOCOL NO 6
ON THE ACQUISITION OF SECONDARY RESIDENCES IN MALTA
Bearing in mind the very limited number of residences in Malta and the very limited land available for construction purposes, which can only cover the basic needs created by the demographic development of the present residents, Malta may on a non-discriminatory basis maintain in force the rules on the acquisition and holding of immovable property for secondary residence purposes by nationals of the Member States who have not legally resided in Malta for at least five years laid down in the Immovable Property (Acquisition by Non-Residents) Act (Chapter 246).

Malta shall apply authorisation procedures for the acquisition of immovable property for secondary residence purposes in Malta, which shall be based on published, objective, stable and transparent criteria. These criteria shall be applied in a non-discriminatory manner and shall not differentiate between nationals of Malta and of other Member States. Malta shall ensure that in no instance shall a national of a Member State be treated in a more restrictive way than a national of a third country.

In the event that the value of one such property bought by a national of a Member State exceeds the thresholds provided for in Malta's legislation, namely 30 000 Maltese lira for apartments and 50 000 Maltese lira for any type of property other than apartments and property of historical importance, authorisation shall be granted. Malta may revise the thresholds established by such legislation to reflect changes in prices in the property market in Malta.
PROTOCOL NO 7
ON ABORTION IN MALTA
THE HIGH CONTRACTING PARTIES

HAVE AGREED UPON THE FOLLOWING PROVISION:

Nothing in the Treaty on European Union, or in the Treaties establishing the European Communities, or in the Treaties or Acts modifying or supplementing those Treaties, shall affect the application in the territory of Malta of national legislation relating to abortion.
PROTOCOL NO 8
ON THE RESTRUCTURING OF
THE POLISH STEEL INDUSTRY
1. Notwithstanding Articles 87 and 88 of the EC Treaty, State aid granted by Poland for restructuring purposes to specified parts of the Polish steel industry shall be deemed to be compatible with the common market provided that:

– the period provided for in Article 8(4) of Protocol 2 on ECSC products to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Poland, of the other part, has been extended until the date of accession,

– the terms set out in the restructuring plan on the basis of which, the abovementioned Protocol was extended, are adhered to throughout the period 2002-2006,

– the conditions set out in this Protocol are met, and

– no State aid for restructuring is to be paid to the Polish steel industry after the date of accession.

2. Restructuring of the Polish steel sector, as described in the individual business plans of the companies listed in Annex 1, and in line with the

\[\text{footnote 1} \quad \text{OJ L 348, 31.12.1993, p. 2.}\]
conditions set out in this Protocol, shall be completed no later than
31 December 2006 (hereinafter referred to as "the end of the restructuring
period").
3. Only companies listed in Annex 1 (hereinafter referred to as "benefiting companies") shall be eligible for State aid in the framework of the Polish steel restructuring programme.

4. A benefiting company may not:

(a) in the case of a merger with a company not included in Annex 1, pass on the benefit of the aid granted to the benefiting company;

(b) take over the assets of any company not included in Annex 1 which is declared bankrupt in the period up to 31 December 2006.

5. Any subsequent privatisation of any of the benefiting companies shall take place on a basis that respects the need for transparency and shall respect the conditions and principles regarding viability, state aids and capacity reduction defined in this Protocol. No further State aid shall be granted as part of the sale of any company or individual assets.

6. The restructuring aid granted to the benefiting companies shall be determined by the justifications set out in the approved Polish steel restructuring plan and individual business plans as approved by the Council. But in any case the aid paid out in the period of 1997-2003 and in its total amount shall not exceed PLN 3 387 070 000.
Of this total figure,

- as regards Polskie Huty Stali (hereinafter referred to as “PHS”), the restructuring aid already granted or to be granted since 1997 until the end of 2003 shall not exceed PLN 3,140,360,000. PHS has already received PLN 62,360,000 of restructuring aid in the period 1997-2001; it shall receive further restructuring aid of no more than PLN 3,078,000,000 in 2002 and 2003 depending on the requirements set out in the approved restructuring plan (to be entirely paid out in 2002 if the extension of the grace period under Protocol 2 of the Europe Agreement is granted by the end of 2002, or otherwise in 2003);

- as regards Huta Andrzej S.A., Huta Bankowa Sp. z o.o., Huta Batory S.A., Huta Buczek S.A., Huta L.W. Sp. z o.o., Huta Łabędy S.A., and Huta Pokój S.A. (hereinafter referred to as "other benefiting companies"), the steel restructuring aid already granted or to be granted from 1997 until the end of 2003 shall not exceed PLN 246,710,000. These firms have already received PLN 37,160,000 of restructuring aid in the period 1997-2001; they will receive further restructuring aid of no more than PLN 210,210,000 depending on the requirements set out in the approved restructuring plan (of which PLN 182,170,000 in 2002 and PLN 27,380,000 in 2003 if the extension of the grace period under Protocol 2 of the Europe Agreement is granted by the end of 2002, or otherwise PLN 210,210,000 in 2003).
No further State aid shall be granted by Poland for restructuring purposes to the Polish steel industry.
7. The net capacity reduction to be achieved by Poland for finished products during the period 1997-2006 shall be a minimum of 1 231 000 tonnes. This overall amount includes net capacity reductions of at least 715 000 tpy in hot rolled products and 716 000 tpy in cold rolled products, as well as an increase of at most 200 000 tpy of other finished products.

Capacity reduction shall be measured only on the basis of permanent closure of production facilities by physical destruction such that the facilities cannot be restored to service. A declaration of bankruptcy of a steel company shall not qualify as capacity reduction.

The net capacity reductions shown in Annex 2 are minima and actual net capacity reductions to be achieved and the time frame for doing so will be established on the basis of Poland's final restructuring programme and individual business plans under the Europe Agreement, taking into account the objective to ensure the viability of benefiting firms by 31 December 2006.

8. The business plan for the benefiting company PHS shall be implemented. In particular:

(a) restructuring efforts shall concentrate on the following:

- reorganising PHS production facilities on a product basis and ensuring horizontal organisation by function (purchasing, production, sales).
– establishing in PHS a unified management structure enabling full realisation of synergies in the consolidation,
– evolving the strategic focus of PHS from being production oriented to being marketing oriented,

– improving the efficiency and effectiveness of PHS business management and also ensuring better control of direct sales,

– PHS reviewing, on the basis of sound economic considerations, the strategy of spin-off companies and, where appropriate, reintegrating services into the parent company,

– PHS reviewing its product mix, reducing over-capacity on long semi-finished products and generally moving further into the higher value added product market,

  – PHS investing in order to achieve a higher quality of finished products; special attention shall be given to attaining by the date set in the timetable for the implementation of the PHS restructuring programme and at the latest by the end of 2006 3-Sigma production quality level at the PHS site in Kraków;

(b) cost savings shall be maximised in PHS during the restructuring period through energy efficiency gains, improved purchasing and ensuring productivity yields comparable to European Union levels;
(c) employment restructuring shall be implemented; levels of productivity comparable to those obtained by EU steel industry product groups shall be reached by 31 December 2006, based on consolidated figures including indirect employment in the wholly owned service companies;

(d) any privatisation shall be on a basis that respects the need for transparency and fully respects the commercial value of PHS. No further State aid shall be granted as part of the sale.

9. The business plan for the other benefiting companies shall be implemented. In particular:

(a) for all of the other benefiting companies, restructuring efforts shall concentrate on the following:

– evolving the strategic focus from being production oriented to being marketing oriented,

– improving the efficiency and effectiveness of the companies' business management and also ensuring better control of direct sales,

– reviewing, on the basis of sound economic considerations, the strategy of spin-off companies and, where appropriate, reintegrating services into the parent companies;
(b) for Huta Bankowa, implementing the cost savings programme;
(c) for Huta Buczek, obtaining the necessary financial support from creditors and local financial institutions and implementing the cost savings programme, including reducing the investment cost by adapting existing production facilities;

(d) for Huta Labedy, implementing the cost savings programme and reducing reliance on the mining industry;

(e) for Huta Pokoj, achieving international productivity standards in the subsidiaries, implementing energy consumption savings and cancelling the proposed investment in the processing and construction department;

(f) for Huta Batory, reaching agreement with creditors and financial institutions on debt rescheduling and investment loans. The company shall also ensure substantial additional cost savings associated with employment restructuring and improved yields;

(g) for Huta Andrzej, securing a stable financial base for its development by negotiating an agreement between the company’s current lenders, long-term creditors, trade creditors and financial institutions. Additional investments in the hot tube mill as well as the implementation of the staff reduction programme must take place,

(h) for Huta L.W., carrying out investments in relation to the company’s hot rolling mills project, lifting equipment, and environmental standing. This
company shall also achieve higher productivity levels, through staff restructuring and reducing the costs of external services.
10. Any subsequent changes in the overall restructuring plan and the individual plans must be agreed by the Commission and, where appropriate, by the Council.

11. The implementation of the restructuring shall take place under conditions of full transparency and on the basis of sound market economy principles.

12. The Commission and the Council shall closely monitor the implementation of the restructuring and the fulfilment of the conditions set out in this Protocol concerning viability, state aid and capacity reductions before and after accession, until the end of the restructuring period, in accordance with paragraphs 13 to 18. For this purpose the Commission shall report to the Council.

13. In addition to the monitoring of State aid, the Commission and the Council shall monitor the restructuring benchmarks set out in Annex 3.

14. Monitoring shall include an independent evaluation to be carried out in 2003, 2004, 2005 and 2006. The Commission's viability test shall be applied and productivity shall be measured as part of the evaluation.

15. Poland shall cooperate fully with all the arrangements for monitoring. In particular:

– Poland shall supply the Commission with 6-monthly reports concerning
the restructuring of the benefiting companies, no later than 15 March and 15 September of each year until the end of the restructuring period,
— the first report shall reach the Commission by 15 March 2003 and the last report by 15 March 2007, unless the Commission decides otherwise,

— the reports shall contain all the information necessary to monitor the restructuring process, the State aid and the reduction and use of capacity and shall provide sufficient financial data to allow an assessment to be made of whether the conditions and requirements contained in this Protocol have been fulfilled. The reports shall at the least contain the information set out in Annex 4, which the Commission reserves the right to modify in line with its experiences during the monitoring process. In addition to the individual business reports of the companies listed in Annex 1, there shall also be a report on the overall situation of the Polish steel sector, including recent macroeconomic developments,

— all additional information necessary for the independent evaluation provided for in paragraph 14 must, furthermore, be provided by Poland,

— Poland shall oblige the benefiting companies to disclose all relevant data which might, under other circumstances, be considered as confidential. In its reporting to the Council, the Commission shall ensure that company-specific confidential information is not disclosed.

16. The Commission may at any time decide to mandate an independent consultant to evaluate the monitoring results, undertake any research
necessary and report to the Commission and the Council.
17. If the Commission establishes, on the basis of the monitoring, that substantial deviations from the financial data on which the viability assessment has been made have occurred, it may require Poland to take appropriate measures to reinforce or modify the restructuring measures of the benefiting companies concerned.

18. Should the monitoring show that:

(a) the conditions for the transitional arrangements contained in this Protocol have not been fulfilled, or that

(b) the commitments made in the framework of the extension of the period during which Poland may exceptionally grant State support for the restructuring of its steel industry under the Europe Agreement ¹ have not been fulfilled, or that

(c) Poland in the course of the restructuring period has granted additional incompatible state aid to the steel industry and to the benefiting companies in particular,

the transitional arrangements contained in this Protocol shall not have effect.

The Commission shall take appropriate steps requiring any company

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concerned to reimburse any aid granted in breach of the conditions laid down in this Protocol.
ANNEX I

COMPANIES BENEFITING FROM STATE AID
UNDER THE STEEL RESTRUCTURING PROGRAMME
OF POLAND

"Polskie Huty Stali" S.A.
Katowice

Huta Andrzej S.A.
Zawadzkie

Huta Bankowa Sp. z o.o.
Dąbrowa Górnicza,

Huta Batory S.A.
Chorzów

Huta Buczek S.A.
Sosnowiec

Huta L.W.
Warszawa Sp. z o.o.,

Huta Łabędy S.A.
Gliwice

Huta Pokój S.A.
Ruda Śląska.
TIMETABLE FOR CAPACITY CHANGES
(REDUCTIONS AND INCREASES) ¹

<table>
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<tr>
<th>Company</th>
<th>Facility</th>
<th>Minimum Capacity change (tpy)</th>
<th>Date of production change</th>
<th>Date of permanent closure</th>
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<tr>
<td>PHS</td>
<td>Light and medium sections mill, Swietochlowice</td>
<td>-340 000</td>
<td>1997</td>
<td>1997</td>
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<tr>
<td>Labedy</td>
<td>Medium sections mill</td>
<td>-90 000</td>
<td>2000</td>
<td>2000</td>
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<td>PHS</td>
<td>Galvanising line, Swietochlowice</td>
<td>+100 000</td>
<td>2000</td>
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<td>PHS</td>
<td>Hot rolling strip mill, Krakow</td>
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<td>L.W.</td>
<td>Narrow cold rolling strip mill</td>
<td>-30 000</td>
<td>31.12.20 02</td>
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<td>Medium sections mill</td>
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<th>Change</th>
<th>Start Date</th>
<th>End Date</th>
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<td>Bankowa</td>
<td>Medium sections mill</td>
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<td>Wire rod mill, Sosnowiec</td>
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<td>Organic coated sheet line, Swietochlowice</td>
<td>+100 000</td>
<td>01.01.20 05</td>
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<tr>
<td>PHS</td>
<td>Cold rolling strip mills, Krakow (four-high reversing mill &amp; five stand rolling mill)</td>
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<td>PHS</td>
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<td>01.01.20 06</td>
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<td>Net capacity changes</td>
<td>-1 231 000</td>
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ANNEX III

RESTRUCTURING BENCHMARKS AND MONITORING

1. Viability

Taking into account the special accounting rules applied by the Commission, each benefiting company shall achieve a minimum annual gross operating result of turnover (10 % for non-integrated steel undertakings, 13,5 % for integrated steel mills) and a minimum return of 1,5% of turnover on own capital no later than 31 December 2006. This shall be verified in the independent evaluation carried out annually between 2003 and 2006, as provided for in paragraph 14 of the Protocol.

2. Productivity

An overall productivity based on consolidated cost and employment figures and direct employment figures comparable with the one attained by the EU steel industry shall be achieved gradually by 31 December 2006. This shall be verified in the independent evaluation carried out annually between 2003 and 2006, as provided for in paragraph 14 of the Protocol.
3. Cost reductions

Particular importance shall be attached to cost reductions as one of the key elements of viability. These shall be fully implemented, in accordance with the business plans of the benefiting companies. Cost reductions shall take place in the restructuring period with a view to reaching cost levels comparable to cost levels in the EU steel industry by the end of the restructuring period.
ANNEX IV

INDICATIVE LIST OF INFORMATION REQUIREMENTS

1. Production and market effects

   – monthly production and production forecast for the remaining restructuring period of crude steel, semi-finished and finished products by category as well as by product range,

   – products sold and sales forecast for the remaining restructuring period, including volumes, prices and markets; breakdown by product range.

2. Investments

   – details of investments realised,

   – date of completion,

   – the costs of the investment, the sources of finance and the sum of any related aid involved,
– the date of aid payment if any,

– details of investments planned.

3. Workforce reductions

– number and timing of job losses,

– evolution in employment at beneficiary companies (distinguishing between direct and indirect employment),

– breakdown of costs associated with employment and external service contracts.

4. Capacity (with regard to the entire steel sector in Poland)

– date or expected date of cessation of production of capacities expressed in MPP (MPP being the maximum possible annual production that can be obtained in ordinary working conditions) to be closed, and description of these,

– date (or expected date) of dismantling, as defined in Commission Decision No 3010/91/ECSC on the information to be
furnished by steel undertakings about their investments \(^1\), of the installation concerned and details of the dismantling,

– date (or expected date) of introduction of new capacities and description of these,

– evolution in total capacity in Poland of crude steel and finished products per category.

5. Cost

– breakdown of costs and their respective evolution in the past and in the future, in particular for workforce cost saving, energy consumption, raw material cost saving, accessories and external services reduction.

6. Financial performance

– evolution of selected key financial ratios to ensure progress is being made towards viability (the financial results and ratios must be provided in a way which allows comparisons with the company's financial restructuring plan and must include the Commission's viability test),

– level of financial charges,

– details and timing of aid granted,
- details and timing of the paying out of aid already granted,
– terms and conditions of any new loans (irrespective of source),

– audited financial statements.

7. Privatisation

– procedure used for privatisation,

– selling price, conditions applicable and treatment of existing liabilities,

– disposal of proceeds of sale,

– date of sale,

– financial position of company at the time of sale,

– value of the company/assets at the time of sale and method used for valuation.

8. Creation of a new company or new plants incorporating capacity extensions

– identity of each private and public sector participant,
– sources of their financing for the creation of the new company or new plants,
– terms and conditions of the private and the public shareholders' participation,

– management structure of the new company.

9. Any additional information deemed necessary for the independent evaluation provided for in paragraph 14 of the Protocol.
PROTOCOL NO 9
ON UNIT 1 AND UNIT 2 OF THE BOHUNICE V1
NUCLEAR POWER PLANT IN SLOVAKIA

AA 43/03 – AF/en 1
THE HIGH CONTRACTING PARTIES,

NOTING Slovakia's commitment to close Unit 1 and Unit 2 of the Bohunice V1 Nuclear Power Plant by 2006 and by 2008 respectively and declaring the Union's willingness to continue to provide until 2006 financial aid in continuation of the pre-accession aid planned under the Phare programme in support of Slovakia's decommissioning effort,

NOTING the need to adopt implementing provisions regarding the continued Community assistance,

HAVE AGREED AS FOLLOWS:

ARTICLE 1

Slovakia commits to the closure of Unit 1 of the Bohunice V1 Nuclear Power Plant by 31 December 2006 and Unit 2 of this plant by 31 December 2008 at the latest and to subsequent decommissioning of these units.
ARTICLE 2

1. During the period 2004-2006, the Community shall provide Slovakia with financial assistance in support of its efforts to decommission and to address the consequences of the closure and decommissioning of Unit 1 and Unit 2 of the Bohunice V1 Nuclear Power Plant (hereinafter referred to as "the Assistance").

2. The Assistance shall be decided and implemented – also after Slovakia's accession to the Union – in accordance with the provisions laid down in Council Regulation (EEC) No 3906/89 of 18 December 1989 on economic aid to certain countries of Central and Eastern Europe \(^1\), as last amended by Regulation (EC) No 2500/2001 \(^2\).

3. For the period 2004-2006 the Assistance shall amount to EUR 90 million in commitment appropriations, to be committed in equal annual tranches.

4. The Assistance or parts thereof may be made available as a Community contribution to the Bohunice International Decommissioning Support Fund, managed by the European Bank for Reconstruction and Development.

ARTICLE 3

\(^1\) OJ, L 375, 23.12.1989, p. 11.
The European Union acknowledges that the decommissioning of the Bohunice V1 Nuclear Power plant will have to continue beyond the current financial perspective and that this effort represents for Slovakia a significant financial burden. Decisions on the continuation of EU assistance in this field after 2006 will take the situation into account.

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,

AA 43/03 – AF/en 5
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 PRESIDENT OF THE REPUBLIC OF HUNGARY,

THE PRESIDENT OF THE REPUBLIC 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,

HIS MAJESTY THE KING 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.
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.

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 to the European Union 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 to the European Union 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

Annex V: List referred to in Article 24 of the Act of Accession:
Czech Republic
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

Annex VIII: List referred to in Article 24 of the Act of Accession: Latvia

Annex IX: List referred to in Article 24 of the Act of Accession:
   Lithuania

Annex X: List referred to in Article 24 of the Act of Accession:
   Hungary

Annex XI: List referred to in Article 24 of the Act of Accession: Malta

Annex XII: List referred to in Article 24 of the Act of Accession:
   Poland

Annex XIII: List referred to in Article 24 of the Act of Accession:
   Slovenia

Annex XIV: List referred to in Article 24 of the Act of Accession:
   Slovakia

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
C. The texts:

- of the Treaty establishing the European Community .......... .

- of the Treaty on 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

AA 43/03 – AF/DC/en 2
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<tr>
<td>United Kingdom</td>
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</table>
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. 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

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


20. 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

F. Joint Declarations by various new Member States

22. Joint Declarations 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 [27a] of 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. Declarations 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

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 of the Government of the Republic of Poland concerning public morality

AA 43/03 – AF/DC/en 10
40. Declaration by the Government of Poland on interpretation of
derogation from the requirements laid down in Directive 2001/81/EC
and in Directive 2001/83/EC.

M. Declarations by the Republic of Slovenia

41. Declaration on the future regional division of the Republic of
Slovenia

42. Declaration 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 safeguard clause, the internal market safeguard clause
and the justice and home affairs safeguard clause

44. Declaration by the Commission of the European Communities on
the conclusion 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. 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:

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<td>89.2</td>
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<td>118.3</td>
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<td><strong>Total</strong></td>
<td>1570.0</td>
<td>1715.0</td>
<td>1825.0</td>
<td>5110.0</td>
</tr>
</tbody>
</table>
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 92/96/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 shallendeavour 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. 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 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. 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 DECLARATIONS BY
THE SLOVAK REPUBLIC ON ARTICLE [27a] 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 [27a] 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 [27a] 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 [27a].

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 [27a] 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 European Commission on the general safeguard clause, the internal market safeguard clause and the justice and home affairs safeguard clause, annexed to this Final Act.
23. DECLARATION
BY THE REPUBLIC OF HUNGARY AND THE REPUBLIC OF SLOVENIA
ON ARTICLE [NUMBER] OF THE ACT OF ACCESSION

If the transitional period referred to in Article 28(l) 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 Article [number] of 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.
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 Estonia 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

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.
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. DECLARATIONS 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

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 III 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
OF 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
OF THE GOVERNMENT OF POLAND ON INTERPRETATION OF DEROGATION FROM THE REQUIREMENTS LAID DOWN IN DIRECTIVE 2001/81/EC AND IN DIRECTIVE 2001/83/EC

Poland considers that the pharmaceutical products on the list in Appendix [number to be added] with marketing authorisations can be marketed in Poland.
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

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 principles of proportionality, and that the inclusion of the issue in negotiations was not necessary.

N. DECLARATIONS
BY THE COMMISSION OF THE EUROPEAN COMMUNITIES

43. 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

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.
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 "acceding 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 acceding States
after being transmitted to the Council.

2. Consultations shall take place pursuant to a reasoned request by an
acceding 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 acceding 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 Articles 4(2) and 5(2) 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, the second sentence of Article 4(1) and in Article 4(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 Article 5(2) 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 Article 45 of the Act concerning the conditions of accession and the adjustments to the Treaties.