

FINAL ACT

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I. TEXT OF THE FINAL ACT

1. The Plenipotentiaries of:

HIS MAJESTY THE KING OF THE BELGIANS,

THE PRESIDENT OF 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 IRELAND,

THE PRESIDENT OF THE HELLENIC REPUBLIC,

HIS MAJESTY THE KING OF SPAIN,

THE PRESIDENT OF THE FRENCH REPUBLIC,

THE REPUBLIC OF CROATIA,

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 Brussels on the ninth day of December in the year two thousand and eleven on the occasion of the signature of the Treaty between the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, Ireland, the Hellenic Republic, the Kingdom of Spain, the French Republic, 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, Romania, 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 Croatia concerning the accession of the Republic of Croatia 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 Croatia concerning the accession of the Republic of Croatia to the European Union:

- I. the Treaty between the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, Ireland, the Hellenic Republic, the Kingdom of Spain, the French Republic, 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, Romania, 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 Croatia concerning the accession of the Republic of Croatia to the European Union (hereinafter "the Treaty of Accession");

- II. the Act concerning the conditions of accession of the Republic of Croatia and the adjustments to the Treaty on European Union, the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community (hereinafter "the Act of Accession");

III. the texts listed below which are annexed to the Act of Accession:

A. Annex I: List of conventions and protocols to which the Republic of Croatia accedes upon accession (referred to in Article 3(4) 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 Republic of Croatia as of accession (referred to in Article 4(1) of the Act of Accession),

Annex III: List referred to in Article 15 of the Act of Accession: adaptations to acts adopted by the institutions,

Annex IV: List referred to in Article 16 of the Act of Accession: other permanent provisions,

Annex V: List referred to in Article 18 of the Act of Accession: transitional measures,

Annex VI: Rural development (referred to in Article 35(2) of the Act of Accession),

- Annex VII: Specific commitments undertaken by the Republic of Croatia in the accession negotiations (referred to in Article 36(1), second subparagraph, of the Act of Accession),
- Annex VIII: Commitments undertaken by the Republic of Croatia on the restructuring of the Croatian shipbuilding industry (referred to in Article 36(1), third subparagraph, of the Act of Accession),
- Annex IX: Commitments undertaken by the Republic of Croatia on the restructuring of the steel sector (referred to in Article 36(1), third subparagraph, of the Act of Accession);
- B. Protocol on certain arrangements concerning a possible one-off transfer of assigned amount units issued under the Kyoto Protocol to the United Nations Framework Convention on Climate Change to the Republic of Croatia, as well as the related compensation;

- C. the texts of the Treaty on European Union, the Treaty on the Functioning of the European Union 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, 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 and the Treaty concerning the accession of the Republic of Bulgaria and Romania in the Croatian language.
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 50 of the Act of Accession, as referred to in Article 3(4) 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 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 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 47 of the Act of Accession of the measures adopted by the Republic of Croatia is of primary importance. The Commission may inform the Republic of Croatia of the time by which it considers it appropriate to receive or transmit specific information.

By this day of signature, the High Contracting Parties have been 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 Declaration by the present Member States

Joint Declaration on the full application of the provisions of the Schengen *acquis*

- B. Joint Declaration by various present Member States

Joint Declaration by the Federal Republic of Germany and the Republic of Austria on the free movement of workers: Croatia

C. Joint Declaration by the present Member States and the Republic of Croatia

Joint Declaration on the European Development Fund

D. Declaration by the Republic of Croatia

Declaration by the Republic of Croatia concerning the transitional arrangement for the liberalisation of the Croatian agricultural land market

5. The Plenipotentiaries have taken note of the Exchange of Letters between the European Union and the Republic of Croatia 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 DECLARATION BY THE PRESENT MEMBER STATES

Joint Declaration on the full application of the provisions of the Schengen *acquis*

It is understood that the agreed procedures for the future full application by the Republic of Croatia of all provisions of the Schengen *acquis* - as they will be included in the Treaty concerning the accession of Croatia to the Union ("Croatia's Treaty of Accession") - are without prejudice to and have no implications for the decision to be taken by the Council for the full application of the provisions of the Schengen *acquis* in the Republic of Bulgaria and Romania.

The decision of the Council on the full application of the provisions of the Schengen *acquis* in Bulgaria and Romania shall be taken on the basis of the procedure laid down in that respect in the Treaty concerning the accession of Bulgaria and Romania to the Union and in line with the Council Conclusions of 9 June 2011 on the completion of the process of evaluation of the state of preparedness of Bulgaria and Romania to implement all provisions of the Schengen *acquis*.

The agreed procedures for the future full application by Croatia of all provisions of the Schengen *acquis* - as they will be included in Croatia's Treaty of Accession - do not create a legal obligation in any other context than that of Croatia's Treaty of Accession.

B. JOINT DECLARATION BY VARIOUS PRESENT MEMBER STATES

Joint Declaration by the Federal Republic of Germany
and the Republic of Austria on the free movement of workers: Croatia

The wording of paragraph 12 of the transitional measures on the free movement of workers under Directive 96/71/EC in Annex V, Section 2, to 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.

**C. JOINT DECLARATION BY THE PRESENT MEMBER STATES
AND THE REPUBLIC OF CROATIA**

Joint Declaration on the European Development Fund

The Republic of Croatia will accede to the European Development Fund as of the entry into force of the new Multiannual Financial Framework of Cooperation following its accession to the Union and will contribute to it as of 1 January of the second calendar year following the date of its accession.

D. DECLARATION BY THE REPUBLIC OF CROATIA

Declaration by the Republic of Croatia concerning the transitional arrangement for the liberalisation of the Croatian agricultural land market

Having regard to the transitional arrangement with respect to the acquisition of agricultural land in the Republic of Croatia by natural and legal persons from the EU/EEA, as provided for in Annex V of the Act of Accession,

Having regard to the provision which stipulates that the Commission, at the request of the Republic of Croatia, shall decide upon the extension of the seven-year transitional period for an additional three years, provided that there is sufficient evidence that, upon expiry of the seven-year transitional period, there will be serious disturbances or a threat of serious disturbances on the agricultural land market of the Republic of Croatia,

The Republic of Croatia declares that, should the above-mentioned extension of the transitional period be granted, it will endeavour to carry out the necessary steps to liberalise the acquisition of agricultural land in the specified areas before the expiry of the fixed three-year period.

III. EXCHANGE OF LETTERS
BETWEEN THE EUROPEAN UNION
AND THE REPUBLIC OF CROATIA
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 in respect of the Republic of Croatia as of the date on which the Accession Conference declares that the accession negotiations have been finally concluded.

I would be obliged if you could confirm that your 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 Croatia is kept adequately informed, any proposal, communication, recommendation or initiative which is intended to lead to the adoption of a legal act of the European Parliament and Council, the Council, or the European Council shall be brought to the knowledge of Croatia after being transmitted to the Council or the European Council.
2. Consultations shall take place pursuant to a reasoned request by Croatia, 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 Croatia. Save for a reasoned objection from the Union or Croatia, consultations may also take place in the form of an exchange of messages by electronic means, in particular in common foreign and security policy matters.

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 of the Interim Committee may be the members of the Political and Security Committee. The Commission shall be adequately represented.
6. The Interim Committee shall be assisted by a Secretariat, which shall be that of the Accession Conference, continued for this purpose.
7. Consultations shall take place as soon as the preparatory work carried out at Union level with a view to the adoption of the acts mentioned in paragraph 1 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 Croatia.
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 Croatia which might affect the commitments resulting from its position as a future member of the Union.

II.

11. The Union and Croatia shall take the necessary measures to ensure that the latter's accession to the agreements or conventions and protocols referred to in Articles 3(4), 6(2) and 6(5) of the Act concerning the conditions of accession of the Republic of Croatia and the adjustments to the Treaties on which the European Union is founded, hereinafter referred to as "the Act of Accession", coincides so far as possible with the entry into force of the Treaty of Accession.
12. With regard to the negotiations with the co-contracting parties of the protocols referred to in the second subparagraph of Article 6(2) of the Act of Accession, the representatives of Croatia shall be associated with the work as observers, side by side with the representatives of the present Member States.
13. Certain non-preferential agreements concluded by the Union, 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 Union in association with the representatives of Croatia in accordance with the procedure referred to in paragraph 12.

III.

14. The institutions shall, in due course, draw up the texts referred to in Article 52 of the Act of Accession. To that end, Croatia shall provide the institutions with translations of those texts in a timely manner.
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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 in respect of the Republic of Croatia as of the date on which the Accession Conference declares that the accession negotiations have been finally concluded.

I would be obliged if you could 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,