

**ЗАКЛЮЧИТЕЛЕН АКТ
НА ДОГОВОРА ЗА ПРИСЪЕДИНЯВАНЕ
КЪМ ЕВРОПЕЙСКИЯ СЪЮЗ 2005 г.**

**ACTA FINAL
DEL TRATADO RELATIVO A LA ADHESIÓN
A LA UNIÓN EUROPEA 2005**

**ZÁVĚREČNÝ AKT
SMLOUVY O PŘISTOUPENÍ
K EVROPSKÉ UNII 2005**

**SLUTAKT
TIL TRAKTATEN OM TILTRÆDELSE
AF DEN EUROPÆISKE UNION 2005**

**SCHLUSSAKTE
ZUM VERTRAG ÜBER DEN BEITRITT
ZUR EUROPÄISCHEN UNION 2005**

**2005. AASTA
EUROOPA LIIDUGA ÜHINEMISE LEPINGU
LÕPPAKT**

**ΤΕΛΙΚΗ ΠΡΑΞΗ
ΤΗΣ ΣΥΝΘΗΚΗΣ ΠΡΟΣΧΩΡΗΣΕΩΣ
ΣΤΗΝ ΕΥΡΩΠΑΪΚΗ ΕΝΩΣΗ 2005**

**FINAL ACT
TO THE TREATY OF ACCESSION
TO THE EUROPEAN UNION 2005**

**ACTE FINAL
DU TRAITE RELATIF A L'ADHESION
A L'UNION EUROPEENNE DE 2005**

**IONSTRAIM CHRÍOCHNAITHEACH
AN CHONARTHA AONTACHAIS
LEIS AN AONTAS EORPACH 2005**

**ATTO FINALE
DEL TRATTATO DI ADESIONE
ALL'UNIONE EUROPEA 2005**

**NOBEIGUMA AKTS
LĪGUMAM
PAR PIEVIENOŠANOS EIROPAS SAVIENĪBAI, 2005**

**2005 M. STOJIMO Į
EUROPOS SAJUNGA SUTARTIES
BAIGIAMASIS AKTAS**

**AZ EURÓPAI UNIÓHOZ TÖRTÉNŐ CSATLAKOZÁSRÓL SZÓLÓ SZERZŐDÉS
ZÁRÓOKMÁNYA
2005**

**L-ATT FINALI
GHAT-TRATTAT TA' L-ADEŻJONI
MA' L-UNJONI EWROPEA 2005**

**SLOTAKTE
BIJ HET VERDRAG BETREFFENDE DE TOETREDING
TOT DE EUROPESE UNIE 2005**

**AKT KOŃCOWY
DO TRAKTATU O PRZYSTĄPIENIU
DO UNII EUROPEJSKIEJ 2005**

**ACTA FINAL
DO TRATADO DE ADESÃO
À UNIÃO EUROPEIA DE 2005**

**ACT FINAL
AL TRATATULUI DE ADERARE
LA UNIUNEA EUROPEANĂ DIN 2005**

**ZÁVEREČNÝ AKT
K ZMLUVE O PRISTÚPENÍ
K EURÓPSKEJ ÚNII 2005**

**SKLEPNA LISTINA
POGODBE O PRISTOPU
K EVROPSKI UNIJI
2005**

**EUROOPAN UNIONIIN
LIITTYMISESTÄ 2005 TEHDYN SOPIMUKSEN
PÄÄTÖSASIAKIRJA**

**SLUTAKT
TILL FÖRDRAGET OM ANSLUTNING
TILL EUROPEISKA UNIONEN 2005**

FINAL ACT

I. TEXT OF THE FINAL ACT

1. The Plenipotentiaries of:

HIS MAJESTY THE KING OF THE BELGIANS,

THE REPUBLIC OF BULGARIA,

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 ROMANIA,

THE PRESIDENT OF THE REPUBLIC OF SLOVENIA,

THE PRESIDENT OF THE SLOVAK REPUBLIC,

THE PRESIDENT OF THE REPUBLIC OF FINLAND,

THE GOVERNMENT OF THE KINGDOM OF SWEDEN,

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

Assembled at Luxembourg on the twenty-fifth day of April in the year two thousand and five on the occasion of the signature of the Treaty between 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 (Member States of the European Union) and the Republic of Bulgaria and Romania concerning the accession of the Republic of Bulgaria and Romania to the European Union.

Have placed on record the fact that the following texts have been drawn up and adopted within the Conference between the Member States of the European Union and the Republic of Bulgaria and Romania concerning the accession of the Republic of Bulgaria and Romania to the European Union:

- I. the Treaty between 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 (Member States of the European Union) and the Republic of Bulgaria and Romania, concerning the accession of the Republic of Bulgaria and Romania to the European Union (hereinafter "the Treaty of accession");
- II. the texts of the Treaty establishing a Constitution for Europe, in the Bulgarian and Romanian languages;

- III. the Protocol concerning the conditions and arrangements for admission of the Republic of Bulgaria and Romania to the European Union (hereinafter "the Accession Protocol");
- IV. the texts listed below which are annexed to the Accession Protocol:
 - A. Annex I: List of conventions and protocols to which Bulgaria and Romania accede upon accession (referred to in Article 3(3) of the Protocol)

Annex II: 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 4(1) of the Protocol)

Annex III: List referred to in Article 16 of the Protocol: adaptations to acts adopted by the institutions

Annex IV: List referred to in Article 17 of the Protocol: supplementary adaptations to acts adopted by the institutions

Annex V: List referred to in Article 18 of the Protocol: other permanent provisions

- Annex VI: List referred to in Article 20 of the Protocol: transitional measures, Bulgaria
- Annex VII: List referred to in Article 20 of the Protocol: transitional measures, Romania
- Annex VIII: Rural development (referred to in Article 34 of the Protocol)
- Annex IX: Specific commitments undertaken, and requirements accepted, by Romania at the conclusion of the accession negotiations on 14 December 2004 (referred to in Article 39 of the Protocol);

- B. the texts of the Treaty establishing the European Atomic Energy Community and the Treaties amending or supplementing them in the Bulgarian and Romanian languages.
- V. the Act concerning the conditions of accession of the Republic of Bulgaria and Romania and the adjustments to the Treaties on which the European Union is founded (hereinafter "the Act of Accession");
- VI. the texts listed below which are annexed to the Act of Accession:
- A. Annex I: List of conventions and protocols to which Bulgaria and Romania accede upon accession (referred to in Article 3(3) of the Act of Accession)

- Annex II: 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 4(1) of the Act of Accession)
- Annex III: List referred to in Article 19 of the Act of Accession: adaptations to acts adopted by the institutions
- Annex IV: List referred to in Article 20 of the Act of Accession: supplementary adaptations to acts adopted by the institutions
- Annex V: List referred to in Article 21 of the Act of Accession: other permanent provisions
- Annex VI: List referred to in Article 23 of the Act of Accession: transitional measures, Bulgaria
- Annex VII: List referred to in Article 23 of the Act of Accession: transitional measures, Romania
- Annex VIII: Rural development (referred to in Article 34 of the Act of Accession)

Annex IX: Specific commitments undertaken, and requirements accepted, by Romania at the conclusion of the accession negotiations on 14 December 2004 (referred to in Article 39 of the Act of Accession);

- B. the texts of the Treaty on European Union, the Treaty establishing the European Community and of the Treaty establishing the European Atomic Energy Community, and the Treaties amending or supplementing them, including the Treaty concerning the accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland, the Treaty concerning the accession of the Hellenic Republic, the Treaty concerning the accession of the Kingdom of Spain and the Portuguese Republic, the Treaty concerning the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden, and the Treaty 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 in the Bulgarian and Romanian languages.

2. The High Contracting Parties have reached political agreement on a set of adaptations to acts adopted by the Institutions required by reason of accession and invite the Council and the Commission to adopt these adaptations before accession in accordance with Article 56 of the Accession Protocol or, as the case may be with Article 56 of the Act of Accession, as referred to in Article 4(3) of the Treaty of Accession, completed and updated where necessary to take account of the evolution of the law of the Union.

3. The High Contracting Parties undertake to communicate to the Commission and to each other all necessary information required for the application of the Accession Protocol or, as the case may be, of the Act of Accession. Where necessary, this information shall be provided in such good time before the date of accession as to enable the full application of the Accession Protocol or, as the case may be, of the Act of Accession, from the date of accession, in particular as regards the functioning of the internal market. In this context early notification under Article 53 of the Accession Protocol or, as the case may be, under Article 53 of the Act of Accession, of the measures adopted by Bulgaria and Romania is of primary importance. The Commission may inform the Republic of Bulgaria and Romania 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.

4. The Plenipotentiaries have taken note of the following Declarations which have been made and are annexed to this Final Act:
 - A. Joint Declarations by the present Member States
 1. Joint Declaration on the free movement of workers: Bulgaria
 2. Joint Declaration on grain legumes: Bulgaria
 3. Joint Declaration on the free movement of workers: Romania
 4. Joint Declaration on rural development: Bulgaria and Romania
 - B. Joint Declaration by the present Member States and the Commission
 5. Joint Declaration on Bulgaria's and Romania's preparations for accession
 - C. Joint Declaration by various present Member States
 6. Joint Declaration by the Federal Republic of Germany and the Republic of Austria on the free movement of workers: Bulgaria and Romania
 - D. Declaration by the Republic of Bulgaria
 7. Declaration by the Republic of Bulgaria on the use of the Cyrillic alphabet in the European Union
5. The Plenipotentiaries have taken note of the Exchange of Letters between the European Union and the Republic of Bulgaria and Romania 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 attached to this Final Act.

II. DECLARATIONS

A. JOINT DECLARATIONS BY THE PRESENT MEMBER STATES

1. JOINT DECLARATION

ON THE FREE MOVEMENT OF WORKERS: BULGARIA

The European Union 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 Bulgarian nationals under national law, with a view to speeding up the approximation to the acquis. As a consequence, the employment opportunities in the European Union for Bulgarian nationals should improve substantially upon Bulgaria'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.

2. JOINT DECLARATION ON GRAIN LEGUMES: BULGARIA

With regard to grain legumes an area of 18 047 ha has been taken into account for the calculation of Bulgaria's national ceiling in Annex VIII A to Regulation (EC) No 1782/2003 of 29 September 2003 (OJ L 270, 21.10.2003, p. 1).

3. JOINT DECLARATION ON THE FREE MOVEMENT OF WORKERS: ROMANIA

The European Union 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 Romanian nationals under national law, with a view to speeding up the approximation to the acquis. As a consequence, the employment opportunities in the European Union for Romanian nationals should improve substantially upon Romania'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.

**4. JOINT DECLARATION
ON RURAL DEVELOPMENT: BULGARIA AND ROMANIA**

With regard to the commitment appropriations for rural development originating from the EAGGF Guarantee Section for Bulgaria and Romania over the three-year period 2007-2009 mentioned in Article 34(2) of the Accession Protocol and Article 34(2) of the Act of Accession, the Union notes that the following allocations can be expected:

(EUR million, 2004 prices)

	2007	2008	2009	2007-2009
Bulgaria	183	244	306	733
Romania	577	770	961	2 308
Total	760	1 014	1 267	3 041

Bulgaria's and Romania's rural development allocations beyond the three year period 2007-2009 will be based on application of existing rules or those rules deriving from any policy reforms taking place in the meantime.

**B. JOINT DECLARATION
BY THE PRESENT MEMBER STATES AND THE COMMISSION**

**5. JOINT DECLARATION
ON BULGARIA'S AND ROMANIA'S PREPARATIONS FOR ACCESSION**

The European Union will continue to monitor closely Bulgaria's and Romania's preparations and achievements, including the effective implementation of the commitments undertaken in all areas of the *acquis*.

The European Union recalls the Presidency Conclusions of the European Council of 16/17 December 2004, in particular under points 8 and 12, underlining that, in the case of Romania, particular attention will be paid to preparation in the areas of Justice and Home Affairs, Competition and Environment, and that in the case of Bulgaria, particular attention will be paid to preparation in the area of Justice and Home Affairs. The Commission will continue to submit annual reports on Bulgaria's and Romania's progress towards accession, together with recommendations if appropriate. The European Union recalls that safeguard clauses provide for measures to address serious problems that may arise, as the case may be, before accession or in the three years after accession.

**C. JOINT DECLARATION
BY VARIOUS PRESENT MEMBER STATES**

**6. JOINT DECLARATION
BY THE FEDERAL REPUBLIC OF GERMANY AND THE REPUBLIC OF AUSTRIA
ON THE FREE MOVEMENT OF WORKERS: BULGARIA AND ROMANIA**

The wording of point 13 of the transitional measures on the free movement of workers under Directive 96/71/EC in Annexes VI and VII to both the Accession Protocol and the Act of Accession 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.

D. DECLARATION BY THE REPUBLIC OF BULGARIA**7. DECLARATION BY THE REPUBLIC OF BULGARIA
ON THE USE OF THE CYRILLIC ALPHABET IN THE EUROPEAN UNION**

With the recognition of Bulgarian as an authentic language of the Treaties as well as an official and working language to be used by the institutions of the European Union, the Cyrillic alphabet will become one of the three alphabets officially used in the European Union. This substantial part of the cultural heritage of Europe represents a particular Bulgarian contribution to the linguistic and cultural diversity of the Union.

III. EXCHANGE OF LETTERS

Exchange of Letters
between the European Union
and the Republic of Bulgaria and Romania
on an information and consultation procedure
for the adoption of certain decisions and other measures
to be taken during the period preceding accession

Letter No 1

Sir,

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

I hereby confirm that the European Union is able to agree to such a procedure, in the terms set out in the Annex to this letter, which could be applied with effect from 1 October 2004.

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 with effect from 1 October 2004.

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 Republic of Bulgaria and Romania, hereinafter referred to as the "accessing States", are kept adequately informed, any proposal, communication, recommendation or initiative which might lead to decisions by the institutions or bodies of the European Union shall be brought to the knowledge of the accessing States after being transmitted to the Council.
2. Consultations shall take place pursuant to a reasoned request by an accessing State, which shall set out expressly therein its interests as a future member of the Union and its observations.
3. Administrative decisions shall not, as a general rule, give rise to consultations.

4. Consultations shall take place within an Interim Committee composed of representatives of the Union and of the acceding States. Save for a reasoned objection from an acceding State, consultations may also take place in the form of the exchange of messages by electronic means, in particular in the common foreign and security policy.
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. Where appropriate, the members may be the Members of the Political and Security Committee. 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 or common positions 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.

11. The Union and the Republic of Bulgaria and Romania shall take the necessary measures to ensure that their accession to the agreements or conventions referred to in Articles 3(3), 6(2) and 6(6) of the Protocol concerning the conditions and arrangements for admission of the Republic of Bulgaria and Romania to the European Union and in Articles 3(3), 6(2) and 6(6) of the Act concerning the conditions of accession of the Republic of Bulgaria and Romania coincides so far as possible, and under the conditions laid down in that Protocol and in that Act, with the entry into force of the Treaty of Accession.
12. Insofar as the agreements or conventions among Member States exist only in draft and probably cannot 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.

13. With regard to the negotiation with the co-contracting parties of the protocols referred to in Article 6(2), second subparagraph, of the Protocol concerning the conditions and arrangements for admission of the Republic of Bulgaria and Romania to the European Union and in Article 6(2), second subparagraph, of the Act concerning the conditions of accession of the Republic of Bulgaria and Romania, 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.
14. 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.

III.

15. The institutions shall, in due course, draw up the texts referred to in Articles 58 and 60 of the Protocol concerning the conditions and arrangements for admission of the Republic of Bulgaria and Romania to the European Union and in Articles 58 and 60 of the Act concerning the conditions of accession of the Republic of Bulgaria and Romania. To that end, the Governments of the Republic of Bulgaria and of Romania shall provide the institutions with translations of those texts in a timely manner.