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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

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,

UNITED in their desire to pursue the attainment of the objectives of the European Union,

DETERMINED to continue the process of creating an ever closer union among the peoples of Europe on the foundations already laid,

CONSIDERING that Article I-58 of the Treaty establishing a Constitution for Europe, like Article 49 of the Treaty on European Union, affords European States the opportunity of becoming members of the Union,

CONSIDERING that the Republic of Bulgaria and Romania have applied to become members of the Union,

CONSIDERING that the Council, 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,

CONSIDERING that, at the time of signature of this Treaty, the Treaty establishing a Constitution for Europe was signed but not yet ratified by all Member States of the Union and that the Republic of Bulgaria and Romania will join the European Union as constituted on 1 January 2007,

HAVE AGREED on the conditions and arrangements for admission, and to this end have designated as their Plenipotentiaries:

HIS MAJESTY THE KING OF THE BELGIANS,

Karel DE GUCHT

Minister for Foreign Affairs

Didier DONFUT

State Secretary for European Affairs, attached to the Ministry of Foreign Affairs

THE REPUBLIC OF BULGARIA,

Georgi PARVANOV

President

Simeon SAXE-COBURG

Prime Minister

Solomon PASSY

Minister of Foreign Affairs

Meglana KUNEVA

Minister of European Affairs

THE PRESIDENT OF THE CZECH REPUBLIC,

Vladimír MÜLLER

Deputy Minister for Union Affairs

Jan KOHOUT

Ambassador Extraordinary and Plenipotentiary,

Permanent Representative of the Czech Republic to the European Union

HER MAJESTY THE QUEEN OF DENMARK,

Friis Arne PETERSEN

Permanent Secretary of State

Claus GRUBE

Ambassador Extraordinary and Plenipotentiary,

Permanent Representative of the Kingdom of Denmark to the European Union

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY,

Hans Martin BURY

Minister of State for Europe

Wilhelm SCHÖNFELDER

Ambassador Extraordinary and Plenipotentiary,

Permanent Representative of the Federal Republic of Germany to the European Union

THE PRESIDENT OF THE REPUBLIC OF ESTONIA,

Urmas PAET

Minister for Foreign Affairs

Väino REINART,

Ambassador Extraordinary and Plenipotentiary,

Permanent Representative of the Republic of Estonia to the European Union

THE PRESIDENT OF THE HELLENIC REPUBLIC,

Yannis VALINAKIS

Deputy Minister for Foreign Affairs

Vassilis KASKARELIS

Ambassador Extraordinary and Plenipotentiary,

Permanent Representative of the Hellenic Republic to the European Union

HIS MAJESTY THE KING OF SPAIN,

Miguel Angel MORATINOS CUYAUBÉ

Minister for External Affairs and Cooperation

Alberto NAVARRO GONZÁLEZ

Secretary of State for the European Union

THE PRESIDENT OF THE FRENCH REPUBLIC,

Claudie HAIGNERÉ

Minister with responsibility for European Affairs, attached to the Minister for Foreign Affairs

Pierre SELLAL

Ambassador Extraordinary and Plenipotentiary,

Permanent Representative of the French Republic to the European Union

THE PRESIDENT OF IRELAND,

Dermot AHERN

Minister for Foreign Affairs

Noel TREACY

Minister of State for European Affairs

THE PRESIDENT OF THE ITALIAN REPUBLIC,

Roberto ANTONIONE

Under Secretary of State for Foreign Affairs

Rocco Antonio CANGELOSI

Ambassador Extraordinary and Plenipotentiary,

Permanent Representative of the Italian Republic to the European Union

THE PRESIDENT OF THE REPUBLIC OF CYPRUS,

George IACOVOU

Minister for Foreign Affairs

Nicholas EMILIOU

Ambassador Extraordinary and Plenipotentiary,

Permanent Representative of the Republic of Cyprus to the European Union

THE PRESIDENT OF THE REPUBLIC OF LATVIA,

Artis PABRIKS

Minister for Foreign Affairs

Eduards STIPRAIS

Ambassador Extraordinary and Plenipotentiary,

Permanent Representative of the Republic of Latvia to the European Union

THE PRESIDENT OF THE REPUBLIC OF LITHUANIA,

Antanas VALIONIS

Minister of Foreign Affairs

Albinas JANUSKA

Under-secretary at the Ministry of Foreign Affairs

HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG,

Jean-Claude JUNCKER

Prime Minister, Ministre d'Etat, Minister for Finance

Jean ASSELBORN

Deputy Prime Minister, Minister for Foreign Affairs and Immigration

THE PRESIDENT OF THE REPUBLIC OF HUNGARY,

Dr. Ferenc SOMOGYI

Minister for Foreign Affairs

Dr. Etele BARÁTH

Minister without portfolio responsible for European Union Affairs

THE PRESIDENT OF MALTA,

The Hon Michael FRENDU

Minister for Foreign Affairs

Richard CACHIA CARUANA

Ambassador Extraordinary and Plenipotentiary,

Permanent Representative of Malta to the European Union

HER MAJESTY THE QUEEN OF THE NETHERLANDS,

Dr. B.R. BOT

Minister for Foreign Affairs

Atzo NICOLAÏ

Minister for European Affairs

THE FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA,

Hubert GORBACH

Vice Chancellor

Dr. Ursula PLASSNIK

Federal Minister for Foreign Affairs

THE PRESIDENT OF THE REPUBLIC OF POLAND,

Adam Daniel ROTFELD

Minister of Foreign Affairs

Jarosław PIETRAS

Secretary of State for European Affairs

THE PRESIDENT OF THE PORTUGUESE REPUBLIC,

Diogo PINTO DE FREITAS DO AMARAL

Minister of State and Foreign Affairs

Fernando Manuel de MENDONÇA D'OLIVEIRA NEVES

Secretary of State for European Affairs

THE PRESIDENT OF ROMANIA,

Traian BĂSESCU

President

Călin POPESCU - TĂRICEANU

Prime Minister

Mihai - Răzvan UNGUREANU

Minister of Foreign Affaires

Leonard ORBAN

Chief Negotiator with the European Union

THE PRESIDENT OF THE REPUBLIC OF SLOVENIA,

Božo CERAR

State Secretary at the Ministry of Foreign Affairs

THE PRESIDENT OF THE SLOVAK REPUBLIC,

Eduard KUKAN

Minister of Foreign Affairs

József BERÉNYI

State Secretary of Foreign Affairs

THE PRESIDENT OF THE REPUBLIC OF FINLAND,

Eikka KOSONEN

Ambassador Extraordinary and Plenipotentiary,

Permanent Representative of the Republic of Finland to the European Union

THE GOVERNMENT OF THE KINGDOM OF SWEDEN,

Laila FREIVALDS

Minister for Foreign Affairs

Sven-Olof PETERSSON

Ambassador Extraordinary and Plenipotentiary,

Permanent Representative of the Kingdom of Sweden to the European Union

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

Sir John GRANT KCMG

Ambassador Extraordinary and Plenipotentiary,

Permanent Representative of the United Kingdom of Great Britain and Northern Ireland
to the European Union

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

HAVE AGREED AS FOLLOWS:

ARTICLE 1

1. The Republic of Bulgaria and Romania hereby become members of the European Union.
2. The Republic of Bulgaria and Romania become Parties to the Treaty establishing a Constitution for Europe and to the Treaty establishing the European Atomic Energy Community as amended or supplemented.
3. The conditions and arrangements for admission are set out in the Protocol annexed to this Treaty. The provisions of that Protocol shall form an integral part of this Treaty.
4. The Protocol, including its Annexes and Appendices, shall be annexed to the Treaty establishing a Constitution for Europe and to the Treaty establishing the European Atomic Energy Community, and its provisions shall form an integral part of those Treaties.

ARTICLE 2

1. In the event that the Treaty establishing a Constitution for Europe is not in force on the date of accession, the Republic of Bulgaria and Romania become Parties to the Treaties on which the Union is founded, as amended or supplemented.

In such event Article 1(2) to (4) shall become applicable from the date of entry into force of the Treaty establishing a Constitution for Europe.

2. The conditions of admission and the adjustments to the Treaties on which the Union is founded, entailed by such admission, which will apply from the date of accession until the date of entry into force of the Treaty establishing a Constitution for Europe, are set out in the Act annexed to this Treaty. The provisions of that Act shall form an integral part of this Treaty.

3. In the event that the Treaty establishing a Constitution for Europe enters into force after accession, the Protocol referred to in Article 1(3) shall replace the Act referred to in Article 2(2) on the date of entry into force of the said Treaty. In such event, the provisions of the aforementioned Protocol shall not be considered as creating a new legal effect, but as preserving, under the conditions laid down in the Treaty establishing a Constitution for Europe, the Treaty establishing the European Atomic Energy Community and that Protocol, the legal effects which have already been created by the provisions of the Act referred to in Article 2(2).

Acts adopted prior to the entry into force of the Protocol referred to in Article 1(3) on the basis of this Treaty or the Act referred to in paragraph 2 shall remain in force and their legal effects shall be preserved until those acts are amended or repealed.

ARTICLE 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 to which the Republic of Bulgaria and Romania become Parties shall apply in respect of this Treaty.

ARTICLE 4

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 31 December 2006 at the latest.
2. This Treaty shall enter into force on 1 January 2007 provided that all the instruments of ratification have been deposited before that date.

If, however, a State referred to in Article 1(1) has not deposited its instrument of ratification in due time, this Treaty shall enter into force for the other State which has deposited its instrument. In that case, the Council, acting unanimously, shall decide immediately upon such adjustments as have become indispensable to this Treaty, to Articles 10, 11(2), 12, 21(1), 22, 31, 34 and 46, Annex III, point 2(1)(b), 2(2) and 2(3) and Annex IV, section B, of the Protocol referred to in Article 1(3) and, as the case may be, to Articles 9 to 11, 14(3), 15, 24(1), 31, 34, 46 and 47, Annex III, point 2(1)(b), 2(2) and 2(3) and Annex IV, section B, of the Act referred to in Article 2(2); acting unanimously, it may also declare that those provisions of the aforementioned Protocol, including its Annexes and Appendices and, as the case may be, of the aforementioned Act, including its Annexes and Appendices, which refer expressly to a State which has not deposited its instrument of ratification have lapsed, or it may adjust them.

Notwithstanding the deposit of all necessary instruments of ratification in accordance with paragraph 1, this Treaty shall enter into force on 1 January 2008, if the Council adopts a decision concerning both acceding States under Article 39 of the Protocol referred to in Article 1(3), or under Article 39 of the Act referred to in Article 2(2) prior to the entry into force of the Treaty establishing a Constitution for Europe.

If such a decision is taken with respect to only one of the acceding States this Treaty shall enter into force for that State on 1 January 2008.

3. Notwithstanding paragraph 2, the institutions of the Union may adopt before accession the measures referred to in Articles 3(6), 6(2) second subparagraph, 6(4) second subparagraph, 6(7) second and third subparagraphs, 6(8) second subparagraph, 6(9) third subparagraph, 17, 19, 27(1) and (4), 28(4) and (5), 29, 30(3), 31(4), 32(5), 34(3) and (4), 37, 38, 39(4), 41, 42, 55, 56, 57 and Annexes IV to VIII of the Protocol referred to in Article 1(3). Such measures shall be adopted under the equivalent provisions in Articles 3(6), 6(2) second subparagraph, 6(4) second subparagraph, 6(7) second and third subparagraphs, 6(8) second subparagraph, 6(9) third subparagraph, 20, 22, 27(1) and (4), 28(4) and (5), 29, 30(3), 31(4), 32(5), 34(3) and (4), 37, 38, 39(4), 41, 42, 55, 56, 57 and Annexes IV to VIII of the Act referred to in Article 2(2), prior to the entry into force of the Treaty establishing a Constitution for Europe.

These measures shall enter into force only subject to and on the date of the entry into force of this Treaty.

ARTICLE 5

The text of the Treaty establishing a Constitution for Europe drawn up in the Bulgarian and Romanian languages shall be annexed to this Treaty. Those texts shall be authentic under the same conditions as the texts of the Treaty establishing a Constitution for Europe drawn up 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 Government of the Italian Republic shall remit to the Governments of the Republic of Bulgaria and Romania a certified copy of the Treaty establishing a Constitution for Europe in all the languages referred to in the first paragraph.

ARTICLE 6

This Treaty, drawn up in a single original in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, 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.

PROTOCOL
CONCERNING THE CONDITIONS AND ARRANGEMENTS FOR ADMISSION
OF THE REPUBLIC OF BULGARIA AND ROMANIA
TO THE EUROPEAN UNION

THE HIGH CONTRACTING PARTIES,

CONSIDERING that the Republic of Bulgaria and Romania become members of the European Union on 1 January 2007;

CONSIDERING that Article I-58 of the Treaty establishing a Constitution for Europe provides that the conditions and arrangements for admission shall be the subject of an agreement between the Member States and the candidate State;

HAVE AGREED UPON the following provisions, which shall be annexed to the Treaty establishing a Constitution for Europe and to the Treaty establishing the European Atomic Energy Community:

PART ONE

PRINCIPLES

ARTICLE 1

1. For the purposes of this Protocol:

- the expression "Constitution" means the Treaty establishing a Constitution for Europe;
- the expression "EAEC Treaty" means the Treaty establishing the European Atomic Energy Community, as supplemented or amended by treaties or other acts which entered into force before accession;
- the expression "present Member States" means 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;

- the expression "new Member States" means the Republic of Bulgaria and Romania;
- the expression "the institutions" means the institutions established by the Constitution.

2. The references in this Protocol to the Constitution and to the Union shall, where appropriate, be taken as references, respectively, to the EAEC Treaty and to the Community established by the EAEC Treaty.

ARTICLE 2

From the date of accession, the provisions of the Constitution, the EAEC Treaty and the acts adopted by the institutions before accession shall be binding on Bulgaria and Romania and shall apply in those States under the conditions laid down in the Constitution, in the EAEC Treaty and in this Protocol.

ARTICLE 3

1. Bulgaria and Romania accede to the decisions and agreements adopted by the Representatives of the Governments of the Member States meeting within the Council.
2. Bulgaria and Romania 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 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.
3. Bulgaria and Romania accede to the conventions and protocols listed in Annex I. Those conventions and protocols shall enter into force in relation to Bulgaria and Romania on the date determined by the Council in the decisions referred to in paragraph 4.
4. The Council, acting unanimously on a recommendation by the Commission and after consulting the European Parliament, shall adopt European decisions making all adjustments required by reason of accession to the conventions and protocols referred to in paragraph 3 and publish the adapted text in the Official Journal of the European Union.

5. Bulgaria and Romania undertake in respect of the conventions and protocols referred to in paragraph 3 to introduce administrative and other arrangements, such as those adopted by the date of accession by the present Member States or by the Council, and to facilitate practical cooperation between the Member States' institutions and organisations.
6. The Council, acting unanimously on a proposal from the Commission, may adopt European decisions supplementing Annex I with those conventions, agreements and protocols signed before the date of accession.
7. The particular instruments mentioned in this Article include those referred to in Article IV-438 of the Constitution.

ARTICLE 4

1. The provisions of the Schengen acquis, referred to in Protocol No 17 to the Constitution on the Schengen acquis integrated into the framework of the European Union, and the acts building upon it or otherwise related to it, listed in Annex II, as well as any further such acts adopted before the date of accession, shall be binding on and applicable in Bulgaria and Romania 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 Bulgaria and Romania from the date of accession, shall only apply in each of those States pursuant to a European decision of the Council 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 State.

The Council shall take its decision, after consulting the European Parliament, acting with the unanimity of its members representing the Governments of the Member States in respect of which the provisions referred to in this 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.

ARTICLE 5

Bulgaria and Romania shall participate in Economic and Monetary Union from the date of accession as Member States with a derogation within the meaning of Article III-197 of the Constitution.

ARTICLE 6

1. The agreements or conventions concluded or provisionally applied by the Union 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 Constitution and in this Protocol, be binding on Bulgaria and Romania.
2. Bulgaria and Romania undertake to accede, under the conditions laid down in this Protocol, to the agreements or conventions concluded or signed by the Union and the present Member States, acting jointly.

The accession of Bulgaria and Romania to the agreements or conventions concluded or signed by the Union and the present Member States acting jointly with particular third countries or international organisations shall be agreed by the conclusion of a protocol to such agreements or conventions between the Council, acting unanimously on behalf of the Member States, and the third country or countries or international organisation concerned. The Commission shall negotiate these protocols on behalf of the Member States on the basis of negotiating directives approved by the Council, acting unanimously, 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.

This procedure is without prejudice to the exercise of the Union's own competences and does not affect the allocation of powers between the Union and the Member States as regards the conclusion of such agreements in the future or any other amendments not related to accession.

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

4. As from the date of accession, and pending the entry into force of the necessary protocols referred to in paragraph 2, Bulgaria and Romania shall apply the provisions of the agreements or conventions concluded jointly by the Union and the present Member States before accession, with the exception of the agreement on the free movement of persons concluded with Switzerland. This obligation also applies to those agreements or conventions which the Union and the present Member States have agreed to apply provisionally.

Pending the entry into force of the protocols referred to in paragraph 2, the Union and the Member States, acting jointly as appropriate in the framework of their respective competences, shall take any appropriate measure.

5. Bulgaria and Romania accede 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 part¹, signed in Cotonou on 23 June 2000.

¹ OJ L 317, 15.12.2000, p. 3.

6. Bulgaria and Romania undertake to accede, under the conditions laid down in this Protocol, to the Agreement on the European Economic Area¹, in accordance with Article 128 of that Agreement.

7. As from the date of accession, Bulgaria and Romania shall apply the bilateral textile agreements and arrangements concluded by the Union with third countries.

The quantitative restrictions applied by the Union on imports of textile and clothing products shall be adjusted to take account of the accession of Bulgaria and Romania to the Union. To that effect, amendments to the bilateral agreements and arrangements referred to above may be negotiated by the Union 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 Union 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 Bulgaria and Romania.

¹ OJ L 1, 3.1.1994, p. 3.

8. The quantitative restrictions applied by the Union on imports of steel and steel products shall be adjusted on the basis of imports of Bulgaria and Romania 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 Union 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. Fisheries agreements concluded before accession by Bulgaria or Romania with third countries shall be managed by the Union.

The rights and obligations resulting for Bulgaria and Romania 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 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, Bulgaria and Romania shall withdraw from any free trade agreements with third countries, including the Central European Free Trade Agreement.

To the extent that agreements between Bulgaria, Romania or both those States on the one hand, and one or more third countries on the other, are not compatible with the obligations arising from this Protocol, Bulgaria and Romania shall take all appropriate steps to eliminate the incompatibilities established. If Bulgaria or Romania 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. Bulgaria and Romania accede under the conditions laid down in this Protocol to the internal agreements concluded by the present Member States for the purpose of implementing the agreements or conventions referred to in paragraphs 2, 5 and 6.

12. Bulgaria and Romania shall take appropriate measures, where necessary, to adjust their position in relation to international organisations, and to those international agreements to which the Union 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 Union is also a party, unless their membership relates to matters other than fisheries.

13. Where this Article refers to conventions and agreements concluded or signed by the Union, they include those referred to in Article IV-438 of the Constitution.

ARTICLE 7

A European law of the Council may repeal the transitional provisions set out in this Protocol, when they are no longer applicable. The Council shall act unanimously after consulting the European Parliament.

ARTICLE 8

1. Acts adopted by the institutions to which the transitional provisions laid down in this Protocol relate shall retain their status in law; in particular, the procedures for amending those acts shall continue to apply.
2. Provisions of this Protocol 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 9

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

PART TWO

ADJUSTMENTS TO THE CONSTITUTION

TITLE I

INSTITUTIONAL PROVISIONS

ARTICLE 10

1. Article 9, first paragraph, of Protocol No 3 on the Statute of the Court of Justice of the European Union, annexed to the Constitution and the EAEC Treaty, shall be replaced by the following:

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

2. Article 48 of Protocol No 3 on the Statute of the Court of Justice of the European Union, annexed to the Constitution and the EAEC Treaty, shall be replaced by the following:

"Article 48

The General Court shall consist of twenty-seven Judges."

ARTICLE 11

Protocol No 5 on the Statute of the European Investment Bank, annexed to the Constitution, is hereby amended as follows:

1. In Article 4(1), first subparagraph:

(a) the introductory sentence shall be replaced by the following:

"1. The capital of the Bank shall be 164 795 737 000 euro subscribed by the Member States as follows *:

(*) The figures quoted for Bulgaria and Romania are indicative and based on the 2003 data published by Eurostat.";

(b) the following shall be inserted between the entries for Ireland and Slovakia:

"Romania 846 000 000"; and

(c) the following shall be inserted between the entries for Slovenia and Lithuania:

"Bulgaria 296 000 000".

2. In Article 9(2) the first, second and third paragraphs shall be replaced by the following:

"2. The Board of Directors shall consist of twenty-eight directors and eighteen alternate directors.

The directors shall be appointed by the Board of Governors for five years, one nominated by each Member State. One shall also be 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 between the Kingdom of Spain and the Portuguese Republic,
- one alternate nominated by common accord between the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands,
- two alternates nominated by common accord between the Kingdom of Denmark, the Hellenic Republic, Ireland and Romania,
- two alternates nominated by common accord between the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden,
- three alternates nominated by common accord between the Republic of Bulgaria, the Czech Republic, the Republic of Cyprus, 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 12

Article 134(2), first subparagraph, of the EAEC Treaty on the composition of the Scientific and Technical Committee shall be replaced by the following:

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

TITLE II

OTHER ADJUSTMENTS

ARTICLE 13

The last sentence of Article III-157(1) of the Constitution shall be replaced by the following:

"With regard to restrictions existing under national law in Bulgaria, Estonia and Hungary, the date in question shall be 31 December 1999."

ARTICLE 14

Article IV-440(1) of the Constitution shall be replaced by the following:

"1. This Treaty shall apply to the Kingdom of Belgium, the Republic of Bulgaria, 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, Romania, 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."

ARTICLE 15

1. The following subparagraph shall be added to Article IV-448(1) of the Constitution:

"Pursuant to the Accession Treaty, the Bulgarian and Romanian versions of this Treaty shall also be authentic."

2. The second paragraph of Article 225 of the EAEC Treaty shall be replaced by the following:

"The Bulgarian, Czech, Danish, English, Estonian, Finnish, Greek, Hungarian, Irish, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish versions of this Treaty shall also be authentic."

PART THREE

PERMANENT PROVISIONS

TITLE I

ADAPTATIONS TO ACTS ADOPTED BY THE INSTITUTIONS

ARTICLE 16

The acts listed in Annex III to this Protocol shall be adapted as specified in that Annex.

ARTICLE 17

The adaptations to the acts listed in Annex IV to this Protocol made necessary by accession shall be drawn up in conformity with the guidelines set out in that Annex.

TITLE II

OTHER PROVISIONS

ARTICLE 18

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

ARTICLE 19

A European law of the Council may make the adaptations to the provisions of this Protocol relating to the common agricultural policy which may prove necessary as a result of a modification of Union law. The Council shall act unanimously after consulting the European Parliament.

PART FOUR

TEMPORARY PROVISIONS

TITLE I

TRANSITIONAL MEASURES

ARTICLE 20

The measures listed in Annexes VI and VII to this Protocol shall apply in respect of Bulgaria and Romania under the conditions laid down in those Annexes.

TITLE II

INSTITUTIONAL PROVISIONS

ARTICLE 21

1. In Article 1(2) of Protocol No 34 on the transitional provisions relating to the institutions and bodies of the Union, annexed to the Constitution and to the EAEC Treaty, the following subparagraph shall be added:

"By way of derogation from the maximum number of Members of the European Parliament fixed in Article I-20(2) of the Constitution, the number of Members of the European Parliament shall be increased to take account of the accession of Bulgaria and Romania with the following number of Members from those countries for the period running from the date of accession until the beginning of the 2009-2014 term of the European Parliament:

| | |
|----------|------|
| Bulgaria | 18 |
| Romania | 35". |

2. Before 31 December 2007, Bulgaria and Romania shall each hold elections to the European Parliament, by direct universal suffrage of their citizens, for the number of Members fixed in paragraph 1, in accordance with the provisions of the Act concerning the election of the Members of the European Parliament by direct universal suffrage¹.

3. By way of derogation from Article I-20(3) of the Constitution, if elections are held after the date of accession, the Members of the European Parliament representing the citizens of Bulgaria and Romania for the period running from the date of accession until each of the elections referred to in paragraph 2, shall be appointed by the Parliaments of those States within themselves in accordance with the procedure laid down by each of those States.

¹ OJ L 278, 8.10.1976, p. 5. Act as last amended by Council Decision 2002/772/EC, Euratom (OJ L 283, 21.10.2002, p. 1).

ARTICLE 22

1. In Article 2(2), second subparagraph, of Protocol No 34 on the transitional provisions relating to the institutions and bodies of the Union, annexed to the Constitution and to the EAEC Treaty, the following shall be inserted between the entries for Belgium and the Czech Republic:

"Bulgaria 10"

and, between the entries for Portugal and Slovenia:

"Romania 14".

2. Article 2(2), third subparagraph, of Protocol No 34 on the transitional provisions relating to the institutions and bodies of the Union, annexed to the Constitution and to the EAEC Treaty, shall be replaced by the following:

"Acts shall be adopted if there are at least 255 votes in favour representing a majority of the members where, under the Constitution, they must be adopted on a proposal from the Commission. In other cases decisions shall be adopted if there are at least 255 votes in favour representing at least two thirds of the members."

ARTICLE 23

In Article 6 of Protocol No 34 on the transitional provisions relating to the institutions and bodies of the Union, annexed to the Constitution and to the EAEC Treaty, the following shall be inserted between the entries for Belgium and the Czech Republic:

"Bulgaria 12"

and, between the entries for Portugal and Slovenia:

"Romania 15".

ARTICLE 24

In Article 7 of Protocol No 34 on the transitional provisions relating to the institutions and bodies of the Union, annexed to the Constitution and to the EAEC Treaty, the following shall be inserted between the entries for Belgium and the Czech Republic:

"Bulgaria 12"

and, between the entries for Portugal and Slovenia:

"Romania 15".

TITLE III

FINANCIAL PROVISIONS

ARTICLE 25

1. From the date of the accession, Bulgaria and Romania shall pay the following amounts corresponding to their share of the capital paid in for the subscribed capital as defined in Article 4 of Protocol No 5 on the Statute of the European Investment Bank, annexed to the Constitution¹:

| | |
|----------|-----------------|
| Bulgaria | EUR 14 800 000 |
| Romania | EUR 42 300 000. |

These contributions shall be paid in eight equal instalments falling due on 31 May 2007, 31 May 2008, 31 May 2009, 30 November 2009, 31 May 2010, 30 November 2010, 31 May 2011 and 30 November 2011.

¹ The figures quoted are indicative and based on the 2003 data published by Eurostat.

2. Bulgaria and Romania shall contribute, in eight equal instalments falling due on the dates referred to in paragraph 1, 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:

| | |
|----------|---------|
| Bulgaria | 0,181% |
| Romania | 0,517%. |

3. The capital and payments provided for in paragraphs 1 and 2 shall be paid in by Bulgaria and Romania in cash in euro, save by way of derogation decided unanimously by the Board of Governors.

¹ The figures quoted are indicative and based on the 2003 data published by Eurostat.

ARTICLE 26

1. Bulgaria and Romania 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 Steel¹:

(EUR million, current prices)

| | |
|----------|--------|
| Bulgaria | 11,95 |
| Romania | 29,88. |

2. The contributions to the Research Fund for Coal and Steel shall be made in four instalments starting in 2009 and paid as follows, in each case on the first working day of the first month of each year:

2009: 15%

2010: 20%

2011: 30%

2012: 35%.

¹ OJ L 79, 22.3.2002, p. 42.

ARTICLE 27

1. Tendering, contracting, implementation and payments for pre-accession assistance under the Phare programme ¹, the Phare CBC programme ² and for assistance under the Transition Facility referred to in Article 31 shall be managed by implementing agencies in Bulgaria and Romania 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 an accreditation procedure conducted by the Commission and 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 of 21 June 1999 on coordinating aid to the applicant countries in the framework of the pre-accession strategy and amending Regulation (EEC) No 3906/89 ³ and in Article 164 of the Financial Regulation applicable to the general budget of the European Communities ⁴.

¹ Council Regulation (EEC) No 3906/89 of 18.12.1989 on economic aid to certain countries of Central and Eastern Europe (OJ L 375, 23.12.1989, p. 11). Regulation as last amended by Regulation (EC) No 769/2004 (OJ L 123, 27.4.2004, p. 1).

² Commission Regulation (EC) No 2760/98 of 18.12.1998 concerning the implementation of a programme for cross-border cooperation in the framework of the PHARE programme (OJ L 345, 19.12.1998, p. 49). Regulation as last amended by Regulation (EC) No 1822/2003 (OJ L 267, 17.10.2003, p. 9).

³ OJ L 161, 26.6.1999, p. 68.

⁴ Council Regulation (EC, Euratom) No 1605/2002 of 25.6.2002 (OJ L 248, 16.9.2002, p. 1).

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 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 Bulgaria or Romania, the Commission may accept, in duly justified cases, eligibility for pre-accession assistance of contracts signed between the date of 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. Financial commitments made before accession under the pre-accession financial instruments referred to in paragraph 1 as well as those made under the Transition Facility referred to in Article 31 after accession, 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 Union provisions.

3. The last programming exercise for the pre-accession assistance referred to in paragraph 1 shall take place in the last year preceding accession. Actions under these programmes will have to be contracted within the following two years. No extensions shall be granted for the contracting period. Exceptionally and in duly justified cases, limited extensions in terms of duration may be granted for execution of contracts.

Notwithstanding this, pre-accession funds to cover administrative costs, as defined in paragraph 4, may be committed in the first two years after accession. For audit and evaluation costs, pre-accession funds may be committed up to five years after accession.

4. In order to ensure the necessary phasing out of the pre-accession financial instruments referred to in paragraph 1 and of the ISPA programme¹, the Commission may take all appropriate measures to ensure that the necessary statutory staff is maintained in Bulgaria and Romania for a maximum of nineteen months following accession. During this period, officials, temporary staff and contract staff assigned to posts in Bulgaria and Romania 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 the Staff Regulations of officials of the European Communities and the Conditions of Employment of other servants of the European Communities laid down in Council Regulation (EEC, Euratom, ECSC) No 259/68². The administrative expenditure, including salaries for other staff necessary shall be covered by the heading "Phasing-out of pre-accession assistance for new Member States" or equivalent under the appropriate policy area of the general budget of the European Union dealing with enlargement.

¹ Council Regulation (EC) No 1267/1999 of 21.6.1999 establishing an Instrument for Structural Policies for Pre-Accession (OJ L 161, 26.6.1999, p. 73). Regulation as last amended by Regulation (EC) No 769/2004 (OJ L 123, 27.4.2004, p. 1).

² OJ L 56, 4.3.1968, p. 1. Regulation as last amended by Regulation (EC, Euratom) No 723/2004 (OJ L 124, 27.4.2004, p. 1).

ARTICLE 28

1. Measures which on the date of accession have been the subject of decisions on assistance under Regulation (EC) No 1267/1999 establishing an Instrument for Structural Policies for Pre-accession and the implementation of which has not been completed by that date shall be considered to have been approved by the Commission under Council Regulation (EC) No 1164/94 of 16 May 1994 establishing a Cohesion Fund¹. Amounts which still have to be committed for the purpose of implementing such measures shall be committed under the Regulation relating to the Cohesion Fund in force at the date of accession and allocated to the chapter corresponding to that Regulation under the general budget of the European Union. Unless stated otherwise in paragraphs 2 to 5, the provisions governing the implementation of measures approved pursuant to the latter Regulation shall apply to those measures.

¹ OJ L 130, 25.5.1994, p. 1. Regulation as last amended by the 2003 Act of Accession (OJ L 236, 23.9.2003, p. 33).

2. Any procurement procedure relating to a measure referred to in paragraph 1 which on the date of accession has already been the subject of an invitation to tender published in the Official Journal of the European Union shall be implemented in accordance with the rules laid down in that invitation to tender. However, the provisions contained in Article 165 of the Financial Regulation applicable to the general budget of the European Communities shall not apply. Any procurement procedure relating to a measure referred to in paragraph 1 which has not yet been the subject of an invitation to tender published in the Official Journal of the European Union shall be in keeping with the provisions of the Constitution, with the acts adopted pursuant thereto and with Union policies, including those concerning environmental protection, transport, trans-European networks, competition and the award of public contracts.
3. Payments made by the Commission under a measure referred to in paragraph 1 shall be posted to the earliest open commitment made in the first instance pursuant to Regulation (EC) No 1267/1999, and then pursuant to the Regulation relating to the Cohesion Fund then in force.
4. For the measures referred to in paragraph 1, the rules governing the eligibility of expenditure pursuant to Regulation (EC) No 1267/1999 shall remain applicable, except in duly justified cases to be decided on by the Commission at the request of the Member State concerned.
5. The Commission may decide, in exceptional and duly justified cases, to authorise specific exemptions from the rules applicable pursuant to the Regulation relating to the Cohesion Fund in force at the date of accession for the measures referred to in paragraph 1.

ARTICLE 29

Where the period for multiannual commitments made under the SAPARD programme ¹ in relation to afforestation of agricultural land, support for the establishment of producer groups or agri-environment schemes extends beyond the final permissible date for payments under SAPARD, the outstanding commitments will be covered within the 2007-2013 rural development programme. Should specific transitional measures be necessary in this regard, these shall be adopted in accordance with the procedure laid down in Article 50(2) of Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds ².

¹ Council Regulation (EC) No 1268/1999 of 21.6.1999 on Community support for pre-accession measures for agriculture and rural development in the applicant countries of Central and Eastern Europe in the pre-accession period (OJ L 161, 26.6.1999, p. 87). Regulation as last amended by Regulation (EC) No 2008/2004 (OJ L 349, 25.11.2004, p. 12).

² OJ L 161, 26.6.1999, p. 1. Regulation as last amended by the 2003 Act of Accession (OJ L 236, 23.9.2003, p. 33).

ARTICLE 30

1. Bulgaria, having closed – in line with its commitments – definitively for subsequent decommissioning Unit 1 and Unit 2 of the Kozloduy Nuclear Power Plant before the year 2003, commits to the definitive closure of Unit 3 and Unit 4 of this plant in 2006 and to subsequent decommissioning of these units.

2. During the period 2007-2009, the Community shall provide Bulgaria with financial assistance in support of its efforts to decommission and to address the consequences of the closure and decommissioning of Units 1 to 4 of the Kozloduy Nuclear Power Plant.

The assistance shall, inter alia, cover: measures in support of the decommissioning of Units 1 to 4 of the Kozloduy Nuclear Power Plant; measures for environmental upgrading in line with the acquis; measures for the modernisation of the conventional energy production, transmission and distribution sectors in Bulgaria; measures to improve energy efficiency, to enhance the use of renewable energy sources and to improve security of energy supply.

For the period 2007-2009, the assistance shall amount to EUR 210 million (2004 prices) in commitment appropriations, to be committed in equal annual tranches of EUR 70 million (2004 prices).

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

3. The Commission may adopt rules for implementation of the assistance referred to in paragraph 2. The rules shall be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ¹. To this end, the Commission shall be assisted by a committee. Articles 4 and 7 of Decision 1999/468/EC shall apply. The period laid down in Article 4(3) of Decision 1999/468/EC shall be six weeks. The committee shall adopt its rules of procedure.

ARTICLE 31

1. For the first year of accession, the Union shall provide temporary financial assistance, hereinafter referred to as the "Transition Facility", to Bulgaria and Romania to develop and strengthen their administrative and judicial capacity to implement and enforce Union law and to foster exchange of best practice among peers. This assistance shall fund institution-building projects and limited small-scale investments ancillary thereto.

¹ OJ L 184, 17.7.1999, p. 23.

2. Assistance shall address the continued need for strengthening institutional capacity in certain areas through action which cannot be financed by the Structural Funds or by the Rural Development Funds.

3. 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 Member States for the purpose of pre-accession assistance.

The commitment appropriations for the Transition Facility, at 2004 prices, for Bulgaria and Romania, shall be EUR 82 million in the first year after accession to address national and horizontal priorities. The appropriations shall be authorised by the budgetary authority within the limits of the financial perspective.

4. Assistance under the Transition Facility shall be decided and implemented in accordance with Council Regulation (EEC) No 3906/89 on economic aid to certain countries of Central and Eastern Europe.

ARTICLE 32

1. A Cash-flow and Schengen Facility is hereby created as a temporary instrument to help Bulgaria and Romania between the date of accession and the end of 2009 to finance actions at the new external borders of the Union for the implementation of the Schengen acquis and external border control and to help improve cash-flow in national budgets.

2. For the period 2007-2009, the following amounts (2004 prices) shall be made available to Bulgaria and Romania in the form of lump-sum payments under the temporary Cash-flow and Schengen Facility:

(EUR million, 2004 prices)

| | 2007 | 2008 | 2009 |
|----------|-------|-------|-------|
| Bulgaria | 121,8 | 59,1 | 58,6 |
| Romania | 297,2 | 131,8 | 130,8 |

3. At least 50% of each country allocation under the temporary Cash-flow and Schengen Facility shall be used to support Bulgaria and Romania in their obligation to finance actions at the new external borders of the Union for the implementation of the Schengen acquis and external border control.

4. One twelfth of each annual amount shall be payable to Bulgaria and Romania on the first working day of each month in the corresponding year. The lump-sum payments shall be used within three years from the first payment. Bulgaria and Romania shall submit, no later than six months after expiry of this three-year period, a comprehensive report on the final execution of the lump-sum payments under the Schengen part of the temporary Cash-flow and Schengen Facility with a statement justifying the expenditure. Any unused or unjustifiably spent funds shall be recovered by the Commission.

5. The Commission may adopt any technical provisions necessary for the operation of the temporary Cash-flow and Schengen Facility.

ARTICLE 33

1. Without prejudice to future policy decisions, the overall commitment appropriations for structural actions to be made available for Bulgaria and Romania over the three-year period 2007-2009 shall be as follows:

(EUR million, 2004 prices)

| | 2007 | 2008 | 2009 |
|----------|-------|-------|-------|
| Bulgaria | 539 | 759 | 1 002 |
| Romania | 1 399 | 1 972 | 2 603 |

2. During the three years 2007-2009, the scope and nature of the interventions within these fixed country envelopes shall be determined on the basis of the provisions then applicable to structural actions expenditure.

ARTICLE 34

1. In addition to the regulations concerning rural development in force on the date of accession, the provisions laid down in Sections I to III of Annex VIII shall apply to Bulgaria and Romania for the period 2007-2009 and the specific financial provisions laid down in Section IV of Annex VIII shall apply to Bulgaria and Romania throughout the programming period 2007-2013.
2. Without prejudice to future policy decisions, commitment appropriations from the EAGGF Guarantee Section for rural development for Bulgaria and Romania over the three-year period 2007-2009 shall amount to EUR 3 041 million (2004 prices).
3. Implementing rules, where necessary, for the application of the provisions of Annex VIII shall be adopted in accordance with the procedure laid down in Article 50(2) of Regulation (EC) No 1260/1999.
4. The Council, acting on a proposal from the Commission, and after consulting the European Parliament, shall make any adaptations to the provisions of Annex VIII where necessary to ensure coherence with the regulations concerning rural development.

ARTICLE 35

The amounts referred to in Articles 30, 31, 32, 33 and 34 shall be adjusted by the Commission each year in line with movements in prices as part of the annual technical adjustments to the financial perspective.

TITLE IV

OTHER PROVISIONS

ARTICLE 36

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, Bulgaria or Romania may apply for authorisation to take protective measures in order to rectify the situation and adjust the sector concerned to the economy of the internal market.

In the same circumstances, any present Member State may apply for authorisation to take protective measures with regard to Bulgaria, Romania, or both those States.

2. Upon request by the State concerned, the Commission shall, by emergency procedure, adopt the European regulations or decisions establishing the protective measures which it considers necessary, specifying the conditions and modalities under 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 interest 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 Constitution and in particular from this Protocol 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 internal market.

ARTICLE 37

If Bulgaria or Romania 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 accession, upon the motivated request of a Member State or on its own initiative, adopt European regulations or decisions establishing appropriate measures.

Measures shall be proportional and priority shall be given to measures which least disturb 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 the measures adopted shall enter into force as of the first day of accession unless they provide for a later date. The measures shall be maintained no longer than strictly necessary and, in any case, shall be lifted when the relevant commitment is implemented. They may however be applied beyond the period specified in the first paragraph as long as the relevant commitments have not been fulfilled. In response to progress made by the new Member State concerned in fulfilling its commitments, the Commission may adapt the measures as appropriate. The Commission shall inform the Council in good time before revoking the European regulations and decisions establishing the safeguard measures, and it shall take duly into account any observations of the Council in this respect.

ARTICLE 38

If there are serious shortcomings or any imminent risks of such shortcomings in Bulgaria or Romania 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 Treaty on European Union and Directives and Regulations relating to mutual recognition in civil matters under Title IV of the Treaty establishing the European Community, and European laws and framework laws adopted on the basis of Sections 3 and 4 of Chapter IV of Title III of Part III of the Constitution, the Commission may, until the end of a period of up to three years after accession, upon the motivated request of a Member State or on its own initiative and after consulting the Member States, adopt European regulations or decisions establishing 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 Bulgaria or Romania 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 the measures adopted shall enter into force as of the first day of accession unless they provide for a later date. The measures shall be maintained no longer than strictly necessary and, in any case, shall be lifted when the shortcomings are remedied. They may however be applied beyond the period specified in the first paragraph as long as these shortcomings persist. In response to progress made by the new Member State concerned in rectifying the identified shortcomings, the Commission may adapt the measures as appropriate after consulting the Member States. The Commission shall inform the Council in good time before revoking the European regulations and decisions establishing the safeguard measures, and it shall take duly into account any observations of the Council in this respect.

ARTICLE 39

1. If, on the basis of the Commission's continuous monitoring of commitments undertaken by Bulgaria and Romania in the context of the accession negotiations and in particular the Commission's monitoring reports, there is clear evidence that the state of preparations for adoption and implementation of the *acquis* in Bulgaria or Romania is such that there is a serious risk of either of those States being manifestly unprepared to meet the requirements of membership by the date of accession of 1 January 2007 in a number of important areas, the Council may, acting unanimously on the basis of a Commission recommendation, decide that the date of accession of that State is postponed by one year to 1 January 2008.
2. Notwithstanding paragraph 1, the Council may, acting by qualified majority on the basis of a Commission recommendation, take the decision mentioned in paragraph 1 with respect to Romania if serious shortcomings have been observed in the fulfilment by Romania of one or more of the commitments and requirements listed in Annex IX, point I.
3. Notwithstanding paragraph 1, and without prejudice to Article 37, the Council may, acting by qualified majority on the basis of a Commission recommendation and after a detailed assessment to be made in the autumn of 2005 of the progress made by Romania in the area of competition policy, take the decision mentioned in paragraph 1 with respect to Romania if serious shortcomings have been observed in the fulfilment by Romania of the obligations undertaken under the Europe Agreement ¹ or of one or more of the commitments and requirements listed in Annex IX, point II.

¹ Europe Agreement establishing an association between the European Economic Communities and their Member States, of the one part, and Romania, of the other part (OJ L 357, 31.12.1994, p. 2)

4. In the event of a decision taken under paragraph 1, 2 or 3, the Council shall, acting by qualified majority decide immediately upon such adjustments to this Protocol, including its Annexes and Appendices, as have become indispensable by reason of the postponement decision.

ARTICLE 40

In order not to hamper the proper functioning of the internal market, the enforcement of Bulgaria's and Romania's national rules during the transitional periods referred to in Annexes VI and VII shall not lead to border controls between Member States.

ARTICLE 41

If transitional measures are necessary to facilitate the transition from the existing regime in Bulgaria and Romania to that resulting from the application of the common agricultural policy under the conditions set out in this Protocol, such measures shall be adopted by the Commission in accordance with the procedure referred to in Article 25(2) of Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals¹ or, as appropriate, in the corresponding Articles of the other Regulations on the common organisation of agricultural markets or of the European laws replacing them or the relevant procedure as determined in the applicable legislation. The transitional measures referred to in this Article may be adopted during a period of three years following the date of accession and their application shall be limited to that period. A European law of the Council may extend this period. The Council shall act unanimously after consulting the European Parliament.

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

¹ OJ L 270, 21.10.2003, p. 78.

ARTICLE 42

If transitional measures are necessary to facilitate the transition from the existing regime in Bulgaria and Romania to that resulting from the application of the Union veterinary, phytosanitary and food safety rules, such measures shall be adopted by the Commission in accordance with the relevant 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 PROTOCOL

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

A national of each new Member State shall be appointed to the Commission as from the date of accession. The new Members of the Commission shall be appointed by the Council, by common accord with the President of the Commission, after consulting the European Parliament and in accordance with the criteria set out in Article I-26(4) of the Constitution.

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 46

1. Two Judges shall be appointed to the Court of Justice and two Judges shall be appointed to the General Court.
2. The term of office of one of the Judges of the Court of Justice appointed in accordance with paragraph 1 shall expire on 6 October 2009. This Judge shall be chosen by lot. The term of office of the other Judge shall expire on 6 October 2012.

The term of office of one of the Judges of the General Court appointed in accordance with paragraph 1 shall expire on 31 August 2007. This Judge shall be chosen by lot. The term of office of the other Judge shall expire on 31 August 2010.

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

The General Court, in agreement with the Court of Justice, shall make such adaptations to its Rules of Procedure as are rendered necessary by accession.

The Rules of Procedure as adapted shall require the consent of the Council.

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

A national of each new Member State shall be appointed to the Court of Auditors as from the date of accession for a term of office of six years.

ARTICLE 48

The Committee of the Regions shall be enlarged by the appointment of 27 members representing regional and local bodies in Bulgaria and Romania, 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 49

The Economic and Social Committee shall be enlarged by the appointment of 27 members representing the various economic and social components of organised civil society in Bulgaria and Romania. 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

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

ARTICLE 51

1. New members of the committees, groups or other bodies created by the Constitution or by an act of the institutions shall be appointed under the conditions and according to the procedures laid down for the appointment of members of these committees, groups or other bodies. The terms of office of the newly appointed members shall expire at the same time as those of the members in office at the time of accession.

2. The membership of committees or groups created by the Constitution or by an act of the institutions with a number of members fixed irrespective of the number of Member States shall be completely renewed upon accession, unless the terms of office of the present members expire within the year following accession.

TITLE II

APPLICABILITY OF THE ACTS OF THE INSTITUTIONS

ARTICLE 52

Upon accession, Bulgaria and Romania shall be considered as being addressees of European framework laws, regulations and decisions within the meaning of Article I-33 of the Constitution, and of directives and decisions within the meaning of Article 249 of the Treaty establishing the European Community and of Article 161 of the EAEC Treaty, provided that those European framework laws, regulations and decisions, and those directives and decisions have been addressed to all the present Member States. Except with regard to European decisions which enter into force pursuant to Article I-39(2) of the Constitution, and to directives and decisions which have entered into force pursuant to Article 254(1) and (2) of the Treaty establishing the European Community, Bulgaria and Romania shall be considered as having received notification of such European decisions and such directives and decisions upon accession.

ARTICLE 53

1. Bulgaria and Romania shall put into effect the measures necessary for them to comply, from the date of accession, with the provisions of European framework laws and those European regulations which are binding as to the result to be achieved but leave the national authorities the choice of form and methods within the meaning of Article I-33 of the Constitution, and of directives and decisions within the meaning of Article 249 of the Treaty establishing the European Community and of Article 161 of the EAEC Treaty, unless another time limit is provided for in this Protocol. They shall communicate those measures to the Commission at the latest by the date of accession or, where appropriate, by the time limit provided for in this Protocol.

2. To the extent that amendments to directives within the meaning of Article 249 of the Treaty establishing the European Community and of Article 161 of the EAEC Treaty introduced by this Protocol require a modification of the laws, regulations or administrative provisions of the present Member States, the present Member States shall put into effect the measures necessary to comply, from the date of accession, with the amended directives, unless another time limit is provided for in this Protocol. They shall communicate those measures to the Commission by the date of accession or, where later, by the time limit provided for in this Protocol.

ARTICLE 54

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 Bulgaria and Romania against the dangers arising from ionising radiations shall, in accordance with Article 33 of the EAEC Treaty, be communicated by those States to the Commission within three months of accession.

ARTICLE 55

At the duly substantiated request of Bulgaria or Romania submitted to the Commission no later than the date of accession, the Council acting on a proposal from the Commission, or the Commission, if the original act was adopted by the Commission, may adopt European regulations or decisions establishing temporary derogations from acts of the institutions adopted between 1 October 2004 and the date of accession. The measures shall be adopted according to the voting rules governing the adoption of the act from which a temporary derogation is sought. Where these derogations are adopted after accession they may be applied as from the date of accession.

ARTICLE 56

Where acts of the institutions adopted prior to accession require adaptation by reason of accession, and the necessary adaptations have not been provided for in this Protocol or its Annexes, the Council, acting on a proposal from the Commission, or the Commission, if the original act was adopted by the Commission, shall to this end adopt the necessary acts. Where these adaptations are adopted after accession they may be applied as from the date of accession.

ARTICLE 57

Unless otherwise stipulated, the Council, on a proposal from the Commission, shall adopt the European regulations or decisions establishing the necessary measures to implement the provisions of this Protocol.

ARTICLE 58

The texts of the acts of the institutions adopted before accession and drawn up by the Council, the Commission or the European Central Bank in the Bulgarian and Romanian languages shall, from the date of accession, be authentic under the same conditions as the texts drawn up in the present official languages. They shall be published in the Official Journal of the European Union if the texts in the present languages were so published.

TITLE III

FINAL PROVISIONS

ARTICLE 59

Annexes I to IX and the Appendices thereto shall form an integral part of this Protocol.

ARTICLE 60

The Government of the Italian Republic shall remit to the Governments of the Republic of Bulgaria and Romania a certified copy of the Treaty establishing the European Atomic Energy Community, and the Treaties amending or supplementing it, 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 text of that Treaty, drawn up in the Bulgarian and Romanian languages, shall be annexed to this Protocol. Those texts shall be authentic under the same conditions as the texts of the Treaty referred to in the first paragraph, drawn up in the present languages.

ARTICLE 61

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 Republic of Bulgaria and Romania by the Secretary General.

ANNEX I

List of conventions and protocols
to which Bulgaria and Romania accede upon accession
(referred to in Article 3(3) of the Protocol)

1. Convention of 19 June 1980 on the law applicable to contractual obligations, opened for signature in Rome on 19 June 1980 (OJ L 266, 9.10.1980, p. 1)
 - Convention of 10 April 1984 on the accession of the Hellenic Republic to the Convention on the law applicable to contractual obligations, opened for signature in Rome on 19 June 1980 (OJ L 146, 31.5.1984, p. 1)
 - First Protocol of 19 December 1988 on the interpretation by the Court of Justice of the European Communities of the Convention on the law applicable to contractual obligations, opened for signature in Rome on 19 June 1980 (OJ L 48, 20.2.1989, p. 1)

- Second Protocol of 19 December 1988 conferring on the Court of Justice of the European Communities certain powers to interpret the Convention on the law applicable to contractual obligations, opened for signature in Rome on 19 June 1980 (OJ L 48, 20.2.1989, p. 17)

- Convention of 18 May 1992 on the accession of the Kingdom of Spain and the Portuguese Republic to the Convention on the Law applicable to Contractual Obligations, opened for signature in Rome on 19 June 1980 (OJ L 333, 18.11.1992, p. 1)

- Convention of 29 November 1996 on the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the Convention on the Law applicable to Contractual Obligations, opened for signature in Rome on 19 June 1980, and to the First and Second Protocols on its interpretation by the Court of Justice (OJ C 15, 15.1.1997, p. 10)

2. Convention of 23 July 1990 on the elimination of double taxation in connection with the adjustment of profits of associated enterprises (OJ L 225, 20.8.1990, p. 10)
 - Convention of 21 December 1995 on the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the Convention on the elimination of double taxation in connection with the adjustment of profits of associated enterprises (OJ C 26, 31.1.1996, p. 1)
 - Protocol of 25 May 1999 amending the Convention of 23 July 1990 on the elimination of double taxation in connection with the adjustment of profits of associated enterprises (OJ C 202, 16.7.1999, p. 1)

3. Convention of 26 July 1995, drawn up on the basis of Article K.3 of the Treaty on European Union, on the protection of the European Communities' financial interests (OJ C 316, 27.11.1995, p. 49)
 - Protocol of 27 September 1996, drawn up on the basis of Article K.3 of the Treaty on European Union to the Convention, on the protection of the European Communities' financial interests (OJ C 313, 23.10.1996, p. 2)
 - Protocol of 29 November 1996, drawn up on the basis of Article K.3 of the Treaty on European Union, on the interpretation, by way of preliminary rulings, by the Court of Justice of the European Communities of the Convention on the protection of the European Communities' financial interests (OJ C 151, 20.5.1997, p. 2)
 - Second Protocol of 19 June 1997, drawn up on the basis of Article K.3 of the Treaty on European Union, to the Convention on the protection of the European Communities' financial interests (OJ C 221, 19.7.1997, p. 12)

4. Convention of 26 July 1995, based on Article K.3 of the Treaty on European Union, on the establishment of a European Police Office (Europol Convention) (OJ C 316, 27.11.1995, p. 2)
 - Protocol of 24 July 1996, drawn up on the basis of Article K.3 of the Treaty on European Union, on the interpretation, by way of preliminary rulings, by the Court of Justice of the European Communities of the Convention on the establishment of a European Police Office (OJ C 299, 9.10.1996, p. 2)
 - Protocol of 19 June 1997, drawn up on the basis of Article K.3 of the Treaty on European Union and Article 41 (3) of the Europol Convention, on the privileges and immunities of Europol, the members of its organs, the deputy directors and employees of Europol (OJ C 221, 19.7.1997, p. 2)
 - Protocol of 30 November 2000, drawn up on the basis of Article 43(1) of the Convention, on the establishment of a European Police Office (Europol Convention) amending Article 2 and the Annex to that Convention (OJ C 358, 13.12.2000, p. 2)

- Protocol of 28 November 2002 amending the Convention on the establishment of a European Police Office (Europol Convention) and the Protocol on the privileges and immunities of Europol, the members of its organs, the deputy directors and the employees of Europol (OJ C 312, 16.12.2002, p. 2)
 - Protocol of 27 November 2003, drawn up on the basis of Article 43(1) of the Convention, on the Establishment of a European Police Office (Europol Convention), amending that Convention (OJ C 2, 6.1.2004, p. 3)
5. Convention of 26 July 1995, drawn up on the basis of Article K.3 of the Treaty on European Union, on the use of information technology for customs purposes (OJ C 316, 27.11.1995, p. 34)
- Protocol of 29 November 1996, drawn up on the basis of Article K.3 of the Treaty on European Union, on the interpretation, by way of preliminary rulings, by the Court of Justice of the European Communities of the Convention on the use of information technology for customs purposes (OJ C 151, 20.5.1997, p. 16)

- Protocol of 12 March 1999, drawn up on the basis of Article K.3 of the Treaty on European Union, on the scope of the laundering of proceeds in the Convention on the use of information technology for customs purposes and the inclusion of the registration number of the means of transport in the Convention (OJ C 91, 31.3.1999, p. 2)
 - Protocol of 8 May 2003, established in accordance with Article 34 of the Treaty on European Union, amending, as regards the creation of a customs files identification database, the Convention on the use of information technology for customs purposes (OJ C 139, 13.6.2003, p. 2)
6. Convention of 26 May 1997, drawn up on the basis of Article K.3(2)(c) of the Treaty on European Union, on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union (OJ C 195, 25.6.1997, p. 2)
7. Convention of 18 December 1997, drawn up on the basis of Article K.3 of the Treaty on European Union, on mutual assistance and cooperation between customs administrations (OJ C 24, 23.1.1998, p. 2)

8. Convention of 17 June 1998, drawn up on the basis of Article K.3 of the Treaty on European Union, on driving disqualifications (OJ C 216, 10.7.1998, p. 2)
 9. Convention of 29 May 2000, established by the Council in accordance with Article 34 of the Treaty on European Union, on Mutual Assistance in Criminal Matters between the Member States of the European Union (OJ C 197, 12.7.2000, p. 3)
 - Protocol of 16 October 2001, established by the Council in accordance with Article 34 of the Treaty on European Union, to the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union (OJ C 326, 21.11.2001, p. 2)
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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)

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.

¹ OJ L 239, 22.9.2000, p. 13.

2. The following provisions of the Convention signed in Schengen on 19 June 1990 ⁽¹⁾ 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 ¹, as amended by certain of the acts listed in paragraph 8 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.

¹ OJ L 239, 22.9.2000, p. 19. Convention as last amended by Council Regulation (EC) No 871/2004 (OJ L 162, 30.4.2004, p. 29).

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 8 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,
 - 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,
 - 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 following agreements concluded by the Council pursuant to Article 6 of the Schengen Protocol:

- the Agreement of 18 May 1999 concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen acquis, including the Annexes, its Final Act, Declarations and the Exchanges of Letters annexed thereto ¹, approved by Council Decision 1999/439/EC ²

¹ OJ L 176, 10.7.1999, p. 36.

² OJ L 176, 10.7.1999, p. 35.

- the Agreement of 30 June 1999 concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway on the establishment of rights and obligations between Ireland and the United Kingdom of Great Britain and Northern Ireland, on the one hand, and the Republic of Iceland and the Kingdom of Norway, on the other, in areas of the Schengen acquis which apply to these States ¹, approved by Council Decision 2000/29/EC ²

- the Agreement signed on 25 October 2004 by the Council of the European Union and the Swiss Confederation on the Swiss Confederation's association with implementation, application and development of the Schengen Acquis ³.

¹ OJ L 15, 20.1.2000, p. 2.

² OJ L 15, 20.1.2000, p. 1.

³ As long as this Agreement is not yet concluded, insofar as it applies provisionally.

5. 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 8 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 (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) 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.

6. 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.

7. 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.

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

Council Regulation (EC) No 1683/95 of 29 May 1995 laying down a uniform format for visas (OJ L 164, 14.7.1995, p. 1)

Council Decision 1999/307/EC of 1 May 1999 laying down the detailed arrangements for the integration of the Schengen Secretariat into the General Secretariat of the Council
(OJ L 119, 7.5.1999, p. 49)

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 Decision 1999/848/EC of 13 December 1999 on the full application of the Schengen acquis in Greece (OJ L 327, 21.12.1999, p. 58)

Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen acquis (OJ L 131, 1.6.2000, p. 43)

Council Decision 2000/586/JHA of 28 September 2000 establishing a procedure for amending Articles 40(4) and (5), 41(7) and 65(2) of the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders (OJ L 248, 3.10.2000, p. 1)

Council Decision 2000/751/EC of 30 November 2000 on declassifying certain parts of the Common Manual adopted by the Executive Committee established by the Convention implementing the Schengen Agreement of 14 June 1985 (OJ L 303, 2.12.2000, p. 29)

Council Decision 2000/777/EC of 1 December 2000 on the application of the Schengen acquis in Denmark, Finland and Sweden, and in Iceland and Norway (OJ L 309, 9.10.2000, p. 24)

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)

Council Regulation No 789/2001/EC of 24 April 2001 reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for examining visa applications (OJ L 116, 26.4.2001, p. 2)

Council Regulation No 790/2001/EC of 24 April 2001 reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for carrying out border checks and surveillance (OJ L 116, 26.4.2001, p. 5)

Council Decision 2001/329/EC of 24 April 2001 updating part VI and Annexes 3, 6 and 13 of the Common Consular Instructions and Annexes 5(a), 6(a) and 8 to the Common Manual (OJ L 116, 26.4.2001, p. 32), insofar as it relates to Annex 3 to the Common Consular Instructions and Annex 5(a) to the Common Manual

Council Directive 2001/51/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985 (OJ L 187, 10.7.2001, p. 45)

Council Decision 2001/886/JHA of 6 December 2001 on the development of the second generation Schengen Information System (SIS II) (OJ L 328, 13.12.2001, 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 2424/2001 of 6 December 2001 on the development of the second generation Schengen Information System (SIS II) (OJ L 328, 13.12.2001, p. 4)

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 Regulation (EC) No 334/2002 of 18 February 2002 amending Regulation (EC) No 1683/95 laying down a uniform format for visas (OJ L 53, 23.2.2002, p. 7)

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)

Council Decision 2002/352/EC of 25 April 2002 on the revision of the Common Manual (OJ L 123, 9.5.2002, p. 47)

Council Decision 2002/353/EC of 25 April 2002 on declassifying Part II of the Common Manual adopted by the Executive Committee established by the Convention implementing the Schengen Agreement of 14 June 1985 (OJ L 123, 9.5.2002, p. 49)

Council Regulation (EC) No 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals (OJ L 157, 15.6.2002, p. 1)

Council Decision 2002/587/EC of 12 July 2002 on the revision of the Common Manual (OJ L 187, 16.7.2002, p. 50)

Council Framework Decision 2002/946/JHA of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence (OJ L 328, 5.12.2002, p. 1)

Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence (OJ L 328, 5.12.2002, p. 17)

Council Decision 2003/170/JHA of 27 February 2003 on the common use of liaison officers posted abroad by the law enforcement agencies of the Member States (OJ L 67, 12.3.2003, p. 27)

Council Regulation (EC) No 453/2003 of 6 March 2003 amending Regulation (EC) No 539/2001 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 69, 13.3.2003, p. 10)

Council Decision 2003/725/JHA of 2 October 2003 amending the provisions of Article 40(1) and (7) of the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders (OJ L 260, 11.10.2003, p. 37)

Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by air (OJ L 321, 6.12.2003, p. 26)

Council Regulation (EC) No 377/2004 of 19 February 2004 on the creation of an immigration liaison officers network (OJ L 64, 2.3.2004, p. 1)

Council Decision 2004/466/EC of 29 April 2004 amending the Common Manual in order to include provision for targeted border controls on accompanied minors (OJ L 157, 30.4.2004, p. 136)

Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data (OJ L 261, 6.8.2004, p. 24)

Council Decision 2004/573/EC of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders (OJ L 261, 6.8.2004, p. 28)

Council Decision 2004/574/EC of 29 April 2004 amending the Common Manual (OJ L 261, 6.8.2004, p. 36)

Council Decision 2004/512/EC of 8 June 2004 establishing the Visa Information System (VIS) (OJ L 213, 15.6.2004, p. 5)

Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 349, 25.11.2004, p. 1)

Council Regulation (EC) No 2133/2004 of 13 December 2004 on the requirement for the competent authorities of the Member States to stamp systematically the travel documents of third country nationals when they cross the external borders of the Member States and amending the provisions of the Convention implementing the Schengen agreement and the common manual to this end (OJ L 369, 16.12.2004, p. 5)

Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States (OJ L 385, 29.12.2004, p. 1).

ANNEX III

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

1. COMPANY LAW

INDUSTRIAL PROPERTY RIGHTS

I. COMMUNITY TRADE MARK

31994 R 0040: Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark (OJ L 11, 14.1.1994, p. 1), as amended by:

- 31994 R 3288: Council Regulation (EC) No 3288/94 of 22.12.1994 (OJ L 349, 31.12.1994, p. 83),
- 32003 R 0807: Council Regulation (EC) No 807/2003 of 14.4.2003 (OJ L 122, 16.5.2003, p. 36),
- 12003 T: Act concerning the conditions of accession and the adjustments to the Treaties — 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 (OJ L 236, 23.9.2003, p. 33),

- 32003 R 1653: Council Regulation (EC) No 1653/2003 of 18.6.2003 (OJ L 245, 29.9.2003, p. 36),
- 32003 R 1992: Council Regulation (EC) No 1992/2003 of 27.10.2003 (OJ L 296, 14.11.2003, p. 1),
- 32004 R 0422: Council Regulation (EC) No 422/2004 of 19.2.2004 (OJ L 70, 9.3.2004, p. 1).

Article 159a(1) is replaced by the following:

"1. As from the date of accession of Bulgaria, the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Romania, Slovenia and Slovakia (hereinafter referred to as "new Member State(s)"), a Community trade mark registered or applied for pursuant to this Regulation before the respective date of accession shall be extended to the territory of those Member States in order to have equal effect throughout the Community."

II. SUPPLEMENTARY PROTECTION CERTIFICATES

1. 31992 R 1768: Council Regulation (EEC) No 1768/92 of 18 June 1992 concerning the creation of a supplementary protection certificate for medicinal products (OJ L 182, 2.7.1992, p. 1), as amended by:

- 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),
- 12003 T: Act concerning the conditions of accession and the adjustments to the Treaties - 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 (OJ L 236, 23.9.2003, p. 33).

(a) The following is added to Article 19a:

- "(k) any medicinal product protected by a valid basic patent and for which the first authorisation to place it on the market as a medicinal product was obtained after 1 January 2000 may be granted a certificate in Bulgaria, provided that the application for a certificate is lodged within six months of the date of accession;
- (l) any medicinal product protected by a valid basic patent and for which the first authorisation to place it on the market as a medicinal product was obtained after 1 January 2000 may be granted a certificate in Romania. In cases where the period provided for in Article 7(1) has expired, the possibility of applying for a certificate shall be open for a period of six months starting no later than the date of accession."

(b) Article 20(2) is replaced by the following:

"2. This Regulation shall apply to supplementary protection certificates granted in accordance with the national legislation of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Poland, Romania, Slovenia and Slovakia prior to their respective date of accession."

2. 31996 R 1610: Regulation (EC) No 1610/96 of the European Parliament and of the Council of 23 July 1996 concerning the creation of a supplementary protection certificate for plant protection products (OJ L 198, 8.8.1996, p. 30), as amended by:

– 12003 T: Act concerning the conditions of accession and the adjustments to the Treaties - 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 (OJ L 236, 23.9.2003, p. 33).

(a) The following is added to Article 19a:

"(k) any plant protection product protected by a valid basic patent and for which the first authorisation to place it on the market as a plant protection product was obtained after 1 January 2000 may be granted a certificate in Bulgaria, provided that the application for a certificate is lodged within six months of the date of accession;

(l) any plant protection product protected by a valid basic patent and for which the first authorisation to place it on the market as a plant protection product was obtained after 1 January 2000 may be granted a certificate in Romania. In cases where the period provided for in Article 7(1) has expired, the possibility of applying for a certificate shall be open for a period of six months starting no later than the date of accession."

(b) Article 20(2) is replaced by the following:

"2. This Regulation shall apply to supplementary protection certificates granted in accordance with the national legislation of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Poland, Romania, Slovenia and Slovakia prior to their respective date of accession."

III. COMMUNITY DESIGNS

32002 R 0006: Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs (OJ L 3, 5.1.2002, p. 1), as amended by:

- 12003 T: Act concerning the conditions of accession and the adjustments to the Treaties - 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 (OJ L 236, 23.9.2003, p. 33).

Article 110a(1) is replaced by the following:

"1. As from the date of accession of Bulgaria, the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Romania, Slovenia and Slovakia (hereinafter referred to as "new Member State(s)"), a Community design protected or applied for pursuant to this Regulation before the respective date of accession shall be extended to the territory of those Member States in order to have equal effect throughout the Community."

2. AGRICULTURE

1. 31989 R 1576: Council Regulation (EEC) No 1576/89 of 29 May 1989 laying down general rules on the definition, description and presentation of spirit drinks (OJ L 160, 12.6.1989, p. 1), as amended by:

- 31992 R 3280: Council Regulation (EEC) No 3280/92 of 9.11.1992 (OJ L 327, 13.11.1992, p. 3),
- 31994 R 3378: Regulation (EC) No 3378/94 of the European Parliament and of the Council of 22.12.1994 (OJ L 366, 31.12.1994, p. 1),
- 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),

- 12003 T: Act concerning the conditions of accession and the adjustments to the Treaties - 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 (OJ L 236, 23.9.2003, p. 33),
- 32003 R 1882: Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29.9.2003 (OJ L 284, 31.10.2003, p. 1).

(a) The following is added to Article 1(4), point (i):

"(5) The name "fruit spirit" may be replaced by the designation " Pălincă " solely for the spirit drink produced in Romania."

(b) In Annex II, the following geographical designations are added:

- to point 4: "Vinars Târnavă", "Vinars Vaslui", "Vinars Murfatlar", "Vinars Vrancea", "Vinars Segarcea"

- to point 6: "Сунгурларска гроздова ракия / Гроздова ракия от Сунгурларе / Sungurlarska grozdova rakiya / Grozdova rakiya from Sungurlare", "Сливенска перла (Сливенска гроздова ракия / Гроздова ракия от Сливен) / Slivenska perla (Slivenska grozdova rakiya / Grozdova rakiya from Sliven)", "Стралджанска мускатова ракия / Мускатова ракия от Стралджа / Straldjanska muscatova rakiya / Muscatova rakiya from Straldja", "Поморийска гроздова ракия / Гроздова ракия от Поморие / Pomoriyska grozdova rakiya / Grozdova rakiya from Pomorie", "Русенска бисерна гроздова ракия / Бисерна гроздова ракия от Русе / Rusenska biserna grozdova rakiya / Biserna grozdova rakiya from Ruse", "Бургаска мускатова ракия / Мускатова ракия от Бургас / Bourgaska muscatova rakiya / Muscatova rakiya from Bourgas", "Добруджанска мускатова ракия / Мускатова ракия от Добруджа / Dobrudjanska muscatova rakiya / Muscatova rakiya from Dobrudja", "Сухиндолска гроздова ракия / Гроздова ракия от Сухиндол / Suhindolska grozdova rakiya / Grozdova rakiya from Suhindol", "Карловска гроздова ракия / Гроздова ракия от Карлово / Karlovska grozdova rakiya / Grozdova rakiya from Karlovo"

- to point 7: "Троянска сливова ракия / Сливова ракия от Троян / Troyanska slivova rakiya / Slivova rakiya from Troyan", "Силистренска кайсиева ракия / Кайсиева ракия от Силистра / Silistrenska kaysieva rakiya / Kaysieva rakiya from Silistra", "Тервелска кайсиева ракия / Кайсиева ракия от Тервел / Tervelska kaysieva rakiya / Kaysieva rakiya from Tervel", "Ловешка сливова ракия / Сливова ракия от Ловеч / Loveshka slivova rakiya / Slivova rakiya from Lovech", "Țuică Zetea de Medieșu Aurit", "Țuică de Valea Milcovului", "Țuică de Buzău", "Țuică de Argeș", "Țuică de Zalău", "Țuică ardelenescă de Bistrița", "Horincă de Maramureș", "Horincă de Cămârzan", "Horincă de Seini", "Horincă de Chioar", "Horincă de Lăpuș", "Turț de Oaș", "Turț de Maramureș".

2. 31991 R 1601: Council Regulation (EEC) No 1601/91 of 10 June 1991 laying down general rules on the definition, description and presentation of aromatized wines, aromatized wine-based drinks and aromatized wine-product cocktails (OJ L 149, 14.6.1991, p. 1), as amended by:

- 31992 R 3279: Council Regulation (EEC) No 3279/92 of 9.11.1992 (OJ L 327, 13.11.1992, p. 1),
- 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),

- 31994 R 3378: Regulation (EC) No 3378/94 of the European Parliament and of the Council of 22.12.1994 (OJ L 366, 31.12.1994, p. 1),
- 31996 R 2061: Regulation (EC) No 2061/96 of the European Parliament and of the Council of 8.10.1996 (OJ L 277, 30.10.1996, p. 1),
- 32003 R 1882: Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29.9.2003 (OJ L 284, 31.10.2003, p. 1).

In Article 2(3), the following subparagraph is inserted after subparagraph (h):

"(i) Pelin: an aromatized wine-based drink produced from white or red wine, grape must concentrate, grape juice (or beet sugar) and specific tincture of herbs, having an alcoholic strength of not less than 8,5% vol., a sugar content expressed as invert sugar of 45-50 grams per litre, and a total acidity of not less than 3 grams per litre expressed as tartaric acid."

and, subparagraph (i) is re-lettered (j).

3. 31992 R 2075: Council Regulation (EEC) No 2075/92 of 30 June 1992 on the common organisation of the market in raw tobacco (OJ L 215, 30.7.1992, p. 70), as amended by:

- 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),
- 31994 R 3290: Council Regulation (EC) No 3290/94 of 22.12.1994 (OJ L 349, 31.12.1994, p. 105),
- 31995 R 0711: Council Regulation (EC) No 711/95 of 27.3.1995 (OJ L 73, 1.4.1995, p. 13),
- 31996 R 0415: Council Regulation (EC) No 415/96 of 4.3.1996 (OJ L 59, 8.3.1996, p. 3),
- 31996 R 2444: Council Regulation (EC) No 2444/96 of 17.12.1996 (OJ L 333, 21.12.1996, p. 4),
- 31997 R 2595: Council Regulation (EC) No 2595/97 of 18.12.1997 (OJ L 351, 23.12.1997, p. 11),
- 31998 R 1636: Council Regulation (EC) No 1636/98 of 20.7.1998 (OJ L 210, 28.7.1998, p. 23),
- 31999 R 0660: Council Regulation (EC) No 660/1999 of 22.3.1999 (OJ L 83, 27.3.1999, p. 10),
- 32000 R 1336: Council Regulation (EC) No 1336/2000 of 19.6.2000 (OJ L 154, 27.6.2000, p. 2),
- 32002 R 0546: Council Regulation (EC) No 546/2002 of 25.3.2002 (OJ L 84, 28.3.2002, p. 4),
- 32003 R 0806: Council Regulation (EC) No 806/2003 of 14.4.2003 (OJ L 122, 16.5.2003, p. 1),

- 32003 R 2319: Council Regulation (EC) No 2319/2003 of 17.12.2003 (OJ L 345, 31.12.2003, p. 17),
- 12003 T: Act concerning the conditions of accession and the adjustments to the Treaties - 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 (OJ L 236, 23.9.2003, p. 33).

(a) In the Annex, point V. "Sun-cured", the following is added:

"Molovata
Ghimpați
Bărăgan"

(b) In the Annex, point VI. "Basma", the following is added:

"Djebel

Nevrokop

Dupnitsa

Melnik

Ustina

Harmanli

Krumovgrad

Iztochen Balkan

Topolovgrad

Svilengrad

Srednogorska yaka"

(c) In the Annex, point VIII. "Kaba Koulak (classic)", the following is added:

"Severna Bulgaria

Tekne".

4. 31996 R 2201: Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organisation of the markets in processed fruit and vegetable products (OJ L 297, 21.11.1996, p. 29), as amended by:
- 31997 R 2199: Council Regulation (EC) No 2199/97 of 30.10.1997 (OJ L 303, 6.11.1997, p. 1),
 - 31999 R 2701: Council Regulation (EC) No 2701/1999 of 14.12.1999 (OJ L 327, 21.12.1999, p. 5),
 - 32000 R 2699: Council Regulation (EC) No 2699/2000 of 4.12.2000 (OJ L 311, 12.12.2000, p. 9),
 - 32001 R 1239: Council Regulation (EC) No 1239/2001 of 19.6.2001 (OJ L 171, 26.6.2001, p. 1),
 - 32002 R 0453: Commission Regulation (EC) No 453/2002 of 13.3.2002 (OJ L 72, 14.3.2002, p. 9),
 - 12003 T: Act concerning the conditions of accession and the adjustments to the Treaties - 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 (OJ L 236, 23.9.2003, p. 33),
 - 32004 R 0386: Commission Regulation (EC) No 386/2004 of 1.3.2004 (OJ L 64, 2.3.2004, p. 25).

Annex III is replaced by the following:

"ANNEX III

Processing thresholds referred to in Article 5

Net weight fresh product

(in tonnes)

| | | Tomatoes | Peaches | Pears |
|----------------------|----------------|-----------|---------|---------|
| Community thresholds | | 8 860 061 | 560 428 | 105 659 |
| National thresholds | Bulgaria | 156 343 | 17 843 | n.r. |
| | Czech Republic | 12 000 | 1 287 | 11 |
| | Greece | 1 211 241 | 300 000 | 5 155 |
| | Spain | 1 238 606 | 180 794 | 35 199 |
| | France | 401 608 | 15 685 | 17 703 |
| | Italy | 4 350 000 | 42 309 | 45 708 |
| | Cyprus | 7 944 | 6 | n.r. |
| | Latvia | n.r. | n.r. | n.r. |
| | Hungary | 130 790 | 1 616 | 1 031 |
| | Malta | 27 000 | n.r. | n.r. |
| | Netherlands | n.r. | n.r. | 243 |
| | Austria | n.r. | n.r. | 9 |
| | Poland | 194 639 | n.r. | n.r. |
| | Portugal | 1 050 000 | 218 | 600 |
| | Romania | 50 390 | 523 | n.r. |
| Slovakia | 29 500 | 147 | n.r. | |

n.r. = not relevant

".

5. 31998 R 2848: Commission Regulation (EC) No 2848/98 of 22 December 1998 laying down detailed rules for the application of Council Regulation (EEC) No 2075/92 as regards the premium scheme, production quotas and the specific aid to be granted to producer groups in the raw tobacco sector (OJ L 358, 31.12.1998, p. 17), as amended by:

- 31999 R 0510: Commission Regulation (EC) No 510/1999 of 8.3.1999 (OJ L 60, 9.3.1999, p. 54),
- 31999 R 0731: Commission Regulation (EC) No 731/1999 of 7.4.1999 (OJ L 93, 8.4.1999, p. 20),
- 31999 R 1373: Commission Regulation (EC) No 1373/1999 of 25.6.1999 (OJ L 162, 26.6.1999, p. 47),
- 31999 R 2162: Commission Regulation (EC) No 2162/1999 of 12.10.1999 (OJ L 265, 13.10.1999, p. 13),
- 31999 R 2637: Commission Regulation (EC) No 2637/1999 of 14.12.1999 (OJ L 323, 15.12.1999, p. 8),

- 32000 R 0531: Commission Regulation (EC) No 531/2000 of 10.3.2000 (OJ L 64, 11.3.2000, p. 13),
- 32000 R 0909: Commission Regulation (EC) No 909/2000 of 2.5.2000 (OJ L 105, 3.5.2000, p. 18),
- 32000 R 1249: Commission Regulation (EC) No 1249/2000 of 15.6.2000 (OJ L 142, 16.6.2000, p. 3),
- 32001 R 0385: Commission Regulation (EC) No 385/2001 of 26.2.2001 (OJ L 57, 27.2.2001, p. 18),
- 32001 R 1441: Commission Regulation (EC) No 1441/2001 of 16.7.2001 (OJ L 193, 17.7.2001, p. 5),
- 32002 R 0486: Commission Regulation (EC) No 486/2002 of 18.3.2002 (OJ L 76, 19.3.2002, p. 9),
- 32002 R 1005: Commission Regulation (EC) No 1005/2002 of 12.6.2002 (OJ L 153 13.6.2002, p. 3),
- 32002 R 1501: Commission Regulation (EC) No 1501/2002 of 22.8.2002 (OJ L 227, 23.8.2002, p. 16),
- 32002 R 1983: Commission Regulation (EC) No 1983/2002 of 7.11.2002 (OJ L 306, 8.11.2002, p. 8),
- 32004 R 1809: Commission Regulation (EC) No 1809/2004 of 18.10.2004 (OJ L 318, 19.10.2004, p. 18).

Annex I is replaced by the following:

"ANNEX I

PERCENTAGES OF THE GUARANTEE THRESHOLD PER MEMBER STATE OR
SPECIFIC REGION FOR THE RECOGNITION OF PRODUCER GROUPS

| Member State or specific region of establishment of the producer group | Percentage |
|--|------------|
| Germany, Spain (except Castile-Leon, Navarra and the Campezo area in the Basque Country), France (except Nord-Pas-de-Calais and Picardy), Italy, Portugal (except the Autonomous Region of the Azores), Belgium, Austria, Romania | 2 % |
| Greece (except Epirus), Autonomous Region of the Azores (Portugal), Nord-Pas-de-Calais and Picardy (France), Bulgaria (except the Banite, Zlatograd, Madan and Dospat municipalities in the Djebel area and Veliki Preslav, Varbitsa, Shumen, Smiadovo, Varna, Dalgopol, General Toshevo, Dobrich, Kavarna, Krushari, Shabla and Antonovo municipalities in the North Bulgaria area) | 1 % |
| Castile-Leon (Spain), Navarra (Spain), the Campezo area in the Basque Country (Spain), Epirus (Greece), Banite, Zlatograd, Madan and Dospat municipalities in the Djebel area and Veliki Preslav, Varbitsa, Shumen, Smiadovo, Varna, Dalgopol, General Toshevo, Dobrich, Kavarna, Krushari, Shabla and Antonovo municipalities in the North Bulgaria area (Bulgaria) | 0,3 % |

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6. 31999 R 1493: Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine (OJ L 179, 14.7.1999, p. 1), as amended by:
- 32000 R 1622: Commission Regulation (EC) No 1622/2000 of 24.7.2000 (OJ L 194, 31.7.2000, p. 1),
 - 32000 R 2826: Council Regulation (EC) No 2826/2000 of 19.12.2000 (OJ L 328, 23.12.2000, p. 2),
 - 32001 R 2585: Council Regulation (EC) No 2585/2001 of 19.12.2001 (OJ L 345, 29.12.2001, p. 10),
 - 32003 R 0806: Council Regulation (EC) No 806/2003 of 14.4. 2003 (OJ L 122, 16.5.2003, p. 1),
 - 12003 T: Act concerning the conditions of accession and the adjustments to the Treaties - 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 (OJ L 236, 23.9.2003, p. 33),
 - 32003 R 1795: Commission Regulation (EC) No 1795/2003 of 13.10.2003 (OJ L 262, 14.10.2003, p. 13).

- (a) The following is added to Article 6:

"5. For Bulgaria and Romania, newly created planting rights shall be allocated for the production of quality wines psr amounting to 1,5% of the total vineyard area, amounting to 2302,5 hectares for Bulgaria and 2830,5 hectares for Romania as of the date of accession. These rights shall be allocated to a national reserve to which Article 5 shall apply."

- (b) In Annex III (Wine-growing zones), the following is added to point 2:

"(g) in Romania, in the area of Podișul Transilvaniei"

- (c) In Annex III (Wine-growing zones), the last sentence in point 3 is replaced by the following:

"(d) in Slovakia, the Tokay region

(e) in Romania, areas under vines not included in points 2(g) or 5(f)."

- (d) In Annex III (Wine-growing zones), the following is added to point 5:

"(e) in Bulgaria, areas under vines in the following regions: Dunavska Ravnina (Дунавска равнина), Chernomorski Rayon (Черноморски район), Rozova Dolina (Розова долина)

(f) in Romania, areas under vines in the following regions: Dealurile Buzăului, Dealu Mare, Severinului and Plaiurile Drâncei, Colinele Dobrogei, Terasale Dunării, the South wine region including sands and other favourable regions"

(e) In Annex III (Wine-growing zones), the following is added to point 6:

"In Bulgaria, wine-growing zone C III a) comprises the areas under vines not included in point 5(e)"

(f) In Annex V, Part D.3, the following is added:

"and in Romania".

7. 32000 R 1673: Council Regulation (EC) No 1673/2000 of 27 July 2000 on the common organisation of the markets in flax and hemp grown for fibre (OJ L 193, 29.7.2000, p. 16), as amended by:

- 32002 R 0651: Commission Regulation (EC) No 651/2002 of 16.4.2002 (OJ L 101, 17.4.2002, p. 3),
- 12003 T: Act concerning the conditions of accession and the adjustments to the Treaties - 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 (OJ L 236, 23.9.2003, p. 33),
- 32003 R 1782: Council Regulation (EC) No 1782/2003 of 29.9.2003 (OJ L 270, 21.10.2003, p. 1),
- 32004 R 0393: Council Regulation (EC) No 393/2004 of 24.2.2004 (OJ L 65, 3.3.2004, p. 4).

(a) Article 3(1) is replaced by the following:

"1. A maximum guaranteed quantity of 80 878 tonnes per marketing year shall be established for long flax fibre and apportioned among all the Member States as national guaranteed quantities. That quantity shall be apportioned as follows:

- 13 800 tonnes for Belgium,
- 13 tonnes for Bulgaria,
- 1 923 tonnes for the Czech Republic,
- 300 tonnes for Germany,
- 30 tonnes for Estonia,
- 50 tonnes for Spain,
- 55 800 tonnes for France,
- 360 tonnes for Latvia,
- 2 263 tonnes for Lithuania,
- 4 800 tonnes for the Netherlands,
- 150 tonnes for Austria,
- 924 tonnes for Poland,

- 50 tonnes for Portugal,
- 42 tonnes for Romania,
- 73 tonnes for Slovakia,
- 200 tonnes for Finland,
- 50 tonnes for Sweden,
- 50 tonnes for the United Kingdom."

(b) In Article 3(2), the introductory paragraph and subparagraph (a) are replaced by the following:

"2. A maximum guaranteed quantity of 147 265 tonnes per marketing year shall be established for short flax fibre and hemp fibre in respect of which aid may be granted. That quantity shall be apportioned in the form of:

(a) national guaranteed quantities for the following Member States:

- 10 350 tonnes for Belgium,
- 48 tonnes for Bulgaria,
- 2 866 tonnes for the Czech Republic,

- 12 800 tonnes for Germany,
- 42 tonnes for Estonia,
- 20 000 tonnes for Spain,
- 61 350 tonnes for France,
- 1 313 tonnes for Latvia,
- 3 463 tonnes for Lithuania,
- 2 061 tonnes for Hungary,
- 5 550 tonnes for the Netherlands,
- 2 500 tonnes for Austria,
- 462 tonnes for Poland,
- 1 750 tonnes for Portugal,
- 921 tonnes for Romania,
- 189 tonnes for Slovakia,
- 2 250 tonnes for Finland,
- 2 250 tonnes for Sweden,
- 12 100 tonnes for the United Kingdom.

However, the national guaranteed quantity fixed for Hungary concerns hemp fibre only."

8. 32003 R 1782: Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) No 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001 (OJ L 270, 21.10.2003, p. 1), as amended by:

- 32004 R 0021: Council Regulation (EC) No 21/2004 of 17.12.2003 (OJ L 5, 9.1.2004, p. 8),
- 32004 R 0583: Council Regulation (EC) No 583/2004 of 22.3.2004 (OJ L 91, 30.3.2004, p. 1),
- 32004 D 0281: Council Decision 2004/281/EC of 22.3.2004 (OJ L 93, 30.3.2004, p. 1),
- 32004 R 0864: Council Regulation (EC) No 864/2004 of 29.4.2004 (OJ L 161, 30.4.2004, p. 48).

(a) Article 2(g) is replaced by the following:

"(g) "new Member States" means Bulgaria, the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Romania, Slovenia and Slovakia."

- (b) In Article 5(2), the following is added at the end of the first subparagraph:

"However, Bulgaria and Romania shall ensure that land which was under permanent pasture on 1 January 2007 is maintained under permanent pasture."

- (c) In Article 54(2), the following is added at the end of the first subparagraph:

"However, for Bulgaria and Romania, the date provided for the area aid applications shall be 30 June 2005."

- (d) The following is added to Article 71g:

"9. For Bulgaria and Romania:

- (a) the three-year reference period referred to in paragraph 2 shall be 2002 to 2004;
- (b) the year referred to in paragraph 3(a) shall be 2004;
- (c) in the first subparagraph of paragraph 4, the reference to 2004 and/or 2005 shall be 2005 and /or 2006, and the references to 2004 shall be to 2005."

(e) The following is added to Article 71h:

"However, for Bulgaria and Romania the reference to 30 June 2003 shall be to 30 June 2005."

(f) Article 74(1) is replaced by the following:

"1. The aid shall be granted for national base areas in the traditional production zones listed in Annex X.

The base area shall be as follows:

| | |
|----------|--------------|
| Bulgaria | 21 800 ha |
| Greece | 617 000 ha |
| Spain | 594 000 ha |
| France | 208 000 ha |
| Italy | 1 646 000 ha |
| Cyprus | 6 183 ha |
| Hungary | 2 500 ha |
| Austria | 7 000 ha |
| Portugal | 118 000 ha |

"

(g) Article 78(1) is replaced by the following:

"1. A maximum guaranteed area of 1 648 000 ha for which the aid may be granted is hereby established."

(h) Article 80(2) is replaced by the following:

"2. The aid shall be as follows, according to the yields in the Member States concerned:

| | Marketing year 2004/2005 and in case of application of Article 71 (EUR/ha) | Marketing year 2005/2006 and onward (EUR/ha) |
|--------------------------|---|---|
| Bulgaria | - | 345,225 |
| Greece | 1 323,96 | 561,00 |
| Spain | 1 123,95 | 476,25 |
| France: | | |
| – metropolitan territory | 971,73 | 411,75 |
| – French Guyana | 1 329,27 | 563,25 |
| Italy | 1 069,08 | 453,00 |
| Hungary | 548,70 | 232,50 |
| Portugal | 1 070,85 | 453,75 |
| Romania | - | 126,075 |

"

(i) Article 81 is replaced by the following:

"Article 81

Areas

A national base area for each producing Member State is hereby established. However, for France two base areas are established. The base areas shall be as follows:

| | |
|--------------------------|------------|
| Bulgaria | 4 166 ha |
| Greece | 20 333 ha |
| Spain | 104 973 ha |
| France: | |
| – metropolitan territory | 19 050 ha |
| – French Guyana | 4 190 ha |
| Italy | 219 588 ha |
| Hungary | 3 222 ha |
| Portugal | 24 667 ha |
| Romania | 500 ha |

A Member State may subdivide its base area or areas into sub-base areas in accordance with objective criteria."

(j) Article 84 is replaced by the following:

"Article 84

Areas

1. A Member State shall grant the Community aid within the limit of a ceiling calculated by multiplying the number of hectares of its NGA as fixed in paragraph 3 by the average amount of EUR 120,75.
2. A maximum guaranteed area of 829 229 ha is hereby established.

3. The maximum guaranteed area referred to in paragraph 2 shall be divided into the following NGA:

| <u>National Guaranteed Areas (NGA)</u> | |
|--|------------|
| Belgium | 100 ha |
| Bulgaria | 11 984 ha |
| Germany | 1 500 ha |
| Greece | 41 100 ha |
| Spain | 568 200 ha |
| France | 17 300 ha |
| Italy | 130 100 ha |
| Cyprus | 5 100 ha |
| Luxembourg | 100 ha |
| Hungary | 2 900 ha |
| Netherlands | 100 ha |
| Austria | 100 ha |
| Poland | 4 200 ha |
| Portugal | 41 300 ha |
| Romania | 1 645 ha |
| Slovenia | 300 ha |
| Slovakia | 3 100 ha |
| United Kingdom | 100 ha |

4. A Member State may subdivide its NGA into sub-areas in accordance with objective criteria, in particular at regional level or in relation to the production."

(k) In Article 95(4) the following subparagraphs are added:

"For Bulgaria and Romania the total quantities referred to in the first subparagraph are set out in table (f) of Annex I of Council Regulation (EC) No 1788/2003 and reviewed in accordance with Article 6(1) sixth subparagraph of Council Regulation (EC) No 1788/2003.

For Bulgaria and Romania the 12-month period referred to in the first subparagraph shall be that of 2006/2007."

(l) In Article 103, the following is added to the second paragraph:

"However, for Bulgaria and Romania the condition for the application of this paragraph will be that the single area payment scheme is applied in 2007 and that the application of Article 66 has been opted for."

(m) Article 105(1) is replaced by the following:

"1. A supplement to the area payment of:

- EUR 291/ha for the marketing year 2005/2006,
- EUR 285/ha for the marketing year 2006/2007 and onwards,

shall be paid for the area down to durum wheat in the traditional production zones listed in Annex X, subject to the following limits:

| | (hectares) |
|----------|------------|
| Bulgaria | 21 800 |
| Greece | 617 000 |
| Spain | 594 000 |
| France | 208 000 |
| Italy | 1 646 000 |
| Cyprus | 6 183 |
| Hungary | 2 500 |
| Austria | 7 000 |
| Portugal | 118 000 |

"

(n) In Article 108, the following is added to the second paragraph:

"However, for Bulgaria and Romania, applications for payment may not be made in respect of land which, on 30 June 2005, was under permanent pasture, permanent crops or trees or was used for non-agricultural purposes."

(o) Article 110c(1) is replaced by the following:

"1. A national base area is hereby established for:

- Bulgaria: 10 237 ha
- Greece: 370 000 ha
- Spain: 70 000 ha
- Portugal: 360 ha."

(p) Article 110c(2) is replaced by the following:

"2. The amount of the aid per eligible hectare shall be in:

- Bulgaria: EUR 263
- Greece: EUR 594 for 300 000 hectares and EUR 342,85 for the remaining 70 000 hectares
- Spain: EUR 1 039
- Portugal: EUR 556."

(q) Article 116(4) is replaced by the following:

"4. The following ceilings shall apply:

| Member State | Rights (x 1 000) |
|----------------|------------------|
| Belgium | 70 |
| Bulgaria | 2 058,483 |
| Czech Republic | 66,733 |
| Denmark | 104 |
| Germany | 2 432 |
| Estonia | 48 |
| Greece | 11 023 |
| Spain | 19 580 |
| France | 7 842 |
| Ireland | 4 956 |
| Italy | 9 575 |
| Cyprus | 472,401 |
| Latvia | 18,437 |
| Lithuania | 17,304 |

| | |
|----------------|------------|
| Luxembourg | 4 |
| Hungary | 1 146 |
| Malta | 8,485 |
| Netherlands | 930 |
| Austria | 206 |
| Poland | 335,88 |
| Portugal | 2 690 |
| Romania | 5 880,620 |
| Slovenia | 84,909 |
| Slovakia | 305,756 |
| Finland | 80 |
| Sweden | 180 |
| United Kingdom | 19 492 |
| Total | 89 607,008 |

"

(r) Article 123(8) is replaced by the following:

"8. The following regional ceilings shall apply:

| | |
|----------------|-----------|
| Belgium | 235 149 |
| Bulgaria | 90 343 |
| Czech Republic | 244 349 |
| Denmark | 277 110 |
| Germany | 1 782 700 |

| | |
|----------------|---------------|
| Estonia | 18 800 |
| Greece | 143 134 |
| Spain | 713 999* |
| France | 1 754 732** |
| Ireland | 1 077 458 |
| Italy | 598 746 |
| Cyprus | 12 000 |
| Latvia | 70 200 |
| Lithuania | 150 000 |
| Luxembourg | 18 962 |
| Hungary | 94 620 |
| Malta | 3 201 |
| Netherlands | 157 932 |
| Austria | 373 400 |
| Poland | 926 000 |
| Portugal | 175 075*** |
| Romania | 452 000 |
| Slovenia | 92 276 |
| Slovakia | 78 348 |
| Finland | 250 000 |
| Sweden | 250 000 |
| United Kingdom | 1 419 811**** |

* Without prejudice to the specific rules laid down in Regulation (EC) No 1454/2001.

** Without prejudice to the specific rules laid down in Regulation (EC) No 1452/2001.

*** Without prejudice to the specific rules laid down in Regulation (EC) No 1453/2001.

**** This ceiling shall be temporarily increased by 100 000 to 1 519 811 until such time as live animals under six months of age may be exported. "

(s) Article 126(5) is replaced by the following:

"5. The following national ceilings shall apply:

| | |
|----------------|-----------|
| Belgium | 394 253 |
| Bulgaria | 16 019 |
| Czech Republic | 90 300 |
| Denmark | 112 932 |
| Germany | 639 535 |
| Estonia | 13 416 |
| Greece | 138 005 |
| Spain* | 1 441 539 |
| France** | 3 779 866 |
| Ireland | 1 102 620 |
| Italy | 621 611 |
| Cyprus | 500 |
| Latvia | 19 368 |
| Lithuania | 47 232 |
| Luxembourg | 18 537 |
| Hungary | 117 000 |
| Malta | 454 |
| Netherlands | 63 236 |
| Austria | 375 000 |
| Poland | 325 581 |
| Portugal*** | 416 539 |
| Romania | 150 000 |
| Slovenia | 86 384 |
| Slovakia | 28 080 |
| Finland | 55 000 |
| Sweden | 155 000 |
| United Kingdom | 1 699 511 |

* Without prejudice to the specific rules laid down in Regulation (EC) No 1454/2001.

** Without prejudice to the specific rules laid down in Regulation (EC) No 1452/2001.

*** Without prejudice to the specific rules laid down in Regulation (EC) No 1453/2001. "

(t) In Article 130(3), the second subparagraph is replaced by the following:

"For the new Member States the national ceilings shall be those contained in the following table.

| | Bulls, steers, cows and heifers | Calves more than 1 and less than 8 months old and of carcass weight up to 185 kg |
|----------------|------------------------------------|--|
| Bulgaria | 22 191 | 101 542 |
| Czech Republic | 483 382 | 27 380 |
| Estonia | 107 813 | 30 000 |
| Cyprus | 21 000 | — |
| Latvia | 124 320 | 53 280 |
| Lithuania | 367 484 | 244 200 |
| Hungary | 141 559 | 94 439 |
| Malta | 6 002 | 17 |
| Poland | 1 815 430 | 839 518 |
| Romania | 1 148 000 | 85 000 |
| Slovenia | 161 137 | 35 852 |
| Slovakia | 204 062 | 62 841 |

"

(u) The following paragraph is added to Article 143a:

"However, for Bulgaria and Romania direct payments shall be introduced in accordance with the following schedule of increments expressed as a percentage of the then applicable level of such payments in the Community as constituted on 30 April 2004:

- 25% in 2007,
- 30% in 2008,
- 35% in 2009,
- 40% in 2010,
- 50% in 2011,
- 60% in 2012,
- 70% in 2013,
- 80% in 2014,
- 90% in 2015,
- 100% as from 2016."

- (v) The following subparagraph is added to Article 143b(4):

"However, for Bulgaria and Romania, the agricultural area under the single area payment scheme shall be the part of its utilised agricultural area which is maintained in good agricultural condition, whether in production or not, where appropriate adjusted in accordance with the objective criteria to be set by Bulgaria or Romania after approval by the Commission."

- (w) Article 143b(9) is replaced by the following:

"9. For any new Member State the single area payment scheme shall be available for a period of application until the end of 2006 with the possibility of renewal twice by one year at the new Member State's request. However, for Bulgaria and Romania, the single area payment scheme shall be available for a period of application until the end of 2009 with the possibility of renewal twice by one year at their request. Subject to the provisions of paragraph 11, any new Member State may decide to terminate the application of the scheme at the end of the first or the second year of the period of application with a view to applying the single payment scheme. New Member States shall notify the Commission of their intention to terminate by 1 August of the last year of application."

- (x) The following subparagraph is added to Article 143b(11):

"For Bulgaria and Romania, until the end of the 5 year period of application of the single area payment scheme (i.e. 2011), the percentage rate set out in the second paragraph of Article 143a shall apply. If the application of the single area payment scheme is extended beyond that date pursuant to a decision taken under point (b), the percentage rate set out in the second paragraph of Article 143a for the year 2011 shall apply until the end of the last year of application of the single area payment scheme."

- (y) Article 143c(2), is replaced by the following:

"2. The new Member States shall have the possibility, subject to authorisation by the Commission, of complementing any direct payments up to:

- (a) with regard to all direct payments, 55% of the level of direct payments in the Community as constituted on 30 April 2004 in 2004, 60% in 2005 and 65% in 2006 and from 2007 up to 30 percentage points above the applicable level referred to in Article 143a in the relevant year. As far as Bulgaria and Romania are concerned, the following shall apply: 55% of the level of direct payments in the Community as constituted on 30 April 2004 in 2007, 60% in 2008 and 65% in 2009 and from 2010 up to 30 percentage points above the applicable level referred to in the second paragraph of Article 143a in the relevant year. However, the Czech Republic may complement direct payments in the potato starch sector up to 100% of the level applicable in the Community as constituted on 30 April 2004. However, for the direct payments referred to in Chapter 7 of Title IV of this Regulation the following maximum rates shall apply: 85% in 2004, 90% in 2005, 95% in 2006 and 100% as from 2007. As far as Bulgaria and Romania are concerned, the following maximum rates shall apply: 85% in 2007, 90% in 2008, 95% in 2009 and 100% as from 2010;

or

- (b)(i) with regard to direct payments other than the single payment scheme, the total level of direct support the farmer would have been entitled to receive, on a product by product basis, in the new Member State in the calendar year 2003 under a CAP-like national scheme increased by 10 percentage points. However for Lithuania the reference year shall be the calendar year 2002. For Bulgaria and Romania the reference year shall be the calendar year 2006. For Slovenia the increase shall be 10 percentage points in 2004, 15 percentage points in 2005, 20 percentage points in 2006 and 25 percentage points from 2007;
- (ii) with regard to the single payment scheme the total amount of complementary national direct aid which may be granted by a new Member State in respect of a given year shall be limited by a specific financial envelope. This envelope shall be equal to the difference between:
- the total amount of CAP-like national direct support that would be available in the relevant new Member State in respect of the calendar year 2003 or, in the case of Lithuania, of the calendar year 2002, each time increased by 10 percentage points. However, for Bulgaria and Romania the reference year shall be the calendar year 2006. For Slovenia the increase shall be 10 percentage points in 2004, 15 percentage points in 2005, 20 percentage points in 2006 and 25 percentage points from 2007,

and

- the national ceiling of that new Member State listed in Annex VIIIa adjusted, where appropriate, in accordance with Articles 64(2) and 70(2).

For the purpose of calculating the total amount referred to in the first indent above, the national direct payments and/or its components corresponding to the Community direct payments and/or its components which were taken into account for calculating the effective ceiling of the new Member State concerned in accordance with Articles 64(2), 70(2) and 71c shall be included.

For each direct payment concerned a new Member State may choose to apply either option (a) or (b) above.

The total direct support the farmer may be granted in the new Member States after accession under the relevant direct payment including all complementary national direct payments shall not exceed the level of direct support the farmer would be entitled to receive under the corresponding direct payment then applicable to the Member States in the Community as constituted on 30 April 2004."

(z) Article 154a(2) is replaced by the following:

"2. The measures referred to in paragraph 1 may be adopted during a period starting on 1 May 2004 and expiring on 30 June 2009 and shall not apply beyond that date. However, for Bulgaria and Romania the period shall start on 1 January 2007 and expire on 31 December 2011. The Council, acting by a qualified majority on a proposal from the Commission, may extend these periods."

(aa) In Annex III, the following footnotes are added:

to the title of point A:

"* For Bulgaria and Romania the reference to 2005 should be read as a reference to the first year of application of the Single Payment Scheme."

to the title of point B:

"* For Bulgaria and Romania the reference to 2006 should be read as a reference to the second year of application of the Single Payment Scheme."

and, to the title of point C:

"* For Bulgaria and Romania the reference to 2007 should be read as a reference to the third year of application of the Single Payment Scheme."

(ab) Annex VIII A is replaced by the following:

"ANNEX VIII A

National ceilings referred to in Article 71c

The ceilings have been calculated taking account of the schedule of increments provided for in Article 143a, and therefore do not require to be reduced.

(EUR million)

| Calendar year | Bulgaria | Czech Republic | Estonia | Cyprus | Latvia | Lithuania | Hungary | Malta | Poland | Romania | Slovenia | Slovakia |
|------------------|----------|----------------|---------|--------|--------|-----------|---------|-------|---------|---------|----------|----------|
| 2005 | - | 228,8 | 23,4 | 8,9 | 33,9 | 92,0 | 350,8 | 0,67 | 724,6 | - | 35,8 | 97,7 |
| 2006 | - | 266,7 | 27,3 | 12,5 | 39,6 | 107,3 | 420,2 | 0,83 | 881,7 | - | 41,9 | 115,4 |
| 2007 | 200,3 | 343,6 | 40,4 | 16,3 | 55,6 | 146,9 | 508,3 | 1,64 | 1 140,8 | 440,0 | 56,1 | 146,6 |
| 2008 | 240,4 | 429,2 | 50,5 | 20,4 | 69,5 | 183,6 | 634,9 | 2,05 | 1 425,9 | 527,9 | 70,1 | 183,2 |
| 2009 | 281,0 | 514,9 | 60,5 | 24,5 | 83,4 | 220,3 | 761,6 | 2,46 | 1 711,0 | 618,1 | 84,1 | 219,7 |
| 2010 | 321,2 | 600,5 | 70,6 | 28,6 | 97,3 | 257,0 | 888,2 | 2,87 | 1 996,1 | 706,4 | 98,1 | 256,2 |
| 2011 | 401,4 | 686,2 | 80,7 | 32,7 | 111,2 | 293,7 | 1 014,9 | 3,28 | 2 281,1 | 883,0 | 112,1 | 292,8 |
| 2012 | 481,7 | 771,8 | 90,8 | 36,8 | 125,1 | 330,4 | 1 141,5 | 3,69 | 2 566,2 | 1 059,6 | 126,1 | 329,3 |
| 2013 | 562,0 | 857,5 | 100,9 | 40,9 | 139,0 | 367,1 | 1 268,2 | 4,10 | 2 851,3 | 1 236,2 | 140,2 | 365,9 |
| 2014 | 642,3 | 857,5 | 100,9 | 40,9 | 139,0 | 367,1 | 1 268,2 | 4,10 | 2 851,3 | 1 412,8 | 140,2 | 365,9 |
| 2015 | 722,6 | 857,5 | 100,9 | 40,9 | 139,0 | 367,1 | 1 268,2 | 4,10 | 2 851,3 | 1 589,4 | 140,2 | 365,9 |
| subsequent years | 802,9 | 857,5 | 100,9 | 40,9 | 139,0 | 367,1 | 1 268,2 | 4,10 | 2 851,3 | 1 766,0 | 140,2 | 365,9 |

"

(ac) The following is added to Annex X:

"BULGARIA

Starozagorski

Haskovski

Slivenski

Yambolski

Burgaski

Dobrichki

Plovdivski"

(ad) Annex XIB is replaced by the following:

"ANNEX XIB

National arable crops base areas and reference yields in the new Member States referred to in Articles 101 and 103

| | Base area (hectares) | Reference yields (t/ha) |
|----------------|-------------------------|----------------------------|
| Bulgaria | 2 625 258 | 2,90 |
| Czech Republic | 2 253 598 | 4,20 |
| Estonia | 362 827 | 2,40 |
| Cyprus | 79 004 | 2,30 |
| Latvia | 443 580 | 2,50 |
| Lithuania | 1 146 633 | 2,70 |
| Hungary | 3 487 792 | 4,73 |
| Malta | 4 565 | 2,02 |
| Poland | 9 454 671 | 3,00 |
| Romania | 7 012 666 | 2,65 |
| Slovenia | 125 171 | 5,27 |
| Slovakia | 1 003 453 | 4,06 |

".

9. 32003 R 1788: Council Regulation (EC) No 1788/2003 of 29 September 2003 establishing a levy in the milk and milk products sector (OJ L 270, 21.10.2003, p. 123), as amended by:

– 32004 D 0281: Council Decision 2004/281/EC of 22.3.2004 (OJ L 93, 30.3.2004, p. 1).

(a) The following subparagraph is added to Article 1(4):

"For Bulgaria and Romania a special restructuring reserve shall be established as set out in table (g) of Annex I. This reserve shall be released as from 1 April 2009 to the extent that the on-farm consumption of milk and milk products in each of these countries has decreased since 2002. The decision on releasing the reserve and its distribution to the deliveries and direct sales quota shall be taken by the Commission in accordance with the procedure referred to in Article 23(2) on the basis of an assessment of a report to be submitted by Bulgaria and Romania to the Commission by 31 December 2008. This report shall detail the results and trends of the actual restructuring process in the country's dairy sector and, in particular the shift from production for on-farm consumption to production for the market."

- (b) Article 1(5) is replaced by the following:

"5. For Bulgaria, the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Romania, Slovenia and Slovakia the national reference quantities shall include all cow's milk or milk equivalent delivered to a purchaser or sold directly, as defined under Article 5 of this Regulation, irrespective of whether it is produced or marketed under a transitional measure applicable in these countries."

- (c) The following paragraph is added to Article 1:

"6. For Bulgaria and Romania the levy shall apply from 1 April 2007."

- (d) In Article 6(1) the second and third subparagraphs are replaced by the following:

"For Bulgaria, the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Romania, Slovenia and Slovakia the basis for the individual reference quantities referred to is set out in table (f) of Annex I.

In the case of Bulgaria, the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Romania, Slovenia and Slovakia the twelve month period for the establishment of the individual reference quantities shall commence on: 1 April 2001 for Hungary, 1 April 2002 for Malta and Lithuania, 1 April 2003 for the Czech Republic, Cyprus, Estonia, Latvia and Slovakia, 1 April 2004 for Poland and Slovenia and 1 April 2006 for Bulgaria and Romania."

- (e) The following subparagraph is added to Article 6(1):

"For Bulgaria and Romania the distribution of the total quantity between deliveries and direct sales as set out in table (f) of Annex I shall be reviewed on the basis of its actual 2006 figures on deliveries and direct sales and, if necessary, adjusted by the Commission in accordance with the procedure referred to in Article 23(2)."

- (f) In Article 9(2), the second subparagraph is replaced by the following:

"For Bulgaria, the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Poland, Romania, Slovenia and Slovakia, the reference fat content referred to in paragraph 1 shall be the same as the reference fat content of the quantities allocated to producers on the following dates: 31 March 2002 for Hungary, 31 March 2003 for Lithuania, 31 March 2004 for the Czech Republic, Cyprus, Estonia, Latvia and Slovakia, 31 March 2005 for Poland and Slovenia and 31 March 2007 for Bulgaria and Romania."

- (g) The following subparagraph is added to Article 9(5):

"For Romania the reference fat content set in Annex II shall be reviewed on the basis of the figures for the full year 2004 and, if necessary, adjusted by the Commission in accordance with the procedure referred to in Article 23(2)."

(h) In Annex I, tables (d), (e), (f) and (g) are replaced by the following:

"(d) Period 2007/2008

| Member State | Quantities, tonnes |
|----------------|--------------------|
| Belgium | 3 343 535,000 |
| Bulgaria | 979 000,000 |
| Czech Republic | 2 682 143,000 |
| Denmark | 4 499 900,000 |
| Germany | 28 143 464,000 |
| Estonia | 624 483,000 |
| Greece | 820 513,000 |
| Spain | 6 116 950,000 |
| France | 24 478 156,000 |
| Ireland | 5 395 764,000 |
| Italy | 10 530 060,000 |
| Cyprus | 145 200,000 |
| Latvia | 695 395,000 |
| Lithuania | 1 646 939,000 |
| Luxembourg | 271 739,000 |
| Hungary | 1 947 280,000 |
| Malta | 48 698,000 |
| Netherlands | 11 185 440,000 |
| Austria | 2 776 895,000 |
| Poland | 8 964 017,000 |
| Portugal | 1 939 187,000 |
| Romania | 3 057 000,000 |
| Slovenia | 560 424,000 |
| Slovakia | 1 013 316,000 |
| Finland | 2 431 047,324 |
| Sweden | 3 336 030,000 |
| United Kingdom | 14 755 647,000 |

(e) Period 2008/2009 to 2014/2015

| Member State | Quantities, tonnes |
|----------------|--------------------|
| Belgium | 3 360 087,000 |
| Bulgaria | 979 000,000 |
| Czech Republic | 2 682 143,000 |
| Denmark | 4 522 176,000 |
| Germany | 28 282 788,000 |
| Estonia | 624 483,000 |
| Greece | 820 513,000 |
| Spain | 6 116 950,000 |
| France | 24 599 335,000 |
| Ireland | 5 395 764,000 |
| Italy | 10 530 060,000 |
| Cyprus | 145 200,000 |
| Latvia | 695 395,000 |
| Lithuania | 1 646 939,000 |
| Luxembourg | 273 084,000 |
| Hungary | 1 947 280,000 |
| Malta | 48 698,000 |
| Netherlands | 11 240 814,000 |
| Austria | 2 790 642,000 |
| Poland | 8 964 017,000 |
| Portugal | 1 948 550,000 |
| Romania | 3 057 000,000 |
| Slovenia | 560 424,000 |
| Slovakia | 1 013 316,000 |
| Finland | 2 443 069,324 |
| Sweden | 3 352 545,000 |
| United Kingdom | 14 828 597,000 |

- (f) Reference quantities for deliveries and direct sales referred to in the second subparagraph of Article 6(1)

| Member State | Reference quantities for deliveries, tonnes | Reference quantities for direct sales, tonnes |
|----------------|--|--|
| Bulgaria | 722 000 | 257 000 |
| Czech Republic | 2 613 239 | 68 904 |
| Estonia | 537 188 | 87 365 |
| Cyprus | 141 337 | 3 863 |
| Latvia | 468 943 | 226 452 |
| Lithuania | 1 256 440 | 390 499 |
| Hungary | 1 782 650 | 164 630 |
| Malta | 48 698 | – |
| Poland | 8 500 000 | 464 017 |
| Romania | 1 093 000 | 1 964 000 |
| Slovenia | 467 063 | 93 361 |
| Slovakia | 990 810 | 22 506 |

(g) Special restructuring reserve quantities referred to in Article 1(4)

| Member State | Special restructuring reserve quantities, tonnes |
|----------------|---|
| Bulgaria | 39 180 |
| Czech Republic | 55 788 |
| Estonia | 21 885 |
| Latvia | 33 253 |
| Lithuania | 57 900 |
| Hungary | 42 780 |
| Poland | 416 126 |
| Romania | 188 400 |
| Slovenia | 16 214 |
| Slovakia | 27 472 |

"

- (i) In Annex II, the table is replaced by the following:

"REFERENCE FAT CONTENT

| Member State | Reference fat content (g/kg) |
|----------------|------------------------------|
| Belgium | 36,91 |
| Bulgaria | 39,10 |
| Czech Republic | 42,10 |
| Denmark | 43,68 |
| Germany | 40,11 |
| Estonia | 43,10 |
| Greece | 36,10 |
| Spain | 36,37 |
| France | 39,48 |
| Ireland | 35,81 |
| Italy | 36,88 |
| Cyprus | 34,60 |
| Latvia | 40,70 |
| Lithuania | 39,90 |
| Luxembourg | 39,17 |
| Hungary | 38,50 |
| Netherlands | 42,36 |
| Austria | 40,30 |
| Poland | 39,00 |
| Portugal | 37,30 |
| Romania | 35,93 |
| Slovenia | 41,30 |
| Slovakia | 37,10 |
| Finland | 43,40 |
| Sweden | 43,40 |
| United Kingdom | 39,70 |

".

3. TRANSPORT POLICY

31996 L 0026: Council Directive 96/26/EC of 29 April 1996 on admission to the occupation of road haulage operator and road passenger transport operator and mutual recognition of diplomas, certificates and other evidence of formal qualifications intended to facilitate for these operators the right to freedom of establishment in national and international transport operations (OJ L 124, 23.5.1996, p. 1), as amended by:

- 31998 L 0076: Council Directive 98/76/EC of 1.10.1998 (OJ L 277, 14.10.1998, p. 17),
- 12003 T: Act concerning the conditions of accession and the adjustments to the Treaties – 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 (OJ L 236, 23.9.2003, p. 33),
- 32004 L 0066: Council Directive 2004/66/EC of 26.4.2004 (OJ L 168, 1.5.2004, p. 35).

(a) The following paragraphs are added to Article 10:

"11. By way of derogation from paragraph 3, certificates issued to road transport operators before the date of accession in Bulgaria shall only be deemed equivalent to the certificates issued pursuant to the provisions of this Directive if they have been issued to:

- international road haulage and passenger transport operators under Ordinance No 11 of 31 October 2002 on International Carriage of Passengers and Goods by Road (State Gazette No 108 of 19 November 2002), since 19 November 2002;
- domestic road haulage and passenger transport operators under Ordinance 33 of 3 November 1999 on Public Carriage of Passengers and Goods on the territory of Bulgaria, as amended on 30 October 2002 (State Gazette No 108 of 19 November 2002), since 19 November 2002.

12. By way of derogation from paragraph 3, certificates issued to road transport operators before the date of accession in Romania shall only be deemed equivalent to the certificates issued pursuant to the provisions of this Directive if they have been issued to international and domestic road haulage and road passenger transport operators under Order of Minister of Transport No 761 of 21 December 1999 on appointing, training and professional certification of persons coordinating permanently and effectively road transport activity, since 28 January 2000."

(b) In Article 10b, the second paragraph is replaced by the following:

"The professional competence certificates referred to in paragraphs 4 to 12 of Article 10 may be reissued by the Member States concerned in the form of the certificate set out in Annex Ia."

4. TAXATION

1. 31977 L 0388: Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes – Common system of value added tax: uniform basis of assessment (OJ L 145, 13.6.1977, p. 1), as amended by:

- 11979 H: Act concerning the conditions of accession and the adjustments to the Treaties – Accession of the Hellenic Republic (OJ L 291, 19.11.1979, p. 95),
- 31980 L 0368: Council Directive 80/368/EEC of 26.3.1980 (OJ L 90, 3.4.1980, p. 41),
- 31984 L 0386: Council Directive 84/386/EEC of 31.7.1984 (OJ L 208, 3.8.1984, p. 58),
- 11985 I: Act concerning the conditions of accession and the adjustments of the Treaties – Accession of the Kingdom of Spain and the Portuguese Republic (OJ L 302, 15.11.1985, p. 167),
- 31989 L 0465: Council Directive 89/465/EEC of 18.7.1989 (OJ L 226, 3.8.1989, p. 21),
- 31991 L 0680: Council Directive 91/680/EEC of 16.12.1991 (OJ L 376, 31.12.1991, p. 1),

- 31992 L 0077: Council Directive 92/77/EEC of 19.10.1992 (OJ L 316, 31.10.1992, p. 1),
- 31992 L 0111: Council Directive 92/111/EEC of 14.12.1992 (OJ L 384, 30.12.1992, p. 47),
- 31994 L 0004: Council Directive 94/4/EC of 14.2.1994 (OJ L 60, 3.3.1994, p. 14),
- 31994 L 0005: Council Directive 94/5/EC of 14.2.1994 (OJ L 60, 3.3.1994, p. 16),
- 31994 L 0076: Council Directive 94/76/EC of 22.12.1994 (OJ L 365, 31.12.1994, p. 53),
- 31995 L 0007: Council Directive 95/7/EC of 10.4.1995 (OJ L 102, 5.5.1995, p. 18),
- 31996 L 0042: Council Directive 96/42/EC of 25.6. 1996 (OJ L 170, 9.7.1996, p. 34),
- 31996 L 0095: Council Directive 96/95/EC of 20.12.1996 (OJ L 338, 28.12.1996, p. 89),
- 31998 L 0080: Council Directive 98/80/EC of 12.10.1998 (OJ L 281, 17.10.1998, p. 31),
- 31999 L 0049: Council Directive 1999/49/EC of 25.5.1999 (OJ L 139, 2.6.1999, p. 27),
- 31999 L 0059: Council Directive 1999/59/EC of 17.6.1999 (OJ L 162, 26.6.1999, p. 63),
- 31999 L 0085: Council Directive 1999/85/EC of 22.10.1999 (OJ L 277, 28.10.1999, p. 34),
- 32000 L 0017: Council Directive 2000/17/EC of 30.3.2000 (OJ L 84, 5.4.2000, p. 24),
- 32000 L 0065: Council Directive 2000/65/EC of 17.10.2000 (OJ L 269, 21.10.2000, p. 44),
- 32001 L 0004: Council Directive 2001/4/EC of 19.1.2001 (OJ L 22, 24.1.2001, p. 17),
- 32001 L 0115: Council Directive 2001/115/EC of 20.12. 2001 (OJ L 15, 17.1.2002, p. 24),
- 32002 L 0038: Council Directive 2002/38/EC of 7.5.2002 (OJ L 128, 15.5.2002, p. 41),
- 32002 L 0093: Council Directive 2002/93/EC of 3.12.2002 (OJ L 331, 7.12.2002, p. 27),
- 12003 T: Act concerning the conditions of accession and the adjustments to the
Treaties - 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 (OJ L 236,
23.9.2003, p. 33),

- 32003 L 0092: Council Directive 2003/92/EC of 7.10.2003 (OJ L 260, 11.10.2003, p. 8),
- 32004 L 0007: Council Directive 2004/7/EC of 20.1.2004 (OJ L 27, 30.1.2004, p. 44),
- 32004 L 0015: Council Directive 2004/15/EC of 10.2.2004 (OJ L 52, 21.2.2004, p. 61),
- 32004 L 0066: Council Directive 2004/66/EC of 26.4.2004 (OJ L 168, 1.5.2004, p. 35).

In Article 24a, the following is inserted before the indent "– in the Czech Republic: EUR 35 000":

"– in Bulgaria: EUR 25 600;"

and the following is inserted after the indent "– in Poland: EUR 10 000":

"– in Romania: EUR 35 000;"

2. 31992 L 0083: Council Directive 92/83/EEC of 19 October 1992 on the harmonisation of the structures of excise duties on alcohol and alcoholic beverages (OJ L 316, 31.10.1992, p. 21), as amended by:

– 12003 T: Act concerning the conditions of accession and the adjustments to the Treaties - 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 (OJ L 236, 23.9.2003, p. 33).

(a) Article 22(6) is replaced by the following:

"6. Bulgaria and the Czech Republic may apply a reduced rate of excise duty, of not less than 50% of the standard national rate of excise duty on ethyl alcohol, to ethyl alcohol produced by fruit growers' distilleries producing, on an annual basis, more than 10 hectolitres of ethyl alcohol from fruit supplied to them by fruit growers' households. The application of the reduced rate shall be limited to 30 litres of fruit spirits per producing fruit growers' household per year, destined exclusively for their personal consumption."

(b) Article 22(7) is replaced by the following:

"7. Hungary, Romania and Slovakia may apply a reduced rate of excise duty, of not less than 50% of the standard national rate of excise duty on ethyl alcohol, to ethyl alcohol produced by fruit growers' distilleries producing, on an annual basis, more than 10 hectolitres of ethyl alcohol from fruit supplied to them by fruit growers' households. The application of the reduced rate shall be limited to 50 litres of fruit spirits per producing fruit growers' household per year, destined exclusively for their personal consumption. The Commission will review this arrangement in 2015 and report to the Council on possible modifications."

ANNEX IV

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

1. AGRICULTURE

A. AGRICULTURAL LEGISLATION

1. Treaty establishing a Constitution for Europe, Part III, Title III, Chapter III, Section 4, Agriculture and fisheries

The Council, acting by a qualified majority on a proposal from the Commission, and after consulting the European Parliament, shall amend the Regulation governing the common organisation of the markets in the sugar sector to take account of the accession of Bulgaria and Romania, thereby adapting the sugar and isoglucose quotas, and the maximum supply needs for imports of raw sugar, as set out in the following table which may be adapted in the same way as the quotas for the present Member States, to ensure compliance with the principles and objectives of the common organisation of the markets in the sugar sector then in force.

Agreed quantities

(in tonnes)

| | Bulgaria | Romania |
|--|----------|---------|
| Basic quantity for sugar ¹ | 4 752 | 109 164 |
| of which: A | 4 320 | 99 240 |
| B | 432 | 9 924 |
| Maximum supply needs (expressed in white sugar) for imports of raw sugar | 198 748 | 329 636 |
| Basic quantity for isoglucose ² | 56 063 | 9 981 |
| of which: A | 56 063 | 9 790 |
| B | 0 | 191 |

¹ In tonnes of white sugar.

² In tonnes of dry matter.

If requested by Bulgaria in 2006, the abovementioned A and B basic quantities for sugar shall be switched to Bulgaria's respective A and B basic quantities for isoglucose.

2. 31998 R 2848: Commission Regulation (EC) No 2848/98 of 22 December 1998 laying down detailed rules for the application of Council Regulation (EEC) No 2075/92 as regards the premium scheme, production quotas and the specific aid to be granted to producer groups in the raw tobacco sector (OJ L 358, 31.12.1998, p. 17), as amended by:

- 31999 R 0510: Commission Regulation (EC) No 510/1999 of 8.3.1999 (OJ L 60, 9.3.1999, p. 54),
- 31999 R 0731: Commission Regulation (EC) No 731/1999 of 7.4.1999 (OJ L 93, 8.4.1999, p. 20),
- 31999 R 1373: Commission Regulation (EC) No 1373/1999 of 25.6.1999 (OJ L 162, 26.6.1999, p. 47),
- 31999 R 2162: Commission Regulation (EC) No 2162/1999 of 12.10.1999 (OJ L 265, 13.10.1999, p. 13),
- 31999 R 2637: Commission Regulation (EC) No 2637/1999 of 14.12.1999 (OJ L 323, 15.12.1999, p. 8),
- 32000 R 0531: Commission Regulation (EC) No 531/2000 of 10.3.2000 (OJ L 64, 11.3.2000, p. 13),
- 32000 R 0909: Commission Regulation (EC) No 909/2000 of 2.5.2000 (OJ L 105, 3.5.2000, p. 18),
- 32000 R 1249: Commission Regulation (EC) No 1249/2000 of 15.6.2000 (OJ L 142, 16.6.2000, p. 3),

- 32001 R 0385: Commission Regulation (EC) No 385/2001 of 26.2.2001 (OJ L 57, 27.2.2001, p. 18),
- 32001 R 1441: Commission Regulation (EC) No 1441/2001 of 16.7.2001 (OJ L 193, 17.7.2001, p. 5),
- 32002 R 0486: Commission Regulation (EC) No 486/2002 of 18.3.2002 (OJ L 76, 19.3.2002, p. 9),
- 32002 R 1005: Commission Regulation (EC) No 1005/2002 of 12.6.2002 (OJ L 153, 13.6.2002, p. 3),
- 32002 R 1501: Commission Regulation (EC) No 1501/2002 of 22.8.2002 (OJ L 227, 23.8.2002, p. 16),
- 32002 R 1983: Commission Regulation (EC) No 1983/2002 of 7.11.2002 (OJ L 306, 8.11.2002, p. 8),
- 32004 R 1809: Commission Regulation (EC) No 1809/2004 of 18.10.2004 (OJ L 318, 19.10.2004, p. 18).

Where appropriate and using the procedure referred to in Article 23 of Council Regulation (EEC) No 2075/92 of 30 June 1992 on the common organisation of the market in raw tobacco ¹, the Commission shall by accession adopt the necessary amendments to the Community list of recognised production areas set out in Annex II to Regulation (EC) No 2848/98 to take account of the accession of Bulgaria and Romania, in particular with a view to inserting the designated Bulgarian and Romanian tobacco production areas in that list.

¹ OJ L 215, 30.7.1992, p. 70.

3. 32003 R 1782: Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) No 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001 (OJ L 270, 21.10.2003, p. 1), as amended by:

- 32004 R 0021: Council Regulation (EC) No 21/2004 of 17.12.2003 (OJ L 5, 9.1.2004, p. 8),
- 32004 R 0583: Council Regulation (EC) No 583/2004 of 22.3.2004 (OJ L 91, 30.3.2004, p. 1),
- 32004 D 0281: Council Decision 2004/281/EC of 22.3.2004 (OJ L 93, 30.3.2004, p. 1),
- 32004 R 0864: Council Regulation (EC) No 864/2004 of 29.4.2004 (OJ L 161, 30.4.2004, p. 48).

- (a) The Council, acting by a qualified majority on a proposal from the Commission, and after consulting the European Parliament, shall adopt the necessary provisions for Bulgaria and Romania to integrate aid for seeds into the support schemes laid down in Title III, Chapter 6, and Title IV A of Regulation (EC) No 1782/2003.

- (i) These provisions will include an amendment to Annex XIA "Seed aid ceilings in the new Member States referred to in Article 99(3)" of Regulation (EC) No 1782/2003, as amended by Regulation (EC) No 583/2004, as follows:

"ANNEX XIA

Seed aid ceilings in the new Member States referred to in Article 99(3)

(EUR million)

| Calendar year | Bulgaria | Czech Republic | Estonia | Cyprus | Latvia | Lithuania | Hungary | Malta | Poland | Romania | Slovenia | Slovakia |
|------------------|----------|----------------|---------|--------|--------|-----------|---------|-------|--------|---------|----------|----------|
| 2005 | - | 0,87 | 0,04 | 0,03 | 0,10 | 0,10 | 0,78 | 0,03 | 0,56 | - | 0,08 | 0,04 |
| 2006 | - | 1,02 | 0,04 | 0,03 | 0,12 | 0,12 | 0,90 | 0,03 | 0,65 | - | 0,10 | 0,04 |
| 2007 | 0,11 | 1,17 | 0,05 | 0,04 | 0,14 | 0,14 | 1,03 | 0,04 | 0,74 | 0,19 | 0,11 | 0,05 |
| 2008 | 0,13 | 1,46 | 0,06 | 0,05 | 0,17 | 0,17 | 1,29 | 0,05 | 0,93 | 0,23 | 0,14 | 0,06 |
| 2009 | 0,15 | 1,75 | 0,07 | 0,06 | 0,21 | 0,21 | 1,55 | 0,06 | 1,11 | 0,26 | 0,17 | 0,07 |
| 2010 | 0,17 | 2,04 | 0,08 | 0,07 | 0,24 | 0,24 | 1,81 | 0,07 | 1,30 | 0,30 | 0,19 | 0,08 |
| 2011 | 0,22 | 2,33 | 0,10 | 0,08 | 0,28 | 0,28 | 2,07 | 0,08 | 1,48 | 0,38 | 0,22 | 0,09 |
| 2012 | 0,26 | 2,62 | 0,11 | 0,09 | 0,31 | 0,31 | 2,33 | 0,09 | 1,67 | 0,45 | 0,25 | 0,11 |
| 2013 | 0,30 | 2,91 | 0,12 | 0,10 | 0,35 | 0,35 | 2,59 | 0,10 | 1,85 | 0,53 | 0,28 | 0,12 |
| 2014 | 0,34 | 2,91 | 0,12 | 0,10 | 0,35 | 0,35 | 2,59 | 0,10 | 1,85 | 0,60 | 0,28 | 0,12 |
| 2015 | 0,39 | 2,91 | 0,12 | 0,10 | 0,35 | 0,35 | 2,59 | 0,10 | 1,85 | 0,68 | 0,28 | 0,12 |
| 2016 | 0,43 | 2,91 | 0,12 | 0,10 | 0,35 | 0,35 | 2,59 | 0,10 | 1,85 | 0,75 | 0,28 | 0,12 |
| subsequent years | 0,43 | 2,91 | 0,12 | 0,10 | 0,35 | 0,35 | 2,59 | 0,10 | 1,85 | 0,75 | 0,28 | 0,12 |

"

- (ii) The allocation of national maximum quantities of seeds on which the aid is payable is as follows:

Agreed allocation of national maximum quantities of seeds on which the aid is payable

(in tonnes)

| | Bulgaria | Romania |
|-------------------------------------|----------|---------|
| Rice seed (<i>Oryza sativa</i> L.) | 883,2 | 100 |
| Seed other than rice seed | 936 | 2 294 |

- (b) The Council, acting by a qualified majority on a proposal from the Commission, and after consulting the European Parliament, shall adopt the necessary provisions for Bulgaria and Romania to integrate aid for tobacco into the support schemes laid down in Title III, Chapter 6, and Title IV A of Regulation (EC) No 1782/2003.

The agreed allocation of national guarantee thresholds for tobacco is as follows:

Agreed allocation of national guarantee thresholds for tobacco

(in tonnes)

| | Bulgaria | Romania |
|--------------------|----------|---------|
| Total of which: | 47 137 | 12 312 |
| I Flue-cured | 9 023 | 4 647 |
| II Light air-cured | 3 208 | 2 370 |
| V Sun-cured | | 5 295 |
| VI Basmas | 31 106 | |
| VIII Kaba Koulak | 3 800 | |

B. VETERINARY AND PHYTOSANITARY LEGISLATION

31999 L 0105: Council Directive 1999/105/EC of 22 December 1999 on the marketing of forest reproductive material (OJ L 11, 15.1.2000, p. 17).

Where appropriate and using the procedure referred to in Article 26(3) of Directive 1999/105/EC, the Commission shall adapt Annex I to that Directive with regard to the forest species *Pinus peuce* Griseb., *Fagus orientalis* Lipsky, *Quercus frainetto* Ten. and *Tilia tomentosa* Moench.

ANNEX V

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

1. COMPANY LAW

Treaty establishing a Constitution for Europe, Part III, Title III, Chapter I, Section 3, Free movement of goods

SPECIFIC MECHANISM

With regard to Bulgaria or Romania, the holder, or his beneficiary, of a patent or supplementary protection certificate for a pharmaceutical product filed in a Member State at a time when such protection could not be obtained in one of the abovementioned new Member States for that product, may rely on the rights granted by that patent or supplementary protection certificate in order to prevent the import and marketing of that product in the Member State or States where the product in question enjoys patent protection or supplementary protection, even if the product was put on the market in that new Member State for the first time by him or with his consent.

Any person intending to import or market a pharmaceutical product covered by the above paragraph in a Member State where the product enjoys patent or supplementary protection shall demonstrate to the competent authorities in the application regarding that import that one month's prior notification has been given to the holder or beneficiary of such protection.

2. COMPETITION POLICY

Treaty establishing a Constitution for Europe, Part III, Title III, Chapter I, Section 5, Rules on competition

1. The following aid schemes and individual aid put into effect in a new Member State before the date of accession and still applicable after that date shall be regarded upon accession as existing aid within the meaning of Article III-168(1) of the Constitution:
 - (a) aid measures put into effect before 10 December 1994;
 - (b) aid measures listed in the Appendix to this Annex;

- (c) aid measures which prior to the date of accession were assessed by the State aid monitoring authority of the new Member State and found to be compatible with the acquis, and to which the Commission did not raise an objection on the ground of serious doubts as to the compatibility of the measure with the common market, pursuant to the procedure set out in paragraph 2.

All measures still applicable after the date of accession which constitute State aid and which do not fulfil the conditions set out above shall be considered as new aid upon accession for the purpose of the application of Article III-168(3) of the Constitution.

The above provisions do not apply to aid to the transport sector, nor to activities linked to the production, processing or marketing of products listed in Annex I to the Constitution with the exception of fisheries products and products derived thereof.

The above provisions shall also be without prejudice to the transitional measures regarding Competition Policy set out in the Protocol and the measures laid down in Annex VII, Chapter 4, Section B, to the Protocol.

2. To the extent that a new Member State wishes the Commission to examine an aid measure under the procedure described in paragraph 1(c), it shall provide the Commission regularly with:
 - (a) a list of existing aid measures which have been assessed by the national State aid monitoring authority and which that authority has found to be compatible with the acquis; and
 - (b) any other information which is essential for the assessment of the compatibility of the aid measure to be examined,

in accordance with the concrete reporting format provided by the Commission.

If the Commission does not object to the existing aid measure on the ground of serious doubts as to the compatibility of the measure with the common market, within 3 months of receipt of complete information on that measure or of receipt of the statement of the new Member State in which it informs the Commission that it considers the information provided to be complete because the additional information requested is not available or has been already provided, the Commission shall be deemed not to have raised an objection.

All aid measures submitted under the procedure described in paragraph 1(c) prior to the date of accession to the Commission are subject to the above procedure irrespective of the fact that in the period of examination the new Member State concerned has already become member of the Union.

3. A Commission decision to object to a measure, within the meaning of paragraph 1(c), shall be regarded as a decision to initiate the formal investigation procedure within the meaning of Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty ¹.

If such a decision is taken before the date of accession, the decision will only come into effect upon the date of accession.

4. Without prejudice to the procedures concerning existing aid provided for in Article III-168 of the Constitution, aid schemes and individual aid granted in the transport sector, put into effect in a new Member State before the date of accession and still applicable after that date, shall be regarded as existing aid within the meaning of Article III-168(1) of the Constitution subject to the following condition:

¹ OJ L 83, 27.3.1999, p. 1. Regulation as last amended by the 2003 Act of Accession (OJ L 236, 23.9.2003, p. 33).

- the aid measures shall be communicated to the Commission within four months of the date of accession. This communication shall include information on the legal basis for each measure. Existing aid measures and plans to grant or alter aids communicated to the Commission prior to the date of accession shall be deemed to have been communicated on the date of accession.

These aid measures shall be regarded as "existing" aid within the meaning of Article III-168(1) of the Constitution until the end of third year from the date of accession.

The new Member States shall, where necessary, amend these aid measures in order to comply with the guidelines applied by the Commission by the end of the third year from the date of accession at the latest. After that date, any aid found to be incompatible with those guidelines shall be considered as new aid.

5. With regard to Romania, paragraph 1(c) shall only apply to aid measures assessed by the Romanian State aid monitoring authority after such date, decided upon by the Commission on the basis of continuous monitoring of the commitments undertaken by Romania in the context of the accession negotiations, that Romania's State aid enforcement record in the period prior to accession has reached a satisfactory level. Such a satisfactory level shall only be considered to have been reached once Romania has demonstrated the consistent application of full and proper State aid control in relation to all aid measures granted in Romania, including the adoption and the implementation of fully and correctly reasoned decisions by the Romanian State aid monitoring authority containing an accurate assessment of the State aid nature of each measure and a correct application of the compatibility criteria.

The Commission may object, on the ground of serious doubts as to the compatibility with the common market, to any aid measure granted in the pre-accession period between 1 September 2004 and the date fixed in the above Commission decision finding that the enforcement record has reached a satisfactory level. Such a Commission decision to object to a measure shall be regarded as a decision to initiate the formal investigation procedure within the meaning of Regulation (EC) No 659/1999. If such a decision is taken before the date of accession, the decision will only come into effect upon the date of accession.

Where the Commission adopts a negative decision following the initiation of the formal investigation procedure, the Commission shall decide that Romania shall take all necessary measures to effectively recover the aid from the beneficiary. The aid to be recovered shall include interest at an appropriate rate determined in accordance with Regulation (EC) No 794/2004¹, and payable from the same date.

¹ Commission Regulation (EC) No 794/2004 of 21.4.2004 implementing Council Regulation (EC) No 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty (OJ L 140, 30.4.2004, p. 1).

3. AGRICULTURE

(a) Treaty establishing a Constitution for Europe, Part III, Title III, Chapter III, Section 4, Agriculture and fisheries

1. Public stocks held at the date of accession by the new Member States and resulting from their market-support policy shall be taken over by the Community at the value resulting from the application of Article 8 of Council Regulation (EEC) No 1883/78 of 2 August 1978 laying down general rules for the financing of interventions by the European Agricultural Guidance and Guarantee Fund, Guarantee Section ¹. The said stocks shall be taken over only on condition that public intervention for the products in question is operated in the Community and that the stocks meet the Community intervention requirements.
2. Any stock of product, private as well as public, in free circulation at the date of accession within the territory of the new Member States exceeding the quantity which could be regarded as constituting a normal carryover of stock must be eliminated at the expense of the new Member States.

¹ OJ L 216, 5.8.1978, p. 1. Regulation as last amended by Regulation (EC) No 1259/96 (OJ L 163, 2.7.1996, p. 10).

The concept of normal carryover stock shall be defined for each product on the basis of criteria and objectives specific to each common market organisation.

3. The stocks referred to in paragraph 1 shall be deducted from the quantity exceeding the normal carryover of stocks.
4. The Commission shall implement and apply the arrangements outlined above in accordance with the procedure laid down in Article 13 of Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy ¹ or, as appropriate, in accordance with the procedure referred to in Article 42(2) of Council Regulation (EC) No 1260/2001 of 30 June 2001 on the common organisation of the markets in the sugar sector ², or 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.

¹ OJ L 160, 26.6.1999, p. 103.

² OJ L 178, 30.6.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 39/2004 (OJ L 6, 10.1.2004, p. 16).

- (b) Treaty establishing a Constitution for Europe, Part III, Title III, Chapter I, Section 5, Rules on competition

Without prejudice to the procedures concerning existing aid provided for in Article III-168 of the Constitution, aid schemes and individual aid granted to activities linked to the production, processing or marketing of products listed in Annex I to the Constitution, with the exception of fisheries products and products derived therefrom, put into effect in a new Member State before the date of accession and still applicable after that date, shall be regarded as existing aid within the meaning of Article III-168(1) of the Constitution, subject to the following condition:

- the aid measures shall be communicated to the Commission within four months of the date of accession. This communication shall include information on the legal basis for each measure. Existing aid measures and plans to grant or alter aids communicated to the Commission prior to the date of accession shall be deemed to have been communicated on the date of accession. The Commission shall publish a list of such aids.

These aid measures shall be regarded as "existing" aid within the meaning of Article III-168(1) of the Constitution until the end of third year from the date of accession.

The new Member States shall, where necessary, amend these aid measures in order to comply with the guidelines applied by the Commission by the end of the third year from the date of accession at the latest. After that date, any aid found to be incompatible with those guidelines shall be considered as new aid.

4. CUSTOMS UNION

Treaty establishing a Constitution for Europe, Part III, Title III, Chapter I, Section 3, Free movement of goods, Subsection 1, Customs Union

31992 R 2913: Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ L 302, 19.10.1992, p. 1), as last amended by:

- 12003 T: Act concerning the conditions of accession and the adjustments to the Treaties – 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 (OJ L 236, 23.9.2003, p. 33);

31993 R 2454: Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (OJ L 253, 11.10.1993, p. 1), as last amended by:

- 32003 R 2286: Commission Regulation (EC) No 2286/2003 of 18.12.2003 (OJ L 343, 31.12.2003, p. 1).

Regulation (EEC) No 2913/92 and Regulation (EEC) No 2454/93 shall apply to the new Member States subject to the following specific provisions:

PROOF OF COMMUNITY STATUS (TRADE WITHIN THE ENLARGED COMMUNITY)

1. Notwithstanding Article 20 of Regulation (EEC) No 2913/92, goods which on the date of accession are in temporary storage or under one of the customs treatments and procedures referred to in Article 4(15)(b) and (16)(b) to (g) of that Regulation in the enlarged Community, or which are in transport after having been the subject of export formalities within the enlarged Community, shall be free of customs duties and other customs measures when declared for release for free circulation within the enlarged Community on condition that one of the following is presented:

- (a) proof of preferential origin properly issued or made out prior to the date of accession under one of the Europe Agreements listed below or the equivalent preferential agreements concluded between the new Member States themselves, and which contains a prohibition of drawback of, or exemption from, customs duties on non-originating materials used in the manufacture of the products for which a proof of origin is issued or made out ("no-drawback" rule);

The Europe Agreements:

- 21994 A 1231 (24) Bulgaria: Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part – Protocol 4 concerning the definition of the concept of "originating products" and methods of administrative cooperation ¹;
- 21994 A 1231 (20) Romania: Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part – Protocol 4 concerning the definition of the concept of "originating products" and methods of administrative cooperation ².

¹ OJ L 358, 31.12.1994, p. 3. Protocol as last amended by Decision No 1/2003 of the EU/Bulgaria Association Council of 4.6.2003 (OJ L 191, 30.7.2003, p. 1).

² OJ L 357, 31.12.1994, p. 2. Protocol as last amended by Decision No 2/2003 of the EU/Romania Association Council of 25.9.2003 (not yet published in the Official Journal).

- (b) any of the means of proof of Community status referred to in Article 314c of Regulation (EEC) No 2454/93;
- (c) an ATA carnet issued before the date of accession in a present Member State or in a new Member State.

2. For the purpose of issuing the proofs referred to in paragraph 1(b) above, with reference to the situation at the date of accession and in addition to the provisions of Article 4(7) of Regulation (EEC) No 2913/92, "Community goods" shall mean goods:

- wholly obtained in the territory of any of the new Member States under conditions identical to those of Article 23 of Regulation (EEC) No 2913/92 and not incorporating goods imported from other countries or territories; or
- imported from countries or territories other than the country concerned, and released for free circulation in that country; or
- obtained or produced in the country concerned, either from goods referred to in the second indent of this paragraph alone or from goods referred to in the first and second indent of this paragraph.

3. For the purpose of verifying the proofs referred to in paragraph 1(a) above, the provisions concerning the definition of the concept of "originating products" and methods of administrative cooperation under the respective Europe Agreements or the equivalent preferential agreements concluded between the new Member States themselves shall apply. Requests for subsequent verification of those proofs shall be accepted by the competent customs authorities of the present Member States and of the new Member States for a period of three years after the issue of the proof of origin concerned and may be made by those authorities for a period of three years after acceptance of the proof of origin in support of a declaration of free circulation.

PROOF OF PREFERENTIAL ORIGIN (TRADE WITH THIRD COUNTRIES, INCLUDING TURKEY, IN THE FRAMEWORK OF THE PREFERENTIAL AGREEMENTS ON AGRICULTURE, COAL AND STEEL PRODUCTS)

4. Without prejudice to the application of any measure deriving from the common commercial policy, proof of origin properly issued by third countries or made out in the framework of preferential agreements concluded by the new Member States with those countries or issued or made out in the framework of unilateral national legislation of the new Member States shall be accepted in the respective new Member States, provided that:

- (a) the acquisition of such origin confers preferential tariff treatment on the basis of the preferential tariff measures contained in agreements or arrangements which the Community has concluded with, or adopted in respect of those third countries or groups of countries, as referred to in Article 20(3)(d) and (e) of Regulation (EEC) No 2913/92; and
- (b) the proof of origin and the transport documents were issued or made out no later than the day before the date of accession; and
- (c) the proof of origin is submitted to the customs authorities within the period of four months from the date of accession.

Where goods were declared for release for free circulation in a new Member State prior to the date of accession, proof of origin issued or made out retrospectively under preferential agreements or arrangements in force in that new Member State at the date of the release for free circulation may also be accepted in the new Member State concerned, provided that it is submitted to the customs authorities within the period of four months from the date of accession.

5. Bulgaria and Romania are authorised to retain the authorisations with which the status of "approved exporters" has been granted in the framework of agreements concluded with third countries, provided that:

- (a) such a provision is also provided for in the agreements concluded prior to the date of accession by those third countries with the Community; and
- (b) the approved exporters apply the rules of origin provided for in those agreements.

These authorisations shall be replaced by the new Member States, no later than one year after the date of accession, by new authorisations issued under the conditions of Community legislation.

6. For the purpose of verifying the proofs referred to in paragraph 4, the provisions concerning the definition of the concept of "originating products" and methods of administrative cooperation of the relevant agreements or arrangements shall apply. Requests for subsequent verification of those proofs shall be accepted by the competent customs authorities of the present Member States and of the new Member States for a period of three years after the issue of the proof of origin concerned and may be made by those authorities for a period of three years after acceptance of the proof of origin in support of a declaration of free circulation.

7. Without prejudice to the application of any measure deriving from the common commercial policy, proof of origin issued retrospectively by third countries in the framework of preferential agreements concluded by the Community with those countries shall be accepted in the new Member States for the release for free circulation of goods which on the date of accession are either en route or in temporary storage, in a customs warehouse or in a free zone in one of these third countries or in that new Member State, provided that the new Member State where the release for free circulation takes place had no free trade agreement in force with the third country, for the products concerned, at the moment when the transport documents were issued, and provided that:

- (a) the acquisition of such origin confers preferential tariff treatment on the basis of the preferential tariff measures contained in agreements or arrangements which the Community has concluded with, or adopted in respect of third countries or groups of countries, as referred to in Article 20(3)(d) and (e) of Regulation (EEC) No 2913/92; and
- (b) the transport documents were issued no later than the day before the date of accession; and
- (c) the proof of origin issued retrospectively is submitted to the customs authorities within four months of the date of accession.

8. For the purpose of verifying the proofs referred to in paragraph 7, the provisions concerning the definition of the concept of "originating products" and methods of administrative cooperation of the relevant agreements or arrangements shall apply.

PROOF OF STATUS UNDER THE PROVISIONS ON FREE CIRCULATION FOR INDUSTRIAL PRODUCTS WITHIN THE EC-TURKEY CUSTOMS UNION

9. Proofs of origin properly issued by either Turkey or a new Member State in the framework of preferential trade agreements applied between them and allowing with the Community a cumulation of origin based on identical rules of origin and a prohibition of any drawback or suspension from customs duties on the goods concerned, shall be accepted in the respective countries as a proof of status under the provisions on free circulation for industrial products, laid down in Decision No 1/95 of the EC-Turkey Association Council ¹, provided that:

- (a) the proof of origin and the transport documents were issued no later than the day before the date of accession; and

¹ Decision No 1/95 of the EC-Turkey Association Council of 22.12.1995 on implementing the final phase of the Customs Union (OJ L 35, 13.2.1996, p. 1). Decision as last amended by Decision No 2/99 of the EC-Turkey Association Council (OJ L 72, 18.3.1999, p. 36).

- (b) the proof of origin is submitted to the customs authorities within the period of four months from the date of accession.

Where goods were declared for release for free circulation in either Turkey or a new Member State, prior to the date of accession, in the framework of preferential trade agreements mentioned above, proof of origin issued retrospectively under those agreements may also be accepted provided that it is submitted to the customs authorities within the period of four months from the date of accession.

10. For the purpose of verifying the proofs referred to in paragraph 9, the provisions concerning the definition of the concept of "originating products" and methods of administrative cooperation of the relevant preferential agreements shall apply. Requests for subsequent verification of those proofs shall be accepted by the competent customs authorities of the present Member States and of the new Member States for a period of three years after the issue of the proof of origin concerned and may be made by those authorities for a period of three years after acceptance of the proof of origin in support of a declaration of free circulation.

11. Without prejudice to the application of any measure deriving from the common commercial policy, an A.TR movement certificate issued under the provisions on free circulation for industrial products, laid down in Decision No 1/95 of the EC-Turkey Association Council, shall be accepted in the new Member States for the release for free circulation of goods which on the date of accession are either in transport after having been the subject of export formalities within the Community or Turkey or are in temporary storage or under a customs procedure referred to in Article 4(16)(b) to (h) of Regulation (EEC) No 2913/92 in Turkey or in that new Member State, provided that:

- (a) no proof of origin as referred to in paragraph 9 is submitted for the goods concerned; and
- (b) the goods comply with the conditions for the implementation of the provisions on free circulation for industrial products; and
- (c) the transport documents were issued no later than the day before the date of accession; and
- (d) the A.TR movement certificate is submitted to the customs authorities within four months of the date of accession.

12. For the purpose of verifying the A.TR movement certificates referred to in paragraph 11 above, the provisions concerning the issue of A.TR movement certificates and methods of administrative cooperation under Decision No 1/2001 of the EC-Turkey Customs Cooperation Committee¹ shall apply.

CUSTOMS PROCEDURES

13. Temporary storage and customs procedures referred to in Article 4(16) (b) to (h) of Regulation (EEC) No 2913/92 which have begun before accession shall be ended or discharged under the conditions of Community legislation.

Where the end or discharge gives rise to a customs debt, the amount of import duty to be paid shall be that in force at the time when the customs debt is incurred in accordance with the Common Customs Tariff and the amount paid shall be considered as own resources of the Community.

14. The procedures governing customs warehousing laid down in Articles 84 to 90 and 98 to 113 of Regulation (EEC) No 2913/92 and Articles 496 to 535 of Regulation (EEC) No 2454/93 shall apply to the new Member States subject to the following specific provisions:

¹ Decision No 1/2001 of the EC-Turkey Customs Cooperation Committee of 28.3.2001 amending Decision No 1/96 laying down detailed rules for the application of Decision No 1/95 of the EC-Turkey Association Council (OJ L 98, 7.4.2001, p. 31). Decision as last amended by Decision No 1/2003 of the EC-Turkey Customs Cooperation Committee (OJ L 28, 4.2.2003, p. 51).

- where the amount of a customs debt is determined on the basis of the nature of the import goods, the value for customs purposes and the quantity of the import goods at the time of acceptance of the declaration of their placing under customs warehousing and that declaration was accepted prior to the date of accession, these elements shall result from the legislation applicable before the date of accession in the new Member State concerned.

15. The procedures governing inward processing laid down in Articles 84 to 90 and 114 to 129 of Regulation (EEC) No 2913/92 and Articles 496 to 523 and 536 to 550 of Regulation (EEC) No 2454/93 shall apply to the new Member States subject to the following specific provisions:

- where the amount of a customs debt is determined on the basis of the nature of the import goods, their tariff classification, the quantity, the value for customs purposes and the origin of the import goods at the time they were placed under the procedure and where the declaration placing the goods under the procedure was accepted prior to the date of accession, these elements shall result from the legislation applicable before the date of accession in the new Member State concerned;
- where the discharge gives rise to a customs debt, in order to maintain the equity between the holders of authorisations established in the present Member States and those in the new Member States, compensatory interest shall be paid on the import duties due under the conditions of Community legislation from the date of accession;

- if the declaration for inward processing was accepted under a drawback system, the drawback shall be effected under the conditions of Community legislation, by and at the expense of the new Member State, where the customs debt in respect of which the drawback is requested was incurred before the date of accession.

16. The procedures governing temporary importation laid down in Articles 84 to 90 and 137 to 144 of Regulation (EEC) No 2913/92 and Articles 496 to 523 and 553 to 584 of Regulation (EEC) No 2454/93 shall apply to the new Member States subject to the following specific provisions:

- where the amount of a customs debt is determined on the basis of the nature of the import goods, their tariff classification, the quantity, the value for customs purposes and the origin of the import goods at the time they were placed under the procedure and where the declaration placing the goods under the procedure was accepted prior to the date of accession, these elements shall result from the legislation applicable before the date of accession in the new Member State concerned;

- where the discharge gives rise to a customs debt, in order to maintain equity between the holders of authorisations established in the present Member States and those in the new Member States, compensatory interest shall be paid on the import duties due under the conditions of Community legislation from the date of accession.

17. The procedures governing outward processing laid down in Articles 84 to 90 and 145 to 160 of Regulation (EEC) No 2913/92 and Articles 496 to 523 and 585 to 592 of Regulation (EEC) No 2454/93 shall apply to the new Member States subject to the following specific provisions:

- Article 591, second paragraph, of Regulation (EEC) No 2454/93 shall apply *mutatis mutandis* to temporary export goods which have been exported temporarily before the date of accession from the new Member States.

OTHER PROVISIONS

18. Authorisations which have been granted before the date of accession for the use of the customs procedures referred to in Article 4(16)(d), (e) and (g) of Regulation (EEC) No 2913/92 shall be valid until the end of their validity or one year after the date of accession, whichever is the earlier.

19. The procedures governing incurrence of a customs debt, entry in the accounts and post-clearance recovery laid down in Articles 201 to 232 of Regulation (EEC) No 2913/92 and Articles 859 to 876a of Regulation (EEC) No 2454/93 shall apply to the new Member States subject to the following specific provisions:

- recovery shall be effected under the conditions of Community legislation. However, where the customs debt was incurred before the date of accession, recovery shall be effected under the conditions in force in the new Member State concerned before accession, by it and in its own favour.

20. The procedures governing repayment and remission of duty laid down in Articles 235 to 242 of Regulation (EEC) No 2913/92 and Articles 877 to 912 of Regulation (EEC) No 2454/93 shall apply to the new Member States subject to the following specific provisions:

- repayment and remission of duties shall be effected under the conditions of Community legislation. However, where the duties of which repayment or remission is requested relate to a customs debt which was incurred before the date of accession, the repayment and remission of duties shall be effected under the conditions in force in the new Member State concerned before accession, by it and at its own expense.

Appendix to ANNEX V

List of existing aid measures referred to in point 1(b) of the existing aid mechanism provided for in Chapter 2 of Annex V

Note: The aid measures listed in this Appendix are only to be considered as existing aid for the purpose of the existing aid mechanism set out in Chapter 2 of Annex V to the extent that they fall within the scope of its first paragraph.

| No. | | | Title (original) | Date of approval by national State aid monitoring authority | Duration |
|-----|----|------|---|---|------------|
| MS | Nr | Yr | | | |
| BG | 1 | 2004 | Предоговаряне на задълженията към държавата, възникнали по реда на Закона за уреждане на необслужваните кредити, договорени до 31.12.1990 г. със "Силома" АД, гр.Силистра, чрез удължаване на срока на изплащане на главницата за срок от 15 години | 29.7.2004 | 2004-2018 |
| BG | 2 | 2004 | Средства за компенсиране от държавния бюджет на доказаните от "Български пощи" ЕАД дефицит от изпълнението на универсалната пощенска услуга | 18.11.2004 | 31.12.2010 |
| BG | 3 | 2004 | Целево финансиране на дейността на Българската телеграфна агенция- направление "Информационно обслужване" | 16.12.2003 | 31.12.2010 |

ANNEX VI

List referred to in Article 20 of the Protocol:
transitional measures, Bulgaria

1. FREEDOM OF MOVEMENT FOR PERSONS

Treaty establishing a Constitution for Europe

31968 R 1612: Regulation (EEC) No 1612/68 of the Council of 15 October 1968 on freedom of movement for workers within the Community (OJ L 257, 19.10.1968, p. 2), as last amended by:

– 32004 L 0038: Directive 2004/38/EC of the European Parliament and of the Council of 29.4.2004 (OJ L 158, 30.4.2004, p. 77);

31996 L 0071: Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L 18, 21.1.1997, p. 1);

32004 L 0038: Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ L 158, 30.4.2004, p. 77).

1. Article III-133 and the first paragraph of Article III-144 of the Constitution 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 Bulgaria on the one hand, and each of the present Member States 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 Bulgarian nationals. The present Member States may continue to apply such measures until the end of the five year period following the date of accession.

Bulgarian 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.

Bulgarian 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 Bulgarian 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.

Bulgarian 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 the request of Bulgaria, 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 the request from Bulgaria.

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 Bulgarian nationals, and which are issuing work permits to nationals of Bulgaria 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 Bulgarian 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 first 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 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 23 of Directive 2004/38/EC shall apply in Bulgaria with regard to nationals of the present Member States, and in the present Member States with regard to Bulgarian nationals, under the following conditions, so far as the right of family members of workers to take up employment is concerned:

- the spouse of a worker and their descendants who are under 21 years of age or are dependants, 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 spouse of a worker and their descendants who are under 21 years of age or are dependants, 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 provisions of Directive 2004/38/EC which take over provisions of Directive 68/360/EEC¹ 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, Bulgaria 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, Bulgaria 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, Bulgaria may resort to the procedures laid down in paragraph 7 with respect to Romania. During any such period work permits issued by Bulgaria for monitoring purposes to nationals of Romania shall be issued automatically.

¹ Council Directive 68/360/EEC of 15 October 1968 on the abolition of restrictions on movement and residence within the Community for workers of Member States and their families (OJ L 257, 19.10.1968, p. 13). Directive as last amended by the 2003 Act of Accession (OJ L 236, 23.9.2003, p. 33) and repealed with effect from 30 April 2006 by Directive 2004/38/EC of the European Parliament and of the Council (OJ L 158, 30.4.2004, p. 77).

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 Bulgarian workers, Germany and Austria may, after notifying the Commission, derogate from the first paragraph of Article III-144 of the Constitution with a view to limit, in the context of the provision of services by companies established in Bulgaria, 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:

| Sector | NACE * code, unless otherwise specified |
|--|--|
| Construction, including related branches | 45.1 to 4; Activities listed in the Annex to Directive 96/71/EC |
| Industrial cleaning | 74.70 Industrial cleaning |
| Other Services | 74.87 Only activities of interior decorators |

– in Austria:

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

* NACE: see 31990 R 3037: Council Regulation (EEC) No 3037/90 of 9 October 1990 on the statistical classification of economic activities in the European Community (OJ L 293, 24.10.1990, p. 1). Regulation as last amended by 32003 R 1882: Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29.9.2003 (OJ L 284, 31.10.2003, p. 1).

To the extent that Germany or Austria derogate from the first paragraph of Article III-144 of the Constitution in accordance with the preceding subparagraphs, Bulgaria 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 Bulgaria 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 Bulgarian 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.

Bulgarian 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 Bulgaria shall not be treated in a more restrictive way than those from third countries resident and working in that Member State or Bulgaria respectively. Furthermore, in application of the principle of Community preference, migrant workers from third countries resident and working in Bulgaria shall not be treated more favourably than nationals of Bulgaria.

2. FREEDOM TO PROVIDE SERVICES

31997 L 0009: Directive 97/9/EC of the European Parliament and of the Council of 3 March 1997 on investor-compensation schemes (OJ L 84, 26.3.1997, p. 22).

By way of derogation from Article 4(1) of Directive 97/9/EC, the minimum level of compensation shall not apply in Bulgaria until 31 December 2009. Bulgaria shall ensure that its investor-compensation scheme provides for cover of not less than EUR 12 000 from 1 January 2007 until 31 December 2007 and of not less than EUR 15 000 from 1 January 2008 until 31 December 2009.

During the transitional period the other Member States will retain the right to prevent a branch of a Bulgarian 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 Bulgarian level of compensation and the minimum level referred to in Article 4(1) of Directive 97/9/EC.

3. FREE MOVEMENT OF CAPITAL

Treaty establishing a Constitution for Europe

1. Notwithstanding the obligations under the Treaty establishing a Constitution for Europe, Bulgaria may maintain in force for five years from the date of accession the restrictions laid down in its legislation, existing at the time of signature of the Treaty of Accession, on the acquisition of ownership over land for secondary residences by nationals of the Member States or the States which are a party to the European Economic Area Agreement (EEAA) non-resident in Bulgaria and by legal persons formed in accordance with the laws of another Member State or of an EEAA State.

Nationals of the Member States and nationals of the States which are a party to the European Economic Area Agreement who are legally resident in Bulgaria shall not be subject to the provisions of the preceding subparagraph or to any rules and procedures other than those to which nationals of Bulgaria are subject.

2. Notwithstanding the obligations under the Treaty establishing a Constitution for Europe, Bulgaria may maintain in force for seven years from the date of accession the restrictions laid down in its legislation, existing at the time of signature of the Treaty of Accession, on the acquisition of agricultural land, forests and forestry land by nationals of another Member State, by nationals of the States which are a party to the European Economic Area Agreement and by legal persons formed in accordance with the laws of another Member State or an EEAA State. In no instance may a national of a Member State be treated less favourably in respect of the acquisition of agricultural land, forests and forestry land 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.

Self-employed farmers who are nationals of another Member State and who wish to establish themselves and legally reside in Bulgaria, shall not be subject to the provisions of the preceding subparagraph or to any procedures other than those to which nationals of Bulgaria are subject.

A general review of these transitional measures shall be held in 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 subparagraph.

4. AGRICULTURE

A. AGRICULTURAL LEGISLATION

31997 R 2597: Council Regulation (EC) No 2597/97 of 18 December 1997 laying down additional rules on the common organization of the market in milk and milk products for drinking milk (OJ L 351, 23.12.1997, p. 13), as last amended by:

- 31999 R 1602: Council Regulation (EC) No 1602/1999 of 19.7.1999 (OJ L 189, 22.7.1999, p. 43).

By way of derogation from Article 3(1)(b) and (c) of Regulation (EC) No 2597/97, the requirements relating to fat content shall not apply to drinking milk produced in Bulgaria until 30 April 2009, in that milk with a fat content of 3% (m/m) may be marketed as whole milk, and milk with a fat content of 2% (m/m) may be marketed as semi-skimmed milk. Drinking milk which does not comply with the requirements relating to fat content may be marketed only in Bulgaria or exported to third countries.

B. VETERINARY AND PHYTOSANITARY LEGISLATION

32004 R 0853: Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (OJ L 139, 30.4.2004, p. 55).

- (a) The milk processing establishments listed in Chapters I and II of the Appendix to this Annex may until 31 December 2009 receive deliveries of raw milk that does not comply with or has not been handled in accordance with the requirements in Regulation (EC) No 853/2004, Annex III, Section IX, Chapter I, subchapters II and III provided that those farms from which the milk is delivered are mentioned on a list maintained for that purpose by the Bulgarian authorities.
- (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 establishments in Bulgaria also covered by the provisions of paragraph (a), irrespective of the date of marketing. These products must bear a different identification mark to that provided for in Article 5 of Regulation (EC) No 853/2004.

- (c) The establishments listed in Chapter II of the Appendix to this Annex may until 31 December 2009 process EU compliant and EU non-compliant milk on separate production lines. In this context EU non-compliant milk is understood as the milk referred to in paragraph (a). Such establishments must fully comply with the EU requirements for establishments, including the implementation of the Hazard Analysis and Critical Control Point (HACCP) principles (referred to in Article 5 of Regulation (EC) No 852/2004¹) and must demonstrate their capacity to fully comply with the following conditions, including designating their relevant production lines:
- take all necessary measures to allow for the proper observance of in-house procedures for the separation of milk starting from collection up to the final product stage, including routes of milk collection, separate storage and treatment of EU compliant and non-compliant milk, specific packaging and labelling of products based on EU non-compliant milk as well as separate storage of such products,
 - establish a procedure ensuring raw material traceability, including the necessary documentary evidence of product movements and the accountancy for products and reconciliation of compliant and non-compliant raw materials with the categories of products produced,

¹ Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs (OJ L 139, 30.4.2004, p. 1).

- expose all raw milk to heat treatment at a temperature of minimum 71,7 °C for 15 seconds, and
- take all appropriate measures to ensure that the identification marks are not used fraudulently.

The Bulgarian authorities shall:

- ensure that the operator or manager of each establishment concerned takes all necessary measures to allow for the proper observance of in-house procedures for the separation of milk;
- conduct tests and unannounced controls relating to the observance of milk separation; and
- conduct tests in approved laboratories on all raw and finished products to verify their compliance with the requirements of Regulation (EC) No 853/2004, Annex III, Section IX, Chapter II, including the microbiological criteria for milk-based products.

The milk and/or milk-based products originating from separate production lines processing EU non-compliant raw milk in EU-approved milk processing establishments may only be placed on the market subject to the conditions laid down in paragraph (b). Products based on compliant raw milk processed on a separate production line in an establishment listed in Chapter II of the Appendix to this Annex can be marketed as compliant products as long as all conditions regarding separation of product lines are maintained.

- (d) Milk and milk products produced under the provisions referred to in paragraph (c) shall only be granted support under Title I, Chapters II and III, except Article 11 thereof, and Title II of Regulation (EC) No 1255/1999¹ if they carry the oval identification mark referred to in Annex II, Section I, of Regulation (EC) No 853/2004.
- (e) Bulgaria shall ensure gradual compliance with the requirements referred to in paragraph (a) and shall submit annual reports to the Commission on progress made in upgrading dairy farms and the milk collection system. Bulgaria shall ensure that these requirements are fully complied with by 31 December 2009.

¹ Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products (OJ L 160, 26.6.1999, p. 48). Regulation as last amended by Commission Regulation (EC) No 186/2004 (OJ L 29, 3.2.2004, p. 6).

- (f) The Commission may, in accordance with the procedure referred to in Article 58 of Regulation (EC) No 178/2002¹, update the Appendix to this Annex before accession and until 31 December 2009 and in this context add or delete individual establishments in the light of progress made in the correction of existing shortcomings and the outcome of the monitoring process.

Detailed implementation rules to ensure the smooth operation of the above transitional regime may be adopted in accordance with the procedure referred to in Article 58 of Regulation (EC) No 178/2002.

¹ Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1). Regulation as last amended by Regulation (EC) No 1642/2003 (OJ L 245, 29.9.2003, p. 4).

5. TRANSPORT POLICY

1. 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:

- 32002 R 0484: Regulation (EC) No 484/2002 of the European Parliament and of the Council of 1.3.2002 (OJ L 76, 19.3.2002, p. 1).
- (a) By way of derogation from Article 1 of Regulation (EEC) No 3118/93 and until the end of the third year following the date of accession, carriers established in Bulgaria 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 Bulgaria.
- (b) Before the end of the third 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) Those Member States in which, by virtue of paragraph (b) above, Article 1 of the Regulation applies, may resort to the procedure set out below until the end of the fifth year following the date of accession.

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.

- (d) As long as Article 1 of the Regulation is not applied by virtue of paragraphs (a) and (b) 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.
- (e) The effect of the application of paragraphs (a) to (c) 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.

2. 31996 L 0026: Council Directive 96/26/EC of 29 April 1996 on admission to the occupation of road haulage operator and road passenger transport operator and mutual recognition of diplomas, certificates and other evidence of formal qualifications intended to facilitate for these operators the right to freedom of establishment in national and international transport operations (OJ L 124, 23.5.1996, p. 1), as last amended by:

- 32004 L 0066: Council Directive 2004/66/EC of 26.4.2004 (OJ L 168, 1.5.2004, p.35).

Until 31 December 2010, Article 3(3)(c) of Directive 96/26/EC shall not apply in Bulgaria to transport undertakings engaged exclusively in domestic road haulage and passenger transport operations.

The available capital and the reserves of those undertakings shall gradually reach the minimum rates laid down in that Article in accordance with the following schedule:

- by 1 January 2007, the undertaking must have available capital and reserves of at least EUR 5 850 for the first and at least EUR 3 250 for each additional vehicle;
- by 1 January 2008, the undertaking must have available capital and reserves of at least EUR 6 750 for the first and at least EUR 3 750 for each additional vehicle;
- by 1 January 2009, the undertaking must have available capital and reserves of at least EUR 7 650 for the first and at least EUR 4 250 for each additional vehicle;
- by 1 January 2010, the undertaking must have available capital and reserves of at least EUR 8 550 for the first and at least EUR 4 750 for each additional vehicle.

3. 31996 L 0053: Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic (OJ L 235, 17.9.1996, p. 59), as last amended by:

– 32002 L 0007: Directive 2002/7/EC of the European Parliament and of the Council of 18.2.2002 (OJ L 67, 9.3.2002, p. 47).

By way of derogation from Article 3(1) of Directive 96/53/EC, vehicles complying with the limit values of categories 3.2.1, 3.4.1, 3.4.2, and 3.5.1 specified in Annex I to that Directive may only use non-upgraded parts of the Bulgarian road network until 31 December 2013 if they comply with Bulgarian axle-weight limits.

As from the date of accession, no restrictions may be imposed on the use, by vehicles complying with the requirements of Directive 96/53/EC, of the main transit routes set out in Annex I to Decision No 1692/96/EC of the European Parliament and of the Council of 23 July 1996 on Community guidelines for the development of the trans-European transport network ¹.

Bulgaria shall adhere to the timetable set out in the tables below for the upgrading of its main road network. Any infrastructure investments involving the use of funds from the Community budget shall ensure that the arteries are constructed or upgraded to a load bearing capacity of 11,5 tonnes per axle.

¹ OJ L 228, 9.9.1996, p. 1. Decision as last amended by Decision No 884/2004/EC (OJ L 167, 30.4.2004, p.1).

In line with the completion of the upgrading, there shall be a progressive opening of the Bulgarian road network, including the network as contained in Annex I to Decision No 1692/96/EC, for vehicles in international traffic complying with the limit values of the Directive. For the purpose of loading and unloading, where technically possible, the use of non-upgraded parts of the secondary road network shall be allowed during the entire transitional period.

As from the date of accession, all vehicles in international traffic fitted with air-suspension complying with the limit values of Directive 96/53/EC shall not be subject to any temporary additional charges on the entire Bulgarian road transport network.

Temporary additional charges for using non-upgraded parts of the network with vehicles in international traffic not fitted with air-suspension and complying with the limit values of the Directive shall be levied in a non-discriminatory manner. The charging regime shall be transparent, and payment of these charges shall not place an undue administrative burden or delay on the user, nor shall the payment of these charges lead to a systematic check of axle load limits at the border. Enforcement of axle load limits shall be assured in a non-discriminatory manner throughout the territory and be effective also as regards vehicles registered in Bulgaria.

Road upgrading programme (km)

Table 1

| N | ROAD | SECTION | LENGTH /KM | OPEN TO TRAFFIC | MEASURE |
|----|------------|---|------------|-----------------|------------------|
| 1 | 2 | 3 | 4 | 5 | 6 |
| 1 | I-5/E-85/ | GABROVO - SHIPKA | 18 | 2014 | NEW CONSTRUCTION |
| 2 | I-5/E-85/ | KARDJALI - PODKOVA (MAKAZA) | 18 | 2008 | NEW CONSTRUCTION |
| | | SUBTOTAL | 36 | | |
| 3 | I-6 | SOFIA - PIRDOP | 56 | 2009 | REHABILITATION |
| 4 | I-7 | SILISTRA - SHUMEN | 88 | 2011 | REHABILITATION |
| 5 | I-7 | PRESLAV - E-773 | 48 | 2010 | RECONSTRUCTION |
| | | SUBTOTAL | 136 | | |
| 6 | I-9 /E-87/ | ROMANIAN BORDER - BALCHIK | 60 | 2009 | REHABILITATION |
| 7 | II-12 | VIDIN - SERBIA AND MONTENEGRO BORDER | 26 | 2008 | RECONSTRUCTION |
| 8 | II-14 | VIDIN - KULA - SERBIA AND MONTENEGRO BORDER | 42 | 2009 | RECONSTRUCTION |
| 9 | II-18 | SOFIA RING ROAD - NORTH ARCH | 24 | 2014 | NEW CONSTRUCTION |
| 10 | II-19 | SIMITLI - GOTSE DELCHEV - GREEK BORDER | 91 | 2008 | REHABILITATION |

| | | | | | |
|----|---------|---|-----|------|----------------|
| 11 | II-29 | DOBRICH - VARNA | 21 | 2010 | REHABILITATION |
| 12 | II-35 | LOVECH - KARNARE | 28 | 2011 | RECONSTRUCTION |
| 13 | II-53 | SLIVEN - YAMBOL | 25 | 2010 | REHABILITATION |
| 14 | II-55 | GURKOVO - NOVA ZAGORA | 26 | 2010 | REHABILITATION |
| 15 | II-55 | NOVA ZAGORA - SVILENGRAD | 81 | 2012 | REHABILITATION |
| | | SUBTOTAL | 107 | | |
| 16 | II-57 | STARA ZAGORA - RADNEVO | 42 | 2010 | REHABILITATION |
| 17 | II-62 | KYUSTENDIL - DUPNITSA | 26 | 2011 | RECONSTRUCTION |
| 18 | II-63 | PERNIK - SERBIA AND MONTENEGRO BORDER | 20 | 2010 | RECONSTRUCTION |
| 19 | II-73 | SHUMEN - KARNOBAT | 44 | 2012 | RECONSTRUCTION |
| 20 | II-73 | SHUMEN - KARNOBAT | 19 | 2011 | RECONSTRUCTION |
| | | SUBTOTAL | 63 | | |
| 21 | II-78 | RADNEVO - TOPOLOVGRAD | 40 | 2013 | REHABILITATION |
| 22 | II-86 | ASENOVGRAD - SMOLYAN | 72 | 2014 | RECONSTRUCTION |
| 23 | II-98 | BURGAS - MALKO TARNOVO | 64 | 2014 | RECONSTRUCTION |
| 24 | III-197 | GOTSE DELCHEV - SMOLYAN | 87 | 2013 | RECONSTRUCTION |
| 25 | III-198 | GOTSE DELCHEV - FORMER YUGOSLAV REPUBLIC OF MACEDONIA BORDER | 95 | 2013 | RECONSTRUCTION |
| 26 | III-534 | ELENA - NOVA ZAGORA | 52 | 2012 | RECONSTRUCTION |
| 27 | III-534 | NOVA ZAGORA - SIMEONOVGRAD | 53 | 2014 | RECONSTRUCTION |
| | | SUBTOTAL | 105 | | |

| | | | | | |
|----|-----------|---|------|------|------------------|
| 28 | III-601 | KYUSTENDIL - FORMER YUGOSLAV REPUBLIC OF MACEDONIA BORDER | 27 | 2011 | NEW CONSTRUCTION |
| 29 | III-622 | KYUSTENDIL - FORMER YUGOSLAV REPUBLIC OF MACEDONIA BORDER | 31 | 2013 | NEW CONSTRUCTION |
| 30 | III-865 | SMOLYAN - MADAN | 15 | 2011 | RECONSTRUCTION |
| 31 | III-867 | SMOLYAN - KARDJALI | 69 | 2014 | RECONSTRUCTION |
| 32 | III-868 | BYPASS SMOLYAN | 40 | 2012 | NEW CONSTRUCTION |
| 33 | IV-410068 | SIMITLI - FORMER YUGOSLAV REPUBLIC OF MACEDONIA BORDER | 28 | 2009 | NEW CONSTRUCTION |
| 34 | | BYPASS PLOVDIV | 4 | 2014 | NEW CONSTRUCTION |
| | A1 | "TRAKIA" MOTORWAY - STARA ZAGORA - KARNOBAT | | | |
| 35 | | LOT 2 | 33 | 2010 | NEW CONSTRUCTION |
| 36 | | LOT 3 | 37 | 2011 | NEW CONSTRUCTION |
| 37 | | LOT 4 | 48 | 2014 | NEW CONSTRUCTION |
| | | SUBTOTAL | 118 | | |
| | | TOTAL | 1598 | | |

Table 2

| | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | |
|------------------|------|------|------|------|------|------|------|---------|
| MEASURE | | | | | | | | |
| REHABILITATION | 91 | 116 | 114 | 88 | 81 | 40 | 0 | |
| RECONSTRUCTION | 26 | 42 | 68 | 88 | 96 | 182 | 258 | |
| NEW CONSTRUCTION | 18 | 28 | 33 | 64 | 40 | 31 | 94 | |
| | 135 | 186 | 215 | 240 | 217 | 253 | 352 | 1598 km |

6. TAXATION

1. 31977 L 0388: Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes – Common system of value added tax: uniform basis of assessment (OJ L 145, 13.6.1977, p. 1), as last amended by:

– 32004 L 0066: Council Directive 2004/66/EC of 26.4.2004 (OJ L 168, 1.5.2004, p. 35).

For the purposes of applying Article 28(3)(b) of Directive 77/388/EEC, Bulgaria 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.

2. 31992 L 0079: Council Directive 92/79/EEC of 19 October 1992 on the approximation of taxes on cigarettes (OJ L 316, 31.10.1992, p. 8), as last amended by:

– 32003 L 0117: Council Directive 2003/117/EC of 5.12.2003 (OJ L 333, 20.12.2003, p. 49).

By way of derogation from Article 2(1) of Directive 92/79/EEC, Bulgaria 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 2009, provided that during this period Bulgaria 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 of 25 February 1992 on the general arrangements for products subject to excise duty and on the holding, movement and monitoring of such products ¹, 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 Bulgaria 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.

3. 32003 L 0049: Council Directive 2003/49/EC of 3 June 2003 on a common system of taxation applicable to interest and royalty payments made between associated companies of different Member States (OJ L 157, 26.6.2003, p. 49), as last amended by:

– 32004 L 0076: Council Directive 2004/76/EC of 29.4.2004 (OJ L 157, 30.4.2004, p. 106).

¹ OJ L 76, 23.3.1992, p. 1. Directive as last amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

Bulgaria shall be authorised not to apply the provisions of Article 1 of Directive 2003/49/EC until 31 December 2014. During that transitional period, the rate of tax on payments of interest or royalties made to an associated company of another Member State or to a permanent establishment situated in another Member State of an associated company of a Member State must not exceed 10 % until 31 December 2010 and must not exceed 5 % for the following years until 31 December 2014.

4. 32003 L 0096: Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity (OJ L 283, 31.10.2003, p. 51), as last amended by:

– 32004 L 0075: Council Directive 2004/75/EC of 29.4.2004 (OJ L 157, 30.4.2004, p. 100).

- (a) By way of derogation from Article 7 of Directive 2003/96/EC, Bulgaria may apply the following transitional periods:
- until 1 January 2011 to adjust the national level of taxation on unleaded petrol used as propellant to the minimum level of EUR 359 per 1 000 l. The effective tax rate applied to unleaded petrol used as propellant shall not be less than EUR 323 per 1 000 l as from 1 January 2008,
 - until 1 January 2010 to adjust the national level of taxation on gas oil and kerosene used as propellant to the minimum level of EUR 302 per 1 000 l and until 1 January 2013 to reach the minimum level of EUR 330 per 1 000 l. The effective tax rate applied to gas oil and kerosene used as propellant shall not be less than EUR 274 per 1 000 l as from 1 January 2008.
- (b) By way of derogation from Article 9 of Directive 2003/96/EC, Bulgaria may apply the following transitional periods:
- until 1 January 2010 to adjust the national level of taxation on coal and coke used for district heating purposes to the minimum levels of taxation laid down in Annex I, Table C,

- until 1 January 2009 to adjust the national level of taxation on coal and coke used for purposes other than district heating to the minimum levels of taxation laid down in Annex I, Table C.

The effective tax rates applied to the energy products concerned shall not be less than 50% of the relevant Community minimum rate as from 1 January 2007.

- (c) By way of derogation from Article 10 of Directive 2003/96/EC, Bulgaria may apply a transitional period until 1 January 2010 to adjust the national levels of taxation on electricity to the minimum levels of taxation laid down in Annex I, Table C. The effective tax rates applied to electricity shall not be less than 50% of the relevant Community minimum rate as from 1 January 2007.

7. SOCIAL POLICY AND EMPLOYMENT

32001 L 0037: Directive 2001/37/EC of the European Parliament and of the Council of 5 June 2001 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products (OJ L 194, 18.7.2001, p. 26).

By way of derogation from Article 3 of Directive 2001/37/EC, the date of application of the maximum tar yield of cigarettes manufactured and marketed within the territory of Bulgaria, shall be 1 January 2011. During the transitional period:

- cigarettes manufactured in Bulgaria with a tar yield greater than 10 mg per cigarette shall not be marketed in other Member States;
- cigarettes manufactured in Bulgaria with a tar yield greater than 13 mg per cigarette shall not be exported to third countries; this limit shall be reduced to 12 mg from 1 January 2008 and to 11 mg from 1 January 2010;
- Bulgaria shall provide the Commission with regularly updated information on the timetable and measures taken to ensure compliance with the Directive.

8. ENERGY

31968 L 0414: Council Directive 68/414/EEC of 20 December 1968 imposing an obligation on Member States of the EEC to maintain minimum stocks of crude oil and/or petroleum products (OJ L 308, 23.12.1968, p. 14), as last amended by:

- 31998 L 0093: Council Directive 98/93/EC of 14.12.1998 (OJ L 358, 31.12.1998, p. 100).

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 Bulgaria until 31 December 2012. Bulgaria 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):

- 30 days by 1 January 2007;
- 40 days by 31 December 2007;
- 50 days by 31 December 2008;
- 60 days by 31 December 2009;
- 70 days by 31 December 2010;
- 80 days by 31 December 2011;
- 90 days by 31 December 2012.

9. TELECOMMUNICATIONS AND INFORMATION TECHNOLOGIES

32002 L 0022: Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive) (OJ L 108, 24.4.2002, p. 51).

By way of derogation from Article 30(1) of Directive 2002/22/EC, Bulgaria may postpone the introduction of number portability to no later than 1 January 2009.

10. ENVIRONMENT

A. AIR QUALITY

1. 31994 L 0063: European Parliament and Council Directive 94/63/EC of 20 December 1994 on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations (OJ L 365, 31.12.1994, p. 24), as amended by:

- 32003 R 1882: Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29.9.2003 (OJ L 284, 31.10.2003, p. 1).

- (a) By way of derogation from Article 3 and Annex I to Directive 94/63/EC, the requirements for existing storage installations at terminals shall not apply in Bulgaria:
- until 31 December 2007 for storage installations at 6 terminals with a throughput loaded greater than 25 000 tonnes/year but less than or equal to 50 000 tonnes/year;
 - until 31 December 2009 for storage installations at 19 terminals with a throughput loaded less than or equal to 25 000 tonnes/year.
- (b) By way of derogation from Article 4 and Annex II to Directive 94/63/EC, the requirements for loading and unloading of existing mobile containers at terminals shall not apply in Bulgaria:
- until 31 December 2007 to 12 terminals with a throughput greater than 25 000 tonnes/year but less than or equal to 150 000 tonnes/year;
 - until 31 December 2009 to 29 terminals with a throughput less than or equal to 25 000 tonnes/year.

- (c) By way of derogation from Article 5 of Directive 94/63/EC, the requirements for existing mobile containers at terminals shall not apply in Bulgaria:
- until 31 December 2007 to 50 road tankers;
 - until 31 December 2009 to a further 466 road tankers.
- (d) By way of derogation from Article 6 and Annex III to Directive 94/63/EC, the requirements for loading into existing storage installations at service stations shall not apply in Bulgaria:
- until 31 December 2007 to 355 service stations with a throughput greater than 500 m³/year but less than or equal to 1 000 m³/year;
 - until 31 December 2009 to 653 service stations with a throughput less than or equal to 500 m³/year.
2. 31999 L 0032: Council Directive 1999/32/EC of 26 April 1999 relating to a reduction in the sulphur content of certain liquid fuels amending Directive 93/12/EEC (OJ L 121, 11.5.1999, p.13), as amended by:
- 32003 R 1882: Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29.9.2003 (OJ L 284, 31.10.2003, p. 1).

- (a) By way of derogation from Article 3(1) of Directive 1999/32/EC, the requirements for the sulphur content of heavy fuel oils shall not apply in Bulgaria until 31 December 2011 for local use. During this transitional period the sulphur content shall not exceed 3,00% by mass.
- (b) By way of derogation from Article 4(1) of Directive 1999/32/EC, the requirements for the sulphur content of gas oils shall not apply in Bulgaria until 31 December 2009 for local use. During this transitional period the sulphur content shall not exceed 0,20% by mass.

B. WASTE MANAGEMENT

1. 31993 R 0259: Council Regulation (EEC) No 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the European Community (OJ L 30, 6.2.1993, p.1), as last amended by:

– 32001 R 2557: Commission Regulation (EC) No 2557/2001 of 28.12.2001 (OJ L 349, 31.12.2001, p.1).

- (a) Until 31 December 2014, all shipments to Bulgaria of waste for recovery listed in Annex II to Regulation (EEC) No 259/93 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, until 31 December 2009 the Bulgarian competent authorities may raise objections to shipments to Bulgaria for recovery of the following wastes listed in Annex III in conformity with the grounds for objection laid down in Article 4(3) of the Regulation. Such shipments shall be subject to Article 10 of the Regulation.

AA. METAL-BEARING WASTES

- AA 090 Arsenic waste and residues
- AA 100 Mercury waste and residues
- AA 130 Liquors from the pickling of metals

AB. WASTES CONTAINING PRINCIPALLY INORGANIC CONSTITUENTS, WHICH MAY CONTAIN METALS AND ORGANIC MATERIALS

AC. WASTES CONTAINING PRINCIPALLY ORGANIC CONSTITUENTS, WHICH MAY CONTAIN METALS AND INORGANIC MATERIALS

- AC 040 Leaded petrol (gasoline) sludges
- AC 050 Thermal (heat transfer) fluids

- AC 060 Hydraulic fluids
- AC 070 Brake fluids
- AC 080 Antifreeze fluids
- AC 110 Phenols, phenol compounds including chlorophenol in the form of liquids or sludges
- AC 120 Polychlorinated naphthalenes
- AC 150 Chlorofluorocarbons
- AC 160 Halons
- AC 190 Fluff-light fraction from automobile shredding
- AC 200 Organic phosphorous compounds
- AC 230 Halogenated or unhalogenated non-aqueous distillation residues arising from organic solvent recovery operations
- AC 240 Wastes arising from the production of aliphatic halogenated hydrocarbons (such as chloromethanes, dichloro-ethane, vinyl chloride, vinylidene chloride, allyl chloride and epichlorhydrin)
- AC 260 Liquid pig manure, faeces

AD. WASTES WHICH MAY CONTAIN EITHER INORGANIC OR ORGANIC
CONSTITUENTS

- AD 010 Wastes from the production and preparation of pharmaceutical products
Wastes that contain, consist of or are contaminated with any of the following:
 - AD 040 - Inorganic cyanides, excepting precious metal-bearing residues in solid form containing traces of inorganic cyanides
 - AD 050 - Organic cyanides
- AD 060 Waste oils/water, hydrocarbons/water mixtures, emulsions
- AD 070 Wastes from production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish
- AD 150 Naturally occurring organic material used as a filter medium (such as biofilters)
- AD 160 Municipal/household wastes

This period may be extended until no later than 31 December 2012 under the procedure defined in Article 18 of Council Directive 75/442/EEC of 15 July 1975 on waste ¹, as amended by Council Directive 91/156/EEC ².

¹ OJ L 194, 25.7.1975, p. 39. Directive as last amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).

² OJ L 78, 26.3.1991, p. 32.

- (c) By way of derogation from Article 7(4) of Regulation (EEC) No 259/93, until 31 December 2009 the Bulgarian competent authorities may raise objections to shipments to Bulgaria of waste for recovery listed in Annex IV to the Regulation and shipments of waste for recovery not listed in the Annexes to the Regulation in conformity with the grounds for objection laid down in Article 4(3) of the Regulation.
- (d) By way of derogation from Article 7(4) of Regulation (EEC) No 259/93, the Bulgarian 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 Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control ¹ or Directive 2001/80/EC of the European Parliament and of the Council of 23 October 2001 on the limitation of emissions of certain pollutants into the air from large combustion plants ², during the period in which the temporary derogation is applied to the facility of destination.
2. 31994 L 0062: European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste (OJ L 365, 31.12.1994, p.10), as last amended by:
- 32004 L 0012: Directive 2004/12/EC of the European Parliament and of the Council of 11.2.2004 (OJ L 47, 18.2.2004, p.26).

¹ OJ L 257, 10.10.1996, p. 26.

² OJ L 309, 27.11.2001, p. 1. Directive as last amended by the 2003 Act of Accession (OJ L 236, 23.9.2003, p. 33).

- (a) By way of derogation from Article 6(1)(a) of Directive 94/62/EC, Bulgaria shall attain the overall rate for recovery or incineration at waste incineration plants with energy recovery by 31 December 2011 in accordance with the following intermediate targets:
- 35% by weight by 31 December 2006, 39% for 2007, 42% for 2008, 46% for 2009 and 48% for 2010.
- (b) By way of derogation from Article 6(1)(b) of Directive 94/62/EC, Bulgaria shall attain the overall rate for recovery or incineration at waste incineration plants with energy recovery by 31 December 2014 in accordance with the following intermediate targets:
- 50% by weight for 2011, 53% for 2012 and 56% for 2013.
- (c) By way of derogation from Article 6(1)(c) of Directive 94/62/EC, Bulgaria shall attain the recycling target for plastics by 31 December 2009 in accordance with the following intermediate targets:
- 8% by weight by 31 December 2006, 12% for 2007, and 14,5% for 2008.

- (d) By way of derogation from Article 6(1)(d) of Directive 94/62/EC, Bulgaria shall attain the overall recycling target by 31 December 2014 in accordance with the following intermediate targets:
- 34% by weight by 31 December 2006, 38% for 2007, 42% for 2008, 45% for 2009, 47% for 2010, 49% for 2011, 52% for 2012 and 54,9% for 2013.
- (e) By way of derogation from Article 6(1)(e)(i) of Directive 94/62/EC, Bulgaria shall attain the recycling target for glass by 31 December 2013 in accordance with the following intermediate targets:
- 26% by weight by 31 December 2006, 33% for 2007, 40% for 2008, 46% for 2009, 51% for 2010, 55% for 2011 and 59,6% for 2012.
- (f) By way of derogation from Article 6(1)(e)(iv) of Directive 94/62/EC, Bulgaria shall attain the recycling target for plastics, counting exclusively material that is recycled back into plastics, by 31 December 2013 in accordance with the following intermediate targets:
- 17% by weight for 2009, 19% for 2010, 20% for 2011 and 22% for 2012.

3. 31999 L 0031: Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182, 16.7.1999, p.1), as amended by:

– 32003 R 1882: Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29.9.2003 (OJ L 284, 31.10.2003, p. 1).

By way of derogation from Article 5(3)(a) and (b) and Annex I, point 2, second indent, to Directive 1999/31/EC and without prejudice to Article 6(c)(ii) of the Directive and Council Directive 75/442/EEC of 15 July 1975 on waste¹, the requirements for liquid, corrosive and oxidising waste, and as regards prevention of surface water entering into the landfilled waste shall not apply to the following 14 existing facilities until 31 December 2014:

1. "Polimeri" sludge pond, Varna, Devnya;
2. "Solvay Sodi", "Deven" and "Agropolichim" combined ash-sludge pond, Varna, Devnya at the municipality of Varna;
3. TPP "Varna" ashpond, Varna, Beloslav;
4. "Svilozha" ashpond, Veliko Tarnovo, Svishtov;
5. TPP at "Zaharni zavodi" ashpond, Veliko Tarnovo, Gorna Oryahovitsa;
6. "Vidachim v likvidatsya" ashpond, Vidin, Vidin;

¹ OJ L 194, 25.7.1975, p. 39. Directive as amended by Directive 91/156/EEC, and as last amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).

7. "Toplofikatsia-Ruse", TPP "Ruse-East" ashpond, Ruse, Ruse;
8. TPP "Republika", "COF-Pernik" and "Kremikovtsi-Rudodobiv" ashpond, Pernik, Pernik;
9. "Toplofikatsia Pernik" and "Solidus"-Pernik ashpond, Pernik, Pernik;
10. TPP "Bobov dol" ashpond, Kyustendil, Bobov dol;
11. "Brikel" ashpond, Stara Zagora, Galabovo;
12. "Toplofikatsia Sliven" ashpond, Sliven, Sliven;
13. TPP "Maritsa 3" ashpond, Haskovo, Dimitrovgrad;
14. TPP "Maritsa 3" ashpond, Haskovo, Dimitrovgrad.

Bulgaria shall ensure a gradual reduction of waste landfilled in these 14 existing non-compliant facilities in accordance with the following annual maximum quantities:

- by 31 December 2006: 3 020 000 tonnes;
- by 31 December 2007: 3 010 000 tonnes;
- by 31 December 2008: 2 990 000 tonnes;
- by 31 December 2009: 1 978 000 tonnes;
- by 31 December 2010: 1 940 000 tonnes;
- by 31 December 2011: 1 929 000 tonnes;
- by 31 December 2012: 1 919 000 tonnes;
- by 31 December 2013: 1 159 000 tonnes;
- by 31 December 2014: 1 039 000 tonnes.

4. 32002 L 0096: Directive 2002/96/EC of the European Parliament and of the Council of 27 January 2003 on waste electrical and electronic equipment (WEEE) (OJ L 37, 13.2.2003, p. 24), as amended by:

- 32003 L 0108: Directive 2003/108/EC of the European Parliament and of the Council of 8.12.2003 (OJ L 345, 31.12.2003, p. 106).

By way of derogation from Articles 5(5) and 7(2) of Directive 2002/96/EC, Bulgaria shall attain the rate of separate collection of at least four kilograms on average per inhabitant per year of WEEE from private households, the rate of recovery and the rate of component, material and substance reuse and recycling by 31 December 2008.

C. WATER QUALITY

31991 L 0271: Council Directive 91/271/EEC of 21 May 1991 concerning urban waste water treatment (OJ L 135, 30.5.1991, p. 40), as last amended by:

- 32003 R 1882: Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29.9.2003 (OJ L 284, 31.10.2003, p. 1).

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 Bulgaria until 31 December 2014, in accordance with the following intermediate target:

- by 31 December 2010, compliance with the Directive shall be achieved in agglomerations with a population equivalent of more than 10 000.

D. INDUSTRIAL POLLUTION AND RISK MANAGEMENT

1. 31996 L 0061: Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control (OJ L 257, 10.10.1996, p. 26), as last amended by:

- 32003 R 1882: Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29.9.2003 (OJ L 284, 31.10.2003, p. 1).

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 Bulgaria 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:

Until 31 December 2008:

- "Yambolen" – Yambol (activity 4.1 h)
- "Verila" – Ravno Pole (activity 4.1)
- "Lakprom" – Svetovrachane (activity 4.1 b)
- "Orgachim" – Ruse (activity 4.1 j)
- "Neochim" – Dimitrovgrad (activity 4.1 b)

Until 31 December 2009:

- "Eliseyna" gara Eliseyna (activity 2.5 a)

Until 31 December 2011:

- TPP "Ruse-East" – Ruse (activity 1.1)
- TPP "Varna" – Varna (activity 1.1)

- TPP "Bobov dol" – Sofia (activity 1.1)
- TPP at "Lukoil Neftochim" – Burgas (activity 1.1)
- "Lukoil Neftochim" – Burgas (activity 1.2)
- "Kremikovtsi" – Sofia (activity 2.2)
- "Radomir-Metali" – Radomir (activity 2.3 b)
- "Solidus" – Pernik (activity 2.4)
- "Berg Montana fitingi" – Montana (activity 2.4)
- "Energoremont" – Kresna (activity 2.4)
- "Chugunoleene" – Ihtiman (activity 2.4)
- "Alkomet" – Shumen (activity 2.5 b)
- "Start" – Dobrich (activity 2.5 b)
- "Alukom" – Pleven (activity 2.5 b)
- "Energiya" – Targovishte (activity 2.5 b)
- "Uspeh" – Lukovit (activity 3.5)
- "Keramika" – Burgas (activity 3.5)
- "Stroykeramika" – Mezdra (activity 3.5)
- "Straldja keramika" – Straldja (activity 3.5)
- "Balkankeramiks" – Novi Iskar (activity 3.5)
- "Shamot" – Elin Pelin (activity 3.5)

- Ceramics plant – Dragovishtitsa (activity 3.5)
- "Fayans" – Kaspichan (activity 3.5)
- "Solvay Sodi" – Devnya (activity 4.2 d)
- "Polimeri" – Devnya (activity 4.2 c)
- "Agropolichim" – Devnya (activity 4.3)
- "Neochim" – Dimitrovgrad (activity 4.3)
- "Agriya" – Plovdiv (activity 4.4)
- "Balkanpharma" – Razgrad (activity 4.5)
- "Biovet" – Peshtera (activity 4.5)
- "Catchup-frukt" – Aitos (activity 6.4 b)
- "Bulgarikum" – Burgas (activity 6.4 c)
- "Serdika 90" – Dobrich (activity 6.4 c)
- "Ekarisaj" – Varna (activity 6.5)
- "Ekarisaj-Bert" – Burgas (activity 6.5).

Fully coordinated permits shall 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 operators as set out in Article 3 of the Directive by 30 October 2007.

2. 32001 L 0080: Directive 2001/80/EC of the European Parliament and of the Council of 23 October 2001 on the limitation of emissions of certain pollutants into the air from large combustion plants (OJ L 309, 27.11.2001, p. 1), as amended by:

– 12003 T: Act concerning the conditions of accession and the adjustments to the Treaties - 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 (OJ L 236, 23.9.2003, p. 33).

(a) By way of derogation from Article 4(3) and part A of Annexes III, IV and VII to Directive 2001/80/EC, the emission limit values for sulphur dioxide and for dust shall not apply in Bulgaria to the following plants until the date indicated for each unit of the plant:

- TPP "Varna":
 - Unit 1 until 31 December 2009
 - Unit 2 until 31 December 2010
 - Unit 3 until 31 December 2011
 - Unit 4 until 31 December 2012
 - Unit 5 until 31 December 2013
 - Unit 6 until 31 December 2014

- TPP "Bobov dol":
 - Unit 2 until 31 December 2011
 - Unit 3 until 31 December 2014

- TPP "Ruse-East":
 - Units 3 and 4 until 31 December 2009
 - Units 1 and 2 until 31 December 2011

- TPP at "Lukoil Neftochim" Burgas:
 - Units 2, 7, 8, 9, 10 and 11 until 31 December 2011.

During this transitional period, sulphur dioxide and dust emissions from all combustion plants pursuant to Directive 2001/80/EC shall not exceed the following intermediate ceilings:

- by 2008: 179 700 tonnes SO₂/ year; 8 900 tonnes dust / year;
- by 2012: 103 000 tonnes SO₂/ year; 6 000 tonnes dust / year.

- (b) By way of derogation from Article 4(3) and part A of Annex VI to Directive 2001/80/EC, the emission limit values for nitrogen oxides shall not apply in Bulgaria until 31 December 2011 for Units 2, 7, 8, 9, 10 and 11 of the combustion plant TPP at "Lukoil Neftochim" Burgas.

During this transitional period, nitrogen oxides emissions from all combustion plants pursuant to Directive 2001/80/EC shall not exceed the following intermediate ceilings:

- by 2008: 42 900 tonnes / year;
- by 2012: 33 300 tonnes / year.

- (c) By 1 January 2011, Bulgaria shall submit an updated plan to the Commission, including an investment plan, for the gradual alignment of the remaining non-compliant plants with clearly defined stages for the application of the *acquis*. These plans shall ensure a further reduction of the emissions to a level significantly below the intermediate targets specified in paragraphs (a) and (b) above, in particular for emissions in the period 2012 to 2014. If the Commission, having regard in particular to the environmental effects and to the need to reduce distortions of competition in the internal market due to the transitional measures, considers that these plans are not sufficient to meet these objectives, it shall inform Bulgaria. Within the subsequent three months, Bulgaria shall communicate the measures it has taken in order to meet these objectives. If subsequently the Commission, in consultation with the Member States, considers these measures are not sufficient to meet these objectives, it shall commence infringement proceedings under Article III-360 of the Constitution.

Appendix to ANNEX VI

CHAPTER I

List of milk processing establishments processing non-compliant milk
referred to in Chapter 4, Section B, paragraph (a), of Annex VI

| No | Vet. No | Name and address of establishment | Site of premises concerned |
|---------------------------|------------|--|---|
| Blagoevgrad Region – No 1 | | | |
| 1 | BG 0112004 | "Matand" EOOD gr. Pernik ul. "Lenin" 111 | s. Eleshnitsa |
| Burgas Region – No 2 | | | |
| 2 | BG 0212013 | ET "Marsi-Mincho Bakalov" gr. Burgas j.k. "Vazrajane" bl. 1 | Burgas j.k. "Pobeda" ul. "Baykal" 9 |
| 3 | BG 0212027 | DZZD "Mlechen svyat" gr. Burgas j.k. "Izgreve" ul. "Malchika" 3 | s. Debelt ul. "Indje voyvoda" 5 obl. Burgaska |

| | | | |
|------------------------|------------|--|---|
| 4 | BG 0212028 | "Vester" OOD gr. Burgas ul. "Fotinov" 36 | s. Sigmen |
| 5 | BG 0212047 | "Complektstroy" EOOD gr. Burgas ul. "Aleksandar Stamboliiski" 17 | s. Veselie |
| Vidin Region – No 5 | | | |
| 6 | BG 0512025 | "El Bi Bulgarikum" EAD gr. Vidin | gr. Vidin Yujna promishlena zona |
| Vratsa Region – No. 06 | | | |
| 7 | BG 0612010 | "Hadjiiski i familiya" EOOD s. Gradeshnitsa | s. Gradeshnitsa |
| 8 | BG 0612027 | "Mlechen ray 99" EOOD gr. Vratsa j.k. "Dabnika" bl. 48 ap. 3 | gr. Vratsa j.k. Bistrets Stopanski dvor |
| 9 | BG 0612035 | ET "Nivego" s. Chiren | s. Chiren |

| Gabrovo Region – No 7 | | | |
|-----------------------|------------|--|--------------------------------------|
| 10 | BG 0712001 | "Ben Invest" OOD s. Kostenkovtsi obsht. Gabrovo | s. Kostenkovtsi obsht. Gabrovo |
| 11 | BG 0712002 | "Shipka 97" AD gr. Gabrovo ul. "V. Levski" 2 | gr. Gabrovo ul. "V. Levski" 2 |
| 12 | BG 0712003 | "Elvi" OOD s. Velkovtsi obsht. Gabrovo | s. Velkovtsi obsht. Gabrovo |
| 13 | BG 0712008 | "Milkieks" OOD gr. Sevlievo j.k. "d-r Atanas Moskov" | gr. Sevlievo j.k. "Atanas Moskov" |
| Dobrich Region – No 8 | | | |
| 14 | BG 0812002 | "AVITA" OOD gr. Sofia ul. "20-ti April" 6 | s. Tsarichino |
| 15 | BG 0812008 | "Roles 2000" OOD gr. Varna ul. "Tsar Ivan Shishman" 13 | s. Kardam |
| 16 | BG 0812019 | "Filipopolis" OOD gr. Plovdiv ul. "Hristo Danov" 2 | s. Jeglartsi |

| | | | |
|---------------------------|------------|---|----------------------------------|
| 17 | BG 0812029 | "AKURAT – MLECHNA PROMISHLENOST" OOD gr. Sofia ul. "Baba Vida 2" | gr. Dobrich j.k. "Riltsi" |
| 18 | BG 0812030 | "FAMA" AD gr. Varna ul. "Evlogi Georgiev" 23 | gr. Dobrich bul. "Dobrudja" 2 |
| Kardjali Region – No 9 | | | |
| 19 | BG 0912004 | ET "Rado" s. Byal izvor | s. Byal izvor obsht. Ardino |
| Kyustendil Region – No 10 | | | |
| 20 | BG 1012012 | "Galkom" OOD gr. Dupnitsa | gr. Dupnitsa ul. "Venelin" 57 |
| 21 | BG 1012008 | ET "Nikolay Kolev" s. Konyavo | s. Konyavo |

| Lovech Region – No 11 | | | |
|--------------------------|------------|--|--|
| 22 | BG 1112001 | "Prima Lakta" Ltd. gr. Lovech ul. "Troyansko shose" 1 | gr. Lovech ul. "Troyansko shose" |
| 23 | BG 1112004 | "Mlekoprodukt" OOD gr. Lovech | s. Goran |
| 24 | BG 1112008 | "Plod" AD gr. Apriltsi | gr. Apriltsi |
| 25 | BG 1112012 | "Stilos" OOD gr. Dupnitsa ul. "Batenberg" 64 | s. Lesidren |
| Pazardjik Region – No 13 | | | |
| 26 | BG 1312011 | "Eko-F" EAD gr. Sofia ul. "Stara planina" 34 | s. Karabunar |
| 27 | BG 1312015 | "Mevgal Bulgaria" EOOD gr. Velingrad | gr. Velingrad j.k. "Industrialen" |
| 28 | BG 1312022 | ET "Palmito-Vesela Popova" gr. Plovdiv ul. "Koprivkite" 23 | gr. Strelcha ul. "Osvobojdienie" 17 |

| Pleven Region – No 15 | | | |
|------------------------|------------|--|---|
| 29 | BG 1512003 | "Mandra 1" EOOD s. Obnova | s. Tranchovitsa |
| 30 | BG 1512006 | "Mandra" OOD s. Obnova | s. Obnova |
| 31 | BG 1512008 | ET "Viola" gr. Koynare | gr. Koynare ul. "Hristo Botev" 16 |
| 32 | BG 1512010 | ET "Militsa Lazarova - 90" gr. Slavyanovo | gr. Slavyanovo ul. "Asen Zlatarev" 2 |
| Plovdiv Region – No 16 | | | |
| 33 | BG 1612009 | ET "D.Madjarov" gr. Plovdiv | gr. Stamboliiski-mandra |
| 34 | BG 1612013 | ET "Polidey - EI" gr. Karlovo | s. Domlyan |
| 35 | BG 1612017 | "Snep" OOD gr. Rakovski | gr. Rakovski ul. "F.Stanislavov" 57 |
| 36 | BG 1612020 | ET "Bor -Chvor" s. Dalbok izvor | s. Dalbok izvor |

| | | | |
|------------------------|------------|--|------------------------------------|
| 37 | BG 1612023 | "Vanela" OOD gr. Plovdiv bul. "Bulgaria" 170 | s. Tsarimir |
| 38 | BG 1612024 | SD "Kostovi - EMK" gr. Saedinenie | gr. Saedinenie |
| 39 | BG 1612039 | "Topolovo-Agrokomers" OOD gr. Sofia z.k. Dianabad, bl.20 | s. Topolovo Stopanski dvor |
| 40 | BG 1612040 | "Mlechni produkti" OOD gr. Plovdiv | s. Manole |
| Razgrad Region – No 17 | | | |
| 41 | BG 1712002 | ET "Rosver" gr. Tsar Kaloyan ul. "Ivan Vazov" 4 | gr. Tsar Kaloyan ul. "Sofia" 41 |
| 42 | BG 1712010 | "Bulagrotreyd" OOD gr. Ruse ul. "Elin Pelin" 15A | s. Juper |

| | | | |
|---------------------|------------|---|--|
| 43 | BG 1712020 | ET "Prelest-Sevim Ahmed" s. Podayva ul. "Struma" 12 | s. Lavino Stopanski dvor |
| 44 | BG 1712042 | ET "Madar" s. Madrevo ul. "Han Kubrat" 65 | s. Terter Stopanski dvor |
| Ruse Region – No 18 | | | |
| 45 | BG 1812002 | "Laktis-Byala" AD gr. Byala | gr. Byala ul. "Stefan Stambolov" 75 |
| 46 | BG 1812005 | ET "DAV" gr. Ruse ul. "6-ti Septemvri" 43 | gr. Vetovo |
| 47 | BG 1812022 | ZKPU "Tetovo" s. Tetovo | s. Tetovo ul. "Tsar Osvoboditel" 5 |
| 48 | BG 1812011 | ET "Georgi Bojinov-Gogo" s. Nikolovo | s. Nikolovo |

| Silistra Region – No 19 | | | |
|-------------------------|------------|---|---------------------------------------|
| 49 | BG 1912004 | ET "Merone-Hristo Kunev" gr. Silistra bul. "Makedonia" 150 | gr. Alfatar |
| 50 | BG 1912013 | "JOSI" OOD gr. Sofia ul. "Hadji Dimitar" 142 vh.A | s. Chernolik |
| 51 | BG 1912024 | "Buldeks" OOD gr. Silistra ul. "D.Donchev" 6 | s. Belitsa |
| Sliven Region – No 20 | | | |
| 52 | BG 2012007 | "Delta lakt" OOD gr. Stara Zagora ul. "Tsar Kaloyan" 20 | s. Stoil Voyvoda |
| 53 | BG 2012020 | "Yotovi" OOD gr. Sliven j.k. Rechitsa ul. "Kosharite" 12 | gr. Sliven j.k. Rechitsa |
| 54 | BG 2012022 | "Bratya Zafirovi" OOD gr. Sliven ul. "Treti mart" 7 | gr. Sliven Industrialna zona Zapad |

| | | | |
|------------------------|------------|---|---------------------------------|
| 55 | BG 2012030 | "Agroprodukt" OOD gr. Sliven ul. "Oreshak" 24 | s. Dragodanovo |
| 56 | BG 2012036 | "Minchevi" OOD s. Korten obl. Sliven | s. Korten obl. Sliven |
| Smolyan Region – No 21 | | | |
| 57 | BG 2112001 | "Belev" EOOD gr. Smolyan | gr. Smolyan ul. "Trakiya" 15 |
| 58 | BG 2112021 | "Rossi" EOOD gr. Dospat | gr. Dospat |
| 59 | BG 2112018 | ET "Rosen Atanasov-Komers" s. Kutela | s. Kutela |
| 60 | BG 2112023 | ET "Iliyan Isakov" s. Trigrad | s. Trigrad obsht. Devin |

| Sofia City Region – No 22 | | | |
|-------------------------------|------------|---|---|
| 61 | BG 2212001 | "Danon – Serdika" AD gr. Sofia ul. "Ohridsko ezero" 3 | ul. "Ohridsko ezero" 3 |
| 62 | BG 2212002 | "Formalat" EOOD s. G.Lozen ul. "Saedinenie" 132 | s. G. Lozen ul. "Saedinenie" 132 |
| 63 | BG 2212009 | "Serdika-94" OOD j.k. Jeleznitsa | j.k. Jeleznitsa |
| 64 | BG 2212022 | "Megle - MJ" OOD ul. "Probuda" 14 | ul. "Probuda" 12-14 |
| 65 | BG 2212023 | "EL BI BULGARIKUM" EAD gr. Sofia ul. "Saborna" 9 | ul. "Malashevaska" 12A |
| Sofia District Region – No 23 | | | |
| 66 | BG 2312013 | ET "Dobrev" s. Dragushinovo | s. Dragushinovo |
| 67 | BG 2312016 | AD "Bovis" s. Trudovets | s. Trudovets |
| 68 | BG 2312026 | "Dyado Liben" OOD gr. Sofia ul. "Hubcha" 2 | gr. Koprivshitsa bul. "H.Nencho Palaveev" 137 |

| | | | |
|-----------------------------|------------|---|--------------------------------------|
| 69 | BG 2312033 | "Balkan Spetsial" OOD gr. Sofia | s. Gorna Malina |
| 70 | BG 2312002 | ET "Danim" gr. Elin Pelin | gr. Elin Pelin bul. "Vitosha" 18A |
| Stara Zagora Region – No 24 | | | |
| 71 | BG 2412019 | "Dekada" OOD gr. Stara Zagora bul. "Ruski" 41 et.3 ap.9 | s. Elhovo |
| 72 | BG 2412023 | Agricultural Institute gr. Stara Zagora | gr. Stara Zagora |
| 73 | BG 2412033 | "Gospodinovi" OOD gr. Stara Zagora pl. "Beroe" 1 ap.21 | s. Julievo |

| Targovishte Region – No 25 | | | |
|----------------------------|------------|---|--|
| 74 | BG 2512004 | "PIP Trade" OOD gr. Sofia ul. "Baba Vida" 2 | s. Davidovo |
| 75 | BG 2512006 | "Hadad" OOD s. Makariopolsko | s. Makariopolsko |
| 76 | BG 2512016 | "Milktrejd-BG" OOD gr. Sofia obsht. "Studentska" 58-A-115 | s. Saedinenie obl. Targovishte |
| 77 | BG 2512017 | "YU E S - Komers" OOD gr. Opaka | s. Golyamo Gradishte ul. "Rakovski" 2 |
| Yambol Region – No 28 | | | |
| 78 | BG 2812002 | "Arachievi" OOD gr. Elhovo ul. "Bakalov" 19 | s. Kirilovo |
| 79 | BG 2812003 | "Balgarski jogurt" OOD s. Ravda | s. Veselinovo Kompleks "Ekaterina" |
| 80 | BG 2812025 | "Sakarela" OOD gr. Yambol ul. "Hr. Botev" 24-B-15 | gr. Yambol ul. "Preslav" 269 |

CHAPTER II

List of milk establishments for dual milk processing - compliant and non-compliant milk referred to in Chapter 4, Section B, paragraphs (a) and (c), of Annex VI

| No | Vet. No | Name and address of establishment | Site of premises concerned |
|------------------------------|------------|---|--|
| Veliko Tarnovo Region – No 4 | | | |
| 1 | BG 0412002 | "Sofbiolayf-BG" OOD gr. Svishtov | gr. Svishtov ul. "33-ti svishtovski polk." 67 |
| 2 | BG 0412009 | "Milki-luks" OOD gr. Plovdiv | s. Byala Cherkva |
| 3 | BG 0412010 | "Bi Si Si Handel" OOD gr. Elena | gr. Elena ul. "Treti mart" 19 |
| Vratsa Region – No 6 | | | |
| 4 | BG 0612012 | ET "Zorov -97" gr. Vratsa j.k. Kulata ul. "Palkovitsa" 7 | Vrachanski balkan, mestnost "Parshevitsa" |
| Dobrich Region – No 8 | | | |
| 5 | BG 0812009 | "Serdika - 90" AD gr. Dobrich | gr. Dobrich ul. "25 septemvri" 100 |

| Lovech Region – No 11 | | | |
|------------------------|------------|--|--|
| 6 | BG 1112006 | "Kondov Ekoproduktsiya" OOD gr. Sofia | s. Staro selo |
| Plovdiv Region – No 16 | | | |
| 7 | BG 1612001 | "OMK" gr. Sofia | gr. Plovdiv bul. "Dunav" 3 |
| 8 | BG 1612002 | "Shipka 99" OOD gr. Parvomay | gr. Parvomay |
| 9 | BG 1612037 | "Filipopolis-RK" OOD gr. Plovdiv | gr. Plovdiv j.k. "Proslav" ul. "Prosveta" 2A |
| 10 | BG 1612041 | "Elit-95" EOOD s. Dalbok izvor | s. Dalbok izvor |

| Ruse Region – No 18 | | | |
|-----------------------------|------------|--|--|
| 11 | BG 1812003 | "Sirma Prista" AD gr. Ruse | gr. Ruse bul. "3-ti mart" 1 |
| Sliven Region – No 20 | | | |
| 12 | BG 2012006 | "Mlechen pat" AD gr. Sofia ul. "Vasil Levski" 109 | gr. Nova Zagora j.k. Industrialen |
| 13 | BG 2012009 | "Vangard" OOD gr. Sliven ul. "Al. Stamboliiski" 1 | s. Jelyo voyvoda obl. Sliven |
| 14 | BG 2012019 | "Hemus milk komers" OOD gr. Sliven ul. "Neofit Rilski" 3a | gr. Sliven Industrialna zona Zapad j.k. 10 |
| 15 | BG 2012042 | "Tirbul" EAD gr. Sliven | "Tirbul" EAD gr. Sliven |
| Stara Zagora Region – No 24 | | | |
| 16 | BG 2412005 | "Markeli" AD gr. Stara Zagora ul. "Sv.Kn.Boris" 67 et.3 ap.6 | gr. Kazanlak j.k. Industrialen |

| Targovishte Region – No 25 | | | |
|----------------------------|------------|---|---|
| 17 | BG 2512001 | "Mladost -2002" OOD gr. Targovishte | gr. Targovishte bul. "29-ti yanuari" 7 |
| 18 | BG 2512020 | "Mizia-Milk" OOD gr. Targovishte ul. "Rodopi" 5 | gr. Targovishte Industrialna zona |
| Haskovo Region – No 26 | | | |
| 19 | BG 2612047 | "Balgarsko sirene" OOD gr. Harmanli ul. "Gotse Delchev" 1 | gr. Haskovo bul. "Saedinie" 94 |
| Yambol Region – No 28 | | | |
| 20 | BG 2812022 | "Karil i Tanya" OOD gr. Yambol | gr. Yambol ul. "Graf Ignatiev" 189 |

ANNEX VII

List referred to in Article 20 of the Protocol:
transitional measures, Romania

1. FREEDOM OF MOVEMENT FOR PERSONS

Treaty establishing a Constitution for Europe

31968 R 1612: Regulation (EEC) No 1612/68 of the Council of 15 October 1968 on freedom of movement for workers within the Community (OJ L 257, 19.10.1968, p. 2), as last amended by:

– 32004 L 0038: Directive 2004/38/EC of the European Parliament and of the Council of 29.4.2004 (OJ L 158, 30.4.2004, p. 77);

31996 L 0071: Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L 18, 21.1.1997, p. 1);

32004 L 0038: Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ L 158, 30.4.2004, p. 77).

1. Article III-133 and the first paragraph of Article III-144 of the Constitution 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 Romania on the one hand, and each of the present Member States 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 Romanian nationals. The present Member States may continue to apply such measures until the end of the five year period following the date of accession.

Romanian 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.

Romanian 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 Romanian 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.

Romanian 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 the request of Romania, 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 the request from Romania.

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 paragraph 3, 4 or 5, Articles 1 to 6 of Regulation (EEC) No 1612/68 apply as regards Romanian nationals, and which are issuing work permits to nationals of Romania 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 Romanian 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 first 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 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 23 of Directive 2004/38/EC shall apply in Romania with regard to nationals of the present Member States, and in the present Member States with regard to Romanian nationals, under the following conditions, so far as the right of family members of workers to take up employment is concerned:

- the spouse of a worker and their descendants who are under 21 years of age or are dependants, 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 spouse of a worker and their descendants who are under 21 years of age or are dependants, 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 provisions of Directive 2004/38/EC which take over provisions of Directive 68/360/EEC ¹ 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, Romania 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, Romania 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, Romania may resort to the procedures laid down in paragraph 7 with respect to Bulgaria. During any such period work permits issued by Romania for monitoring purposes to nationals of Bulgaria 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.

¹ Council Directive 68/360/EEC of 15 October 1968 on the abolition of restrictions on movement and residence within the Community for workers of Member States and their families (OJ L 257, 19.10.1968, p. 13). Directive as last amended by the 2003 Act of Accession (OJ L 236, 23.9.2003, p. 33) and repealed with effect from 30 April 2006 by Directive 2004/38/EC of the European Parliament and of the Council (OJ L 158, 30.4.2004, p. 77).

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 Romanian workers, Germany and Austria may, after notifying the Commission, derogate from the first paragraph of Article III-144 of the Constitution with a view to limit, in the context of the provision of services by companies established in Romania, 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:

| Sector | NACE* code, unless otherwise specified |
|--|---|
| Construction, including related branches | 45.1 to 4; Activities listed in the Annex to Directive 96/71/EC |
| Industrial cleaning | 74.70 Industrial cleaning |
| Other Services | 74.87 Only activities of interior decorators |

– in Austria:

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

* NACE: see 31990 R 3037: Council Regulation (EEC) No 3037/90 of 9 October 1990 on the statistical classification of economic activities in the European Community (OJ L 293, 24.10.1990, p. 1). Regulation as last amended by 32003 R 1882: Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29.9.2003 (OJ L 284, 31.10.2003, p. 1).

To the extent that Germany or Austria derogate from the first paragraph of Article III-144 of the Constitution in accordance with the preceding subparagraphs, Romania 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 Romania 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 Romanian 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.

Romanian 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 Romania shall not be treated in a more restrictive way than those from third countries resident and working in that Member State or Romania respectively. Furthermore, in application of the principle of Community preference, migrant workers from third countries resident and working in Romania shall not be treated more favourably than nationals of Romania.

2. FREEDOM TO PROVIDE SERVICES

31997 L 0009: Directive 97/9/EC of the European Parliament and of the Council of 3 March 1997 on investor-compensation schemes (OJ L 84, 26.3.1997, p. 22).

By way of derogation from Article 4(1) of Directive 97/9/EC, the minimum level of compensation shall not apply in Romania until 31 December 2011. Romania shall ensure that its investor-compensation scheme provides for cover of not less than EUR 4 500 from 1 January 2007 until 31 December 2007, of not less than EUR 7 000 from 1 January 2008 until 31 December 2008, of not less than EUR 9 000 from 1 January 2009 until 31 December 2009, of not less than EUR 11 000 from 1 January 2010 until 31 December 2010 and of not less than EUR 15 000 from 1 January 2011 until 31 December 2011.

During the transitional period the other Member States will retain the right to prevent a branch of a Romanian 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 Romanian level of compensation and the minimum level referred to in Article 4(1) of Directive 97/9/EC.

3. FREE MOVEMENT OF CAPITAL

Treaty establishing a Constitution for Europe.

1. Notwithstanding the obligations under the Treaty establishing a Constitution for Europe, Romania may maintain in force for five years from the date of accession the restrictions laid down in its legislation, existing at the time of signature of the Treaty of Accession, on the acquisition of ownership over land for secondary residences by nationals of the Member States or the States which are a party to the European Economic Area Agreement (EEAA) non-resident in Romania and by companies formed in accordance with the laws of another Member State or of an EEAA State and being neither established nor having a branch or a representative agency in the territory of Romania.

Nationals of the Member States and nationals of the States which are a party to the European Economic Area Agreement who are legally resident in Romania shall not be subject to the provisions of the preceding subparagraph or to any rules and procedures other than those to which nationals of Romania are subject.

2. Notwithstanding the obligations under the Treaty establishing a Constitution for Europe, Romania may maintain in force for seven years from the date of accession the restrictions laid down in its legislation, existing at the time of signature of the Treaty of Accession, on the acquisition of agricultural land, forests and forestry land by nationals of the Member States, by nationals of the States which are a party to the European Economic Area Agreement and by companies formed in accordance with the laws of another Member State or an EEAA State which are neither established nor registered in Romania. In no instance may a national of a Member State be treated less favourably in respect of the acquisition of agricultural land, forests and forestry land 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.

Self-employed farmers who are nationals of another Member State and who wish to establish themselves and reside in Romania, shall not be subject to the provisions of the preceding subparagraph or to any procedures other than those to which nationals of Romania are subject.

A general review of these transitional measures shall be held in 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 subparagraph.

4. COMPETITION POLICY

A. FISCAL AID

1. Treaty establishing a Constitution for Europe, Part III, Title III, Chapter I, Section 5, Rules on competition

(a) Notwithstanding Articles III-167 and III-168 of the Constitution for undertakings which were given the permanent investor certificate in a Deprived Area before 1 July 2003, Romania may continue granting corporate tax exemptions on the basis of Government Emergency Ordinance No. 24/1998 on Deprived Areas, as amended:

- for 3 Deprived Areas (Brad, Valea Jiului, Bălan) up to and including 31 December 2008,
- for 22 Deprived Areas (Comănești, Bucovina, Altân Tepe, Filipești, Ceptura, Albeni, Schela, Motru Rovinari, Rusca Montană, Bocșa, Moldova Nouă-Anina, Baraolt, Apuseni, Ștei-Nucet, Borod Șuncuiuș-Dobrești-Vadu Crișului, Popești-Derna-Aleșd, Ip, Hida-Surduc- Jibou-Bălan, Șarmășag-Chiejd-Bobota, Baia Mare, Borșa Vișeu, Rodna) up to and including 31 December 2009,

- for 3 Deprived Areas (Cugir, Zimnicea, Copșa Mică) up to and including 31 December 2010;

under the following conditions:

- the State aid is granted for regional investments:
- the net intensity of such regional aid shall not exceed the rate of 50% Net Grant Equivalent. This ceiling may be raised for small and medium-sized enterprises by 15 percentage points, provided that the total net aid intensity does not exceed 75%,
- if the undertaking is active in the motor vehicle sector¹, the total aid shall not exceed a maximum of 30% of the eligible investment costs,

¹ Within the meaning of Annex C of Commission Communication - Multisectoral framework on regional aid for large investment projects (OJ C 70, 19.3.2002, p. 8). Communication as last amended and published in OJ C 263, 1.11.2003, p. 3.

- the period for calculating the aid to be included under the abovementioned ceilings shall start on 2 January 2003; all aid claimed and received on the basis of profits that precede this date shall be excluded from the calculation,
- for the purpose of calculating the total aid, account shall be taken of all aid granted to the beneficiary in relation to eligible costs, including aid granted under other schemes and irrespective of whether the aid is granted by local, regional, national or Community sources,
- eligible costs shall be defined on the basis of the Guidelines on national regional aid¹,
- the eligible costs that may be taken into account shall be those incurred between 2 October 1998 (i.e. the date of entry into force of the scheme under Government Emergency Ordinance No 24/1998 on Deprived Areas) and 15 September 2004.

¹ OJ C 74, 10.3.1998, p. 9. Guidelines as last amended and published in OJ C 258, 9.9.2000, p. 5.

(b) Romania shall supply to the Commission:

- two months after the date of accession, information on the fulfilment of the conditions set out above,
- by the end of December 2010, information on the eligible investment costs effectively incurred by the beneficiaries under Government Emergency Ordinance No 24/1998 on Deprived Areas, as amended and on the total aid amounts received by the beneficiaries, and
- half-yearly reports on monitoring of aid given to the beneficiaries in the motor vehicle sector.

2. Treaty establishing a Constitution for Europe, Part III, Title III, Chapter I, Section 5, Rules on competition

- (a) Notwithstanding Articles III-167 and III-168 of the Constitution for undertakings which signed commercial contracts with the Free Trade Areas Administrations before 1 July 2002, Romania may continue granting royalty exemptions on the basis of Law No 84/1992 on Free Trade Areas, as amended, until 31 December 2011 under the following conditions:
- the State aid is granted for regional investments:
 - the net intensity of such regional aid shall not exceed the rate of 50% Net Grant Equivalent. This ceiling may be raised for small and medium-sized enterprises by 15 percentage points, provided that the total net aid intensity does not exceed 75%,
 - if the undertaking is active in the motor vehicle sector¹, the total aid shall not exceed a maximum of 30% of the eligible investment costs,

¹ Within the meaning of Annex C of Commission Communication - Multisectoral framework on regional aid for large investment projects (OJ C 70, 19.3.2002, p. 8). Communication as last amended and published in OJ C 263, 1.11.2003, p. 3.

- the period for calculating the aid to be included under the abovementioned ceilings shall start on 2 January 2003; all aid claimed and received on the basis of profits that precede this date shall be excluded from the calculation,
- for the purpose of calculating the total aid, account shall be taken of all aid granted to the beneficiary in relation to eligible costs, including aid granted under other schemes and irrespective of whether the aid is granted by local, regional, national or Community sources,
- eligible costs shall be defined on the basis of the Guidelines on national regional aid ¹,
- the eligible costs that may be taken into account shall be those incurred between 30 July 1992 (i.e. the date of entry into force of the scheme under Law No. 84/1992 on Free Trade Areas) and 1 November 2004.

¹ OJ C 74, 10.3.1998, p. 9. Guidelines as last amended and published in OJ C 258, 9.9.2000, p. 5.

(b) Romania shall supply to the Commission:

- two months after the date of accession, information on the fulfilment of the conditions set out above,
- by the end of December 2011, information on the eligible investment costs effectively incurred by the beneficiaries under Law No 84/1992 on Free Trade Areas, as amended and on the total aid amounts received by the beneficiaries, and
- half-yearly reports on monitoring of aid given to the beneficiaries in the motor vehicle sector.

B. STEEL RESTRUCTURING

Treaty establishing a Constitution for Europe, Part III, Title III, Chapter I, Section 5, Rules on competition

1. Notwithstanding Articles III-167 and III-168 of the Constitution, State aid granted by Romania for restructuring purposes to specified parts of the Romanian steel industry from 1993 to 2004 shall be deemed to be compatible with the common market provided that:
 - the period provided for in Article 9(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 Romania, of the other part¹, has been extended until 31 December 2005,
 - the terms set out in the national restructuring programme and the individual business plans on the basis of which the abovementioned Protocol was extended are adhered to throughout the period 2002-2008,

¹ OJ L 357, 31.12.1994, p. 2. Agreement as last amended by Decision No 2/2003 of the EU/Romania Association Council of 25.9.2003 (not yet published in the Official Journal).

- the conditions set out in these provisions and in Appendix A are met,
 - no State aid in any form is granted or paid to the steel mills covered by the national restructuring programme from 1 January 2005 to 31 December 2008, the end of the restructuring period, and
 - no State aid for restructuring is granted or paid to the Romanian steel sector after 31 December 2004. For the purpose of these provisions and Appendix A, State aid for restructuring is to be understood as any measure concerning steel companies that constitutes State aid within the meaning of Article 87(1) of the EC Treaty and that cannot be held to be compatible with the common market in accordance with the normal rules applied in the Community.
2. Only the companies listed in Appendix A, Part I, (hereinafter referred to as the "benefiting companies") shall be eligible for State aid in the framework of the Romanian steel restructuring programme.

3. Restructuring of the Romanian steel sector, as described in the individual business plans of the benefiting companies and in the national restructuring programme, and in line with the conditions set out in these provisions and in Appendix A, shall be completed no later than 31 December 2008 (hereinafter referred to as "the end of the restructuring period").

4. A benefiting company may not:
 - (a) in the case of a merger with a company not listed in Appendix A, Part I, pass on the benefit of the aid granted to the benefiting company;

 - (b) take over the assets of any company not listed in Appendix A, Part I, and pass on the benefit of aid granted to it in the period up to 31 December 2008.

5. Any subsequent changes in the ownership of any of the benefiting companies shall respect the conditions and principles regarding viability, State aids and capacity reduction defined in these provisions and in Appendix A.

6. Companies not listed as "benefiting companies" under Appendix A, Part I, shall not benefit from State aid for restructuring or any other aid not deemed compatible with Community State aid rules and shall not be required to reduce capacity in this context. Any capacity cuts within these companies shall not count towards the minimum reduction.

7. The total amount of gross restructuring aid to be approved for the benefiting companies shall be determined by the justifications for each and every aid measure provided in the final national restructuring programme and individual business plans to be approved by the Romanian authorities and subject to final verification of fulfilment of the criteria laid out in Article 9(4) of Protocol 2 to the Europe Agreement and approval by the Council. In any case, the total amount of gross restructuring aid granted and paid in the period 1993-2004 shall not exceed ROL 49 985 billion. Within this overall ceiling, the following sub-ceilings or maximum amounts of State aid granted and paid to each benefiting company in the period 1993-2004 shall apply:

| | |
|----------------------------|--------------------|
| Ispat Sidex Galați | ROL 30 598 billion |
| Siderurgica Hunedoara | ROL 9 975 billion |
| CS Reșița | ROL 4 707 billion |
| IS Câmpia Turzii | ROL 2 234 billion |
| COS Târgoviște | ROL 2 399 billion |
| Donasid (Siderca) Călărași | ROL 72 billion |

The State aid shall lead to the viability of the benefiting companies under normal market conditions at the end of the restructuring period. The amount and intensity of such aid are to be strictly limited to what is absolutely necessary in order to restore such viability. The viability shall be determined taking into account the benchmarks described in Appendix A, Part III.

No further State aid shall be granted by Romania for restructuring purposes to the Romanian steel industry.

8. The total net capacity reductions for finished products to be achieved by the benefiting companies during the period 1993-2008 shall be a minimum of 2,05 million tonnes.

These capacity reductions shall be measured on the basis of permanent closure by physical destruction of the hot-rolled steel facilities concerned, such that the facilities cannot be restored to service. A declaration of bankruptcy of a benefiting company shall not qualify as a capacity reduction ¹.

The minimum net capacity reduction of 2,05 million tonnes and the dates for both cessation of production and the permanent closure of the facilities covered, shall be achieved in line with the timetable set out in Appendix A, Part II.

¹ Capacity reductions shall be permanent as defined in Commission Decision No 3010/91/ECSC (OJ L 286, 6.10.1991, p. 20.)

9. The individual business plans shall have the written endorsement of the benefiting companies. They shall be implemented and in particular include:

(a) For Ispat Sidex Galați:

- (i) the implementation of the investment programme for the modernisation of the works, improvement of yields, reduction of costs (especially energy consumption), and improvement of quality
- (ii) the move into higher-value added steel flat product market segments
- (iii) the improvement of operational efficiency and organisational management
- (iv) the completion of the financial restructuring of the company
- (v) the implementation of the investments necessary to comply with environmental legislation

(b) For Siderurgica Hunedoara:

- (i) the modernisation of the facilities in order to achieve the envisaged sales plan
- (ii) the improvement of operational efficiency and organisational management
- (iii) the implementation of the investments necessary to comply with environmental legislation

(c) For IS Câmpia Turzii:

- (i) the increase of the output of higher value – added and transformed products
- (ii) the implementation of the investment programme in order to improve production quality
- (iii) the improvement of operational efficiency and organisational management
- (iv) the implementation of the investments necessary to comply with environmental legislation

(d) For CS Reșița:

- (i) the specialisation on semi-finished products to supply the local pipe sector
- (ii) the closure of inefficient capacities
- (iii) the implementation of the investments necessary to comply with environmental legislation

(e) For COS Târgoviște:

- (i) the increase of the share of higher value-added products
- (ii) the implementation of the investment programme in order to achieve cost reductions, higher efficiency and quality improvement
- (iii) the implementation of the investments necessary to comply with environmental legislation

(f) For Donasid Călărași:

- (i) the implementation of the investment programme for the modernisation of the works
- (ii) the increase of the share of finished products
- (iii) the implementation of the investments necessary to comply with environmental legislation.

10. Any subsequent changes in the national restructuring programme and the individual business 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 programme and individual business plans, as well as the fulfilment of the conditions set out in these provisions and in Appendix A before and after accession until 2009. In particular, the Commission shall monitor the main commitments and provisions set out in paragraphs 7 and 8 concerning State aid, viability and capacity reductions, using in particular the restructuring benchmarks set out in paragraph 9 and in Appendix A, Part III. For this purpose, the Commission shall report to the Council.

13. Monitoring shall include an independent evaluation to be carried out annually in each of the years 2005 to 2009.

14. Romania shall cooperate fully with all the arrangements for monitoring. In particular:

- Romania shall submit 6-monthly reports to the Commission no later than 15 March and 15 September of each year, unless the Commission decides otherwise. The first report is to be submitted on 15 March 2005 and the last on 15 March 2009;

- these 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 these provisions and in Appendix A have been fulfilled. The reports shall at the least contain the information set out in Appendix A, Part IV, which the Commission reserves the right to modify in line with its experience during the monitoring process. In addition to the individual business reports of the benefiting companies, there shall also be a report on the overall situation of the Romanian steel sector, including recent macroeconomic developments;
 - Romania 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.
15. A Consultative Committee consisting of representatives of the Romanian authorities and of the Commission shall meet on a 6-monthly basis. Meetings of this Consultative Committee may also take place on an ad hoc basis if deemed necessary by the Commission.

16. If the Commission establishes, on the basis of the monitoring, that substantial deviations from the forecasts of the macroeconomic developments, the financial situation of the benefiting companies or the viability assessment have occurred, it may require Romania to take appropriate measures to reinforce or modify the restructuring measures of the benefiting companies concerned.

17. Should the monitoring show that:

- (a) any of the conditions laid down in these provisions and in Appendix A have not been fulfilled,
or
- (b) any of the commitments made by Romania in the framework of the extension of the period during which Romania may exceptionally grant State aid for the restructuring of its steel industry under the Europe Agreement have not been fulfilled, or
- (c) in the course of the restructuring period Romania has granted additional incompatible State aid to the benefiting companies or to any steel company,

the Commission shall take the appropriate steps requiring any company concerned to reimburse any aid granted in breach of the conditions laid down in these provisions and in Appendix A. Where necessary, recourse to the safeguard clauses as laid down in Article 37 of the Protocol or under Article 39 of the Protocol shall be made.

5. AGRICULTURE

A. AGRICULTURAL LEGISLATION

31999 R 1493: Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine (OJ L 179, 14.7.1999, p. 1), as last amended by:

- 32003 R 1795: Commission Regulation (EC) No 1795/2003 of 13.10.2003 (OJ L 262, 14.10.2003, p. 13).

By way of derogation from Article 19(1) to (3) of Regulation (EC) No 1493/1999, Romania may recognise replanting rights obtained from the grubbing-up of hybrid varieties that may not be included in the classification of vine varieties, cultivated on an area of 30 000 hectares. These replanting rights may only be used until 31 December 2014 and exclusively for planting with *Vitis vinifera*.

The restructuring and conversion of these vineyards will not be eligible for Community support provided for under Article 13 of Regulation (EC) No 1493/1999. However, national State aid may be given for the costs resulting from their restructuring and conversion. Such aid may not exceed 75% of all costs per vineyard.

B. VETERINARY AND PHYTOSANITARY LEGISLATION

I. VETERINARY LEGISLATION

32004 R 0852: Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs (OJ L 139, 30.4.2004, p. 1).

32004 R 0853: Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (OJ L 139, 30.4.2004, p. 55).

- (a) The structural requirements laid down in Regulation (EC) No 852/2004, Annex II, Chapter II and in Regulation (EC) No 853/2004, Annex III, Section I, Chapters II and III, Section II, Chapters II and III, and Section V, Chapter I, shall not apply to establishments in Romania listed in Appendix B to this Annex until 31 December 2009, subject to the conditions laid down below.
- (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 establishments in Romania also covered by the provisions of paragraph (a), irrespective of the date of marketing. These products must bear a different health or identification mark to that provided for in Article 5 of Regulation (EC) No 853/2004.

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) The milk processing establishments listed in Appendix B to this Annex may until 31 December 2009 receive deliveries of raw milk that does not comply with or has not been handled in accordance with the requirements in Regulation (EC) No 853/2004, Annex III, Section IX, Chapter I, subchapters II and III provided that those farms from which the milk is delivered are mentioned on a list maintained for that purpose by the Romanian authorities. Romania shall submit annual reports to the Commission on progress made in upgrading these dairy farms and the milk collection system.
- (d) Romania shall ensure gradual compliance with the structural requirements referred to in paragraph (a). Before the date of accession Romania shall submit to the Commission an upgrading plan, approved by the competent national veterinary authority, for each of the establishments covered by the measure laid down by paragraph (a) and listed in Appendix B. The plan shall include a list of all shortcomings with regard to the requirements referred to in paragraph (a) and the planned date of their correction. Romania shall submit annual reports to the Commission on progress made in each of the establishments. Romania shall ensure that only those establishments which fully comply with these requirements by 31 December 2009 may continue to operate.

- (e) The Commission may, in accordance with the procedure referred to in Article 58 of Regulation (EC) No 178/2002¹, update Appendix B to this Annex before accession and until 31 December 2009 and in this context add 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 may be adopted in accordance with the procedure referred to in Article 58 of Regulation (EC) No 178/2002.

¹ Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1). Regulation as last amended by Regulation (EC) No 1642/2003 (OJ L 245, 29.9.2003, p. 4).

II. PHYTOSANITARY LEGISLATION

31991 L 0414: Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market (OJ L 230, 19.8.1991, p. 1), as last amended by:

– 32004 L 0099: Commission Directive 2004/99/EC of 1.10.2004 (OJ L 309, 6.10.2004, p. 6).

By way of derogation from Article 13(1) of Directive 91/414/EEC, Romania may postpone the deadlines for the provision of the information referred to in Annex II and Annex III to Directive 91/414/EEC for plant protection products currently authorised in Romania and marketed exclusively on Romanian territory and containing copper compounds (sulphate, oxychloride or hydroxide), sulphur, acetochlor, dimethoate and 2,4-D, provided that those ingredients are at the time listed in Annex I to that Directive. The abovementioned deadlines may be postponed until no later than 31 December 2009, except for 2,4-D for which the deadline may be postponed until no later than 31 December 2008. The above provisions shall only apply to those applicant companies which effectively started working on the generation or acquisition of the required data before 1 January 2005.

6. TRANSPORT POLICY

1. 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:
 - 32002 R 0484: Regulation (EC) No 484/2002 of the European Parliament and of the Council of 1.3.2002 (OJ L 76, 19.3.2002, p. 1).
- (a) By way of derogation from Article 1 of Regulation (EEC) No 3118/93 and until the end of the third year following the date of accession, carriers established in Romania 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 Romania.
- (b) Before the end of the third 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) Those Member States in which, by virtue of paragraph (b) above, Article 1 of the Regulation applies, may resort to the procedure set out below until the end of the fifth year following the date of accession.

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.

- (d) As long as Article 1 of the Regulation is not applied by virtue of paragraphs (a) and (b) 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.
- (e) The effect of the application of paragraphs (a) to (c) 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.

2. 31996 L 0053: Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic (OJ L 235, 17.9.1996, p. 59), as last amended by:

- 32002 L 0007: Directive 2002/7/EC of the European Parliament and of the Council of 18.2.2002 (OJ L 67, 9.3.2002, p. 47).

By way of derogation from Article 3(1) of Directive 96/53/EC, vehicles complying with the limit values of category 3.2.1, 3.4.1, 3.4.2, 3.5.1 specified in Annex I to that Directive may only use non-upgraded parts of the Romanian road network until 31 December 2013 if they comply with Romanian axle-weight limits.

As from the date of accession, no restrictions may be imposed on the use, by vehicles complying with the requirements of Directive 96/53/EC, of the main transit routes set out in Annex 5 to the EC/Romania Transport Agreement¹ and Annex I to Decision No 1692/96/EC of the European Parliament and of the Council of 23 July 1996 on Community guidelines for the development of the trans-European transport network², which are listed below:

1. Alba Iulia – Turda – Zalău – Satu Mare – Halmeu (road E 81)
2. Zalău – Oradea – Borş (roads 1 H and E 60)
3. Mărășești – Bacău – Suceava – Siret (road E 85)
4. Tișița – Tecuci – Huși – Albița (road E 581)
5. Simeria – Hațeg – Rovinari – Craiova – Calafat (road E 79)
6. Lugoj – Caransebeș – Drobeta-Turnu Severin – Filiași – Craiova (road E 70)

¹ Road Transit Agreement between the European Community and Romania for the carriage of goods of 28 June 2001 (OJ L 142, 31.5.2002, p. 75).

² OJ L 228, 9.9.1996, p. 1. Decision as last amended by Decision No 884/2004/EC (OJ L 167, 30.4.2004, p. 1).

7. Craiova – Alexandria – București (road 6)
8. Drobeta-Turnu Severin – Calafat (road 56 A)
9. București – Buzău (roads E 60/E 85)
10. București – Giurgiu (roads E 70/E 85)
11. Brașov – Sibiu (road E 68)
12. Timișoara – Stamora Moravița

Romania shall adhere to the timetable set out in the table below for upgrading its secondary road network as shown in the map below. Any infrastructure investments involving the use of funds from the Community budget shall ensure that the arteries are constructed or upgraded to a load bearing capacity of 11,5 tonnes per axle.

In line with the completion of the upgrading, there shall be a progressive opening of the Romanian secondary road network for vehicles in international traffic complying with the limit values of the Directive. For the purpose of loading and unloading, where technically possible, the use of non-upgraded parts of the secondary road network shall be allowed during the entire transitional period.

As from the date of accession, all vehicles in international traffic complying with the limit values of Directive 96/53/EC shall only be subject to temporary additional charges on the secondary Romanian road transport network if they are in excess of national axle-load limits. These vehicles shall not be subject to such temporary additional charges on the secondary Romanian road transport network if they are in excess of national limits in relation to the dimension or total weight of the vehicle. Moreover those vehicles in international traffic complying with the limit values of Directive 96/53/EC and fitted with air-suspension, shall be subject to lower charges of at least 25% less.

Temporary additional charges for using non-upgraded parts of the secondary network with vehicles in international traffic complying with the limit values of the Directive shall be levied in a non-discriminatory manner. The charging regime shall be transparent, and payment of these charges shall not place an undue administrative burden or delay on the user, nor shall the payment of these charges lead to a systematic check of axle load limits at the border. Enforcement of axle load limits shall be assured in a non-discriminatory manner throughout the territory and be effective also as regards vehicles registered in Romania.

The charges for vehicles without air-suspension complying with the limit values set out in Directive 96/53/EC shall not exceed the level of charges set out in the table below (expressed in 2002 figures). Vehicles fitted with air-suspension complying with the limit values set out in Directive 96/53/EC shall be subject to lower charges of at least 25% less.

Maximum level of charges (2002 figures) for vehicles without air-suspension complying with the limit values set out in Directive 96/53/EC

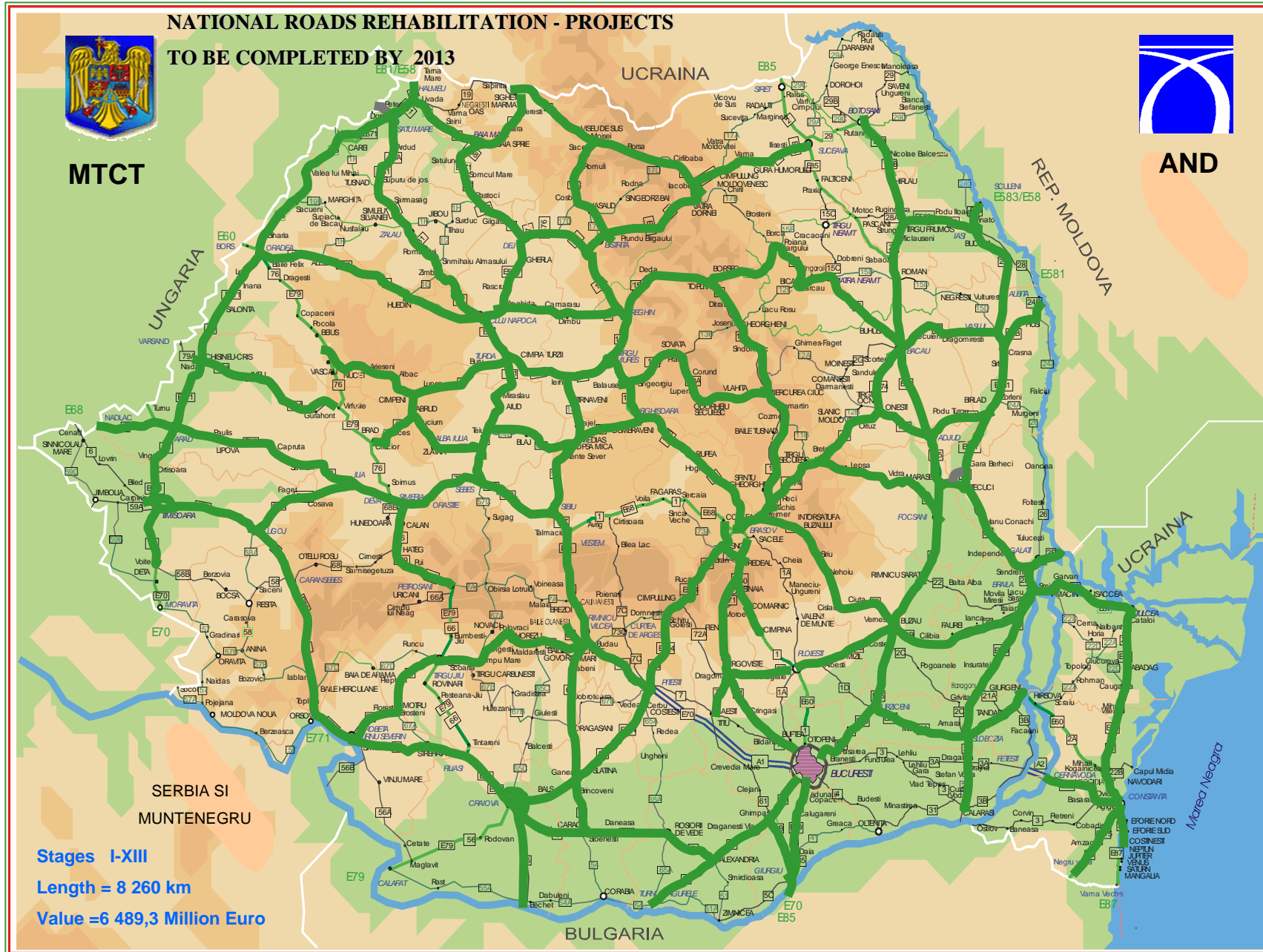
| Stated single-axle load in a vehicle from - to | Amount of additional charge for the use of one kilometre of non-upgraded road (with maximum carrying capacity of 10 tonnes per axle) in euro (2002 figures) |
|---|---|
| from 10 tonnes per axle to 10,5 tonnes per axle | 0,11 |
| from 10,5 tonnes per axle to 11 tonnes per axle | 0,30 |
| from 11 tonnes per axle to 11,5 tonnes per axle | 0,44 |

Timetable for upgrading the secondary road network on which there will be a progressive opening for vehicles complying with the limit values of Directive 96/53/EC

| Period | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | TOTAL |
|----------------------------------|-------|-------|-------|-------|-------|-------|-------|-------|
| Km ongoing ¹ | 3 031 | 2 825 | 1 656 | 1 671 | 1 518 | 1 529 | 1 554 | |
| Km put into service ² | 960 | 1 674 | 528 | 624 | 504 | 543 | 471 | |
| Cumulated works (in km) | 3 916 | 5 590 | 6 118 | 6 742 | 7 246 | 7 789 | 8 260 | 8 260 |

¹ Km ongoing = road sections for which works are carried out during the reference year. These works may start in the reference year or may have started in the previous years.

² Km put in service = road sections for which the works are completed or put into service in the reference year.



3. 31999 L 0062: Directive 1999/62/EC of the European Parliament and of the Council of 17 June 1999 on the charging of heavy goods vehicles for the use of certain infrastructures (OJ L 187, 20.7.1999, p. 42), as last amended by:

- 12003 T: Act concerning the conditions of accession and the adjustments to the Treaties – 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 (OJ L 236, 23.9.2003, p. 33).

By way of derogation from Article 6(1) of Directive 1999/62/EC, the minimum tax rates laid down in Annex I to the Directive shall not apply in Romania to vehicles engaged exclusively in domestic transport operations until 31 December 2010.

During this period, the rates to be applied by Romania to these vehicles shall gradually reach the minimum rates of tax laid down in Annex I to the Directive in accordance with the following schedule:

- by 1 January 2007, the rates to be applied by Romania shall not be less than 60% of the minimum rates laid down in Annex I to the Directive;
- by 1 January 2009, the rates to be applied by Romania shall not be less than 80% of the minimum rates laid down in Annex I to the Directive.

7. TAXATION

1. 31977 L 0388: Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes – Common system of value added tax: uniform basis of assessment (OJ L 145, 13.6.1977, p. 1), as last amended by:

- 32004 L 0066: Council Directive 2004/66/EC of 26.4.2004 (OJ L 168, 1.5.2004, p. 35).

For the purposes of applying Article 28(3)(b) of Directive 77/388/EEC, Romania 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.

2. 31992 L 0079: Council Directive 92/79/EEC of 19 October 1992 on the approximation of taxes on cigarettes (OJ L 316, 31.10.1992, p. 8), as last amended by:

– 32003 L 0117: Council Directive 2003/117/EC of 5.12.2003 (OJ L 333, 20.12.2003, p. 49).

By way of derogation from Article 2(1) of Directive 92/79/EEC, Romania 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 2009, provided that during this period Romania 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 of 25 February 1992 on the general arrangements for products subject to excise duty and on the holding, movement and monitoring of such products ¹, 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 Romania 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.

¹ OJ L 76, 23.3.1992, p. 1. Directive as last amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

3. 32003 L 0049: Council Directive 2003/49/EC of 3 June 2003 on a common system of taxation applicable to interest and royalty payments made between associated companies of different Member States (OJ L 157, 26.6.2003, p. 49), as last amended by:

– 32004 L 0076: Council Directive 2004/76/EC of 29.4.2004 (OJ L 157, 30.4.2004, p. 106).

Romania shall be authorised not to apply the provisions of Article 1 of Directive 2003/49/EC until 31 December 2010. During that transitional period, the rate of tax on payments of interest or royalties made to an associated company of another Member State or to a permanent establishment situated in another Member State of an associated company of a Member State must not exceed 10%.

4. 32003 L 0096: Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity (OJ L 283, 31.10.2003, p. 51), as last amended by:

– 32004 L 0075: Council Directive 2004/75/EC of 29.4.2004 (OJ L 157, 30.4.2004, p. 100).

- (a) By way of derogation from Article 7 of Directive 2003/96/EC, Romania may apply the following transitional periods:
- until 1 January 2011 to adjust the national level of taxation on unleaded petrol used as propellant to the minimum level of EUR 359 per 1 000 l. The effective tax rate applied to unleaded petrol used as propellant shall not be less than EUR 323 per 1 000 l as from 1 January 2008,
 - until 1 January 2013 to adjust the national level of taxation on gas oil used as propellant to the minimum level of EUR 330 per 1 000 l. The effective tax rate applied to gas oil used as propellant shall not be less than EUR 274 per 1 000 l as from 1 January 2008 and EUR 302 per 1 000 l as from 1 January 2011.
- (b) By way of derogation from Article 9 of Directive 2003/96/EC, Romania may apply the following transitional periods:
- until 1 January 2010 to adjust the national level of taxation on natural gas used for non-business heating purposes to the minimum level of taxation laid down in Annex I, Table C,

- until 1 January 2010 to adjust the national level of taxation on heavy fuel oil used for district heating purposes to the minimum levels of taxation laid down in Annex I, Table C,
- until 1 January 2009 to adjust the national levels of taxation on heavy fuel oil used for purposes other than district heating to the minimum levels of taxation laid down in Annex I, Table C.

The effective tax rate applied to the heavy fuel oil products concerned shall not be less than EUR 13 per 1 000 kg as from 1 January 2007.

- (c) By way of derogation from Article 10 of Directive 2003/96/EC, Romania may apply a transitional period until 1 January 2010 to adjust the national level of taxation on electricity to the minimum levels of taxation laid down in Annex I, Table C. The effective tax rates applied to electricity shall not be less than 50% of the relevant Community minimum rate as from 1 January 2007.

8. ENERGY

31968 L 0414: Council Directive 68/414/EEC of 20 December 1968 imposing an obligation on Member States of the EEC to maintain minimum stocks of crude oil and/or petroleum products (OJ L 308, 23.12.1968, p. 14), as last amended by:

- 31998 L 0093: Council Directive 98/93/EC of 14.12.1998 (OJ L 358, 31.12.1998, p. 100).

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 Romania until 31 December 2011. Romania 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):

- 68,75 days by 1 January 2007;
- 73 days by 31 December 2007;
- 77,25 days by 31 December 2008;
- 81,5 days by 31 December 2009;
- 85,45 days by 31 December 2010;
- 90 days by 31 December 2011.

9. ENVIRONMENT

A. AIR QUALITY

31994 L 0063: European Parliament and Council Directive 94/63/EC of 20 December 1994 on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations (OJ L 365, 31.12.1994, p. 24), as amended by:

– 32003 R 1882: Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29.9.2003 (OJ L 284, 31.10.2003, p. 1).

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

- until 31 December 2007 for 115 storage installations at 12 terminals and until 31 December 2008 for 4 storage installations at 1 terminal with a throughput loaded greater than 25 000 tonnes/year but less than or equal to 50 000 tonnes/year;
- until 31 December 2007 for 138 storage installations at 13 terminals, until 31 December 2008 for 57 storage installations at 10 terminals and until 31 December 2009 for 526 storage installations at 63 terminals with a throughput loaded less than or equal to 25 000 tonnes/year.

2. By way of derogation from Article 4 and Annex II to Directive 94/63/EC, the requirements for loading and unloading of existing mobile containers at terminals shall not apply in Romania:
 - until 31 December 2007 to 36 loading and unloading installations at 12 terminals with a throughput greater than 25 000 tonnes/year but less than or equal to 150 000 tonnes/year;
 - until 31 December 2007 to 82 loading and unloading installations at 18 terminals, until 31 December 2008 to 14 loading and unloading installations at 11 terminals and until 31 December 2009 to 114 loading and unloading installations at 58 terminals with a throughput less than or equal to 25 000 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 Romania:
 - until 31 December 2007 to 31 road tankers;
 - until 31 December 2008 to a further 101 road tankers;
 - until 31 December 2009 to a further 432 road tankers.

4. By way of derogation from Article 6 and Annex III to Directive 94/63/EC, the requirements for loading into existing storage installations at service stations shall not apply in Romania:
- until 31 December 2007 to 116 service stations, until 31 December 2008 to a further 19 service stations and until 31 December 2009 to a further 106 service stations with a throughput greater than 1 000 m³/year;
 - until 31 December 2007 to 49 service stations, until 31 December 2008 to a further 11 service stations and until 31 December 2009 to a further 85 service stations with a throughput greater than 500 m³/year but less than or equal to 1 000 m³/year;
 - until 31 December 2007 to 23 service stations, until 31 December 2008 to a further 14 service stations and until 31 December 2009 to a further 188 service stations with a throughput less than or equal to 500 m³/year.

B. WASTE MANAGEMENT

1. 31993 R 0259: Council Regulation (EEC) No 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the European Community (OJ L 30, 6.2.1993, p. 1), as last amended by:

- 32001 R 2557: Commission Regulation (EC) No 2557/2001 of 28.12.2001 (OJ L 349, 31.12.2001, p. 1).

- (a) Until 31 December 2015, all shipments to Romania of waste for recovery listed in Annex II to Regulation (EEC) No 259/93 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, until 31 December 2011 the Romanian competent authorities may raise objections to shipments to Romania for recovery of the following wastes listed in Annex III in conformity with the grounds for objection laid down in Article 4(3) of the Regulation. Such shipments shall be subject to Article 10 of the Regulation.

AA. METAL-BEARING WASTES

- AA 060 Vanadium ashes and residues
- AA 080 Thallium waste, scrap and residues
- AA 090 Arsenic waste and residues
- AA 100 Mercury waste and residues
- AA 130 Liquors from the pickling of metals

AB. WASTES CONTAINING PRINCIPALLY INORGANIC CONSTITUENTS, WHICH
MAY CONTAIN METALS AND ORGANIC MATERIALS

- AB 010 Slag, ash and residues, not elsewhere specified or included
- AB 020 Residues arising from the combustion of municipal/household wastes
- AB 030 Wastes from non-cyanide based systems which arise from surface treatment of metals
- AB 040 Glass waste from cathode-ray tubes and other activated glasses
- AB 050 Calcium fluoride sludge
- AB 060 Other inorganic fluorine compounds in the form of liquids or sludge
- AB 080 Spent catalysts not on the green list
- AB 090 Waste hydrates of aluminium
- AB 110 Basic solutions
- AB 120 Inorganic halide compounds, not elsewhere specified or included

AC. WASTES CONTAINING PRINCIPALLY ORGANIC CONSTITUENTS, WHICH
MAY CONTAIN METALS AND INORGANIC MATERIALS

- AC 040 Leaded petrol (gasoline) sludges
- AC 050 Thermal (heat transfer) fluids
- AC 060 Hydraulic fluids
- AC 070 Brake fluids
- AC 080 Antifreeze fluids
- AC 090 Waste from production, formulation and use of resins, latex, plasticisers, glues and adhesives
- AC 100 Nitrocellulose
- AC 110 Phenols, phenol compounds including chlorophenol in the form of liquids or sludges
- AC 120 Polychlorinated naphthalenes
- AC 140 Triethylamine catalyst for setting foundry sands
- AC 150 Chlorofluorocarbons
- AC 160 Halons
- AC 190 Fluff-light fraction from automobile shredding
- AC 200 Organic phosphorous compounds
- AC 210 Non-halogenated solvents

- AC 220 Halogenated solvents
- AC 230 Halogenated or unhalogenated non-aqueous distillation residues arising from organic solvent recovery operations
- AC 240 Wastes arising from the production of aliphatic halogenated hydrocarbons (such as chloromethanes, dichloro-ethane, vinyl chloride, vinylidene chloride, allyl chloride and epichlorhydrin)
- AC 260 Liquid pig manure, faeces
- AC 270 Sewage sludge

AD. WASTES, WHICH MAY CONTAIN EITHER INORGANIC OR ORGANIC CONSTITUENTS

- AD 010 Wastes from the production and preparation of pharmaceutical products
- AD 020 Wastes from the production, formulation and use of biocides and phytopharmaceuticals
- AD 030 Wastes from the manufacture, formulation and use of wood-preserving chemicals
Wastes that contain, consist of or are contaminated with any of the following:
 - AD 040 - Inorganic cyanides, excepting precious metal-bearing residues in solid form containing traces of inorganic cyanides
 - AD 050 - Organic cyanides

- AD 080 Wastes of an explosive nature, when not subject to specific other legislation
- AD 110 Acidic solutions
- AD 120 Ion exchange resins
- AD 130 Single-use cameras with batteries
- AD 140 Wastes from industrial pollution control devices for cleaning of industrial off-gases, not elsewhere specified or included
- AD 150 Naturally occurring organic material used as a filter medium (such as bio-filters)
- AD 160 Municipal/household wastes
- AD 170 Spent activated carbon having hazardous characteristics and resulting from its use in the inorganic chemical, organic chemical and pharmaceutical industries, waste water treatment, gas/air cleaning processes and similar applications

This period may be extended until no later than 31 December 2015 under the procedure defined in Article 18 of Council Directive 75/442/EEC of 15 July 1975 on waste ¹ as amended by Council Directive 91/156/EEC ².

¹ OJ L 194, 25.7.1975, p. 39. Directive as last amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).

² OJ L 78, 26.3.1991, p. 32.

- (c) By way of derogation from Article 7(4) of Regulation (EEC) No 259/93, until 31 December 2011 the Romanian competent authorities may raise objections to shipments to Romania of waste for recovery listed in Annex IV to the Regulation and shipments of waste for recovery not listed in the Annexes to the Regulation in conformity with the grounds for objection laid down in Article 4(3) of the Regulation. This period may be extended until no later than 31 December 2015 under the procedure defined in Article 18 of Council Directive 75/442/EEC of 15 July 1975 on waste ¹ as amended by Council Directive 91/156/EEC ².
- (d) By way of derogation from Article 7(4) of Regulation (EEC) No 259/93, the Romanian 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 Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control ³, Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 on the incineration of waste ⁴, or Directive 2001/80/EC of the European Parliament and of the Council of 23 October 2001 on the limitation of emissions of certain pollutants into the air from large combustion plants ⁵, during the period in which the temporary derogation is applied to the facility of destination.

¹ OJ L 194, 25.7.1975, p. 39. Directive as last amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).

² OJ L 78, 26.3.1991, p. 32.

³ OJ L 257, 10.10.1996, p. 26. Directive as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

⁴ OJ L 332, 28.12.2000, p. 91.

⁵ OJ L 309, 27.11.2001, p. 1. Directive as last amended by the 2003 Act of Accession (OJ L 236, 23.9.2003, p. 33).

2. 31994 L 0062: European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste (OJ L 365, 31.12.1994, p. 10), as last amended by:
- 32004 L 0012: Directive 2004/12/EC of the European Parliament and of the Council of 11.2.2004 (OJ L 47, 18.2.2004, p. 26).
- (a) By way of derogation from Article 6(1)(a) of Directive 94/62/EC, Romania shall attain the overall rate for recovery or incineration at waste incineration plants with energy recovery by 31 December 2011 in accordance with the following intermediate targets:
- 32% by weight by 31 December 2006, 34% for 2007, 40% for 2008, 45% for 2009 and 48% for 2010.
- (b) By way of derogation from Article 6(1)(b) of Directive 94/62/EC, Romania shall attain the overall rate for recovery or incineration at waste incineration plants with energy recovery by 31 December 2013 in accordance with the following intermediate targets:
- 53% by weight for 2011 and 57% for 2012.

- (c) By way of derogation from Article 6(1)(c) of Directive 94/62/EC, Romania shall attain the recycling target for plastics by 31 December 2011 in accordance with the following intermediate targets:
- 8% by weight by 31 December 2006, 10% for 2007, 11% for 2008, 12% for 2009 and 14% for 2010.
- (d) By way of derogation from Article 6(1)(d) of Directive 94/62/EC, Romania shall attain the overall recycling target by 31 December 2013 in accordance with the following intermediate targets:
- 26% by weight by 31 December 2006, 28% for 2007, 33% for 2008, 38% for 2009, 42% for 2010, 46% for 2011 and 50% for 2012.
- (e) By way of derogation from Article 6(1)(e)(i) of Directive 94/62/EC, Romania shall attain the recycling target for glass by 31 December 2013 in accordance with the following intermediate targets:

- 21% by weight by 31 December 2006, 22% for 2007, 32% for 2008, 38% for 2009, 44% for 2010, 48% for 2011 and 54% for 2012.
- (f) By way of derogation from Article 6(1)(e)(iv) of Directive 94/62/EC, Romania shall attain the recycling target for plastics, counting exclusively material that is recycled back into plastics, by 31 December 2013 in accordance with the following intermediate targets:
- 16% by weight for 2011 and 18% for 2012.
- (g) By way of derogation from Article 6(1)(e)(v) of Directive 94/62/EC, Romania shall attain the recycling target for wood by 31 December 2011 in accordance with the following intermediate targets:
- 4% by weight by 31 December 2006, 5% for 2007, 7% for 2008, 9% for 2009 and 12% for 2010.
3. 31999 L 0031: Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182, 16.7.1999, p. 1), as amended by:
- 32003 R 1882: Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29.9.2003 (OJ L 284, 31.10.2003, p. 1).

- (a) By way of derogation from Article 14(c) and points 2, 3, 4 and 6 of Annex I to Directive 1999/31/EC and without prejudice to Council Directive 75/442/EEC of 15 July 1975 on waste¹ and Council Directive 91/689/EEC of 12 December 1991 on hazardous waste², the requirements relating to water control and leachate management, protection of soil and water, gas control and stability shall not apply to 101 existing municipal landfills in Romania until 16 July 2017.

Romania shall ensure a gradual reduction of waste landfilled in these 101 existing non-compliant municipal landfills in accordance with the following annual maximum quantities:

- by 31 December 2006: 3 470 000 tonnes;
- by 31 December 2007: 3 240 000 tonnes;
- by 31 December 2008: 2 920 000 tonnes;
- by 31 December 2009: 2 920 000 tonnes;
- by 31 December 2010: 2 900 000 tonnes;
- by 31 December 2011: 2 740 000 tonnes;
- by 31 December 2012: 2 460 000 tonnes;
- by 31 December 2013: 2 200 000 tonnes;
- by 31 December 2014: 1 580 000 tonnes;
- by 31 December 2015: 1 420 000 tonnes;
- by 31 December 2016: 1 210 000 tonnes.

¹ OJ L 194, 25.7.1975, p. 39. Directive as amended by Directive 91/156/EEC, and as last amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).

² OJ L 377, 31.12.1991, p. 20. Directive as last amended by Directive 94/31/EC (OJ L 168, 2.7.1994, p. 28).

- (b) By way of derogation from Article 5(3)(a) and (b) and Annex I, point 2, second indent, to Directive 1999/31/EC and without prejudice to Article 6(c)(ii) of that Directive and Directive 75/442/EEC, the requirements for liquid, corrosive and oxidising waste, and as regards prevention of surface water entering into the landfilled waste shall not apply in Romania to the following 23 existing facilities until the date indicated for each facility:

Until 31 December 2007:

1. S.C. BEGA UPSOM Ocna Mureş, Ocna Mureş, Alba county

Until 31 December 2008:

2. S.C. TERMOELECTRICA SA - SE Doiceşti, Doiceşti, Dâmboviţa county
3. S.C. COMPLEXUL ENERGETIC ROVINARI SA, Cicani-Beterega, Gorj county
4. RAAN Drobeta-Turnu Severin - Sucursala ROMAG – TERMO, Drobeta-Turnu Severin, Mehedinţi county

Until 31 December 2009:

5. COMPLEXUL ENERGETIC CRAIOVA - SE Craiova, Valea Mănăstirii, Dolj county
6. COMPLEXUL ENERGETIC CRAIOVA - SE Işalniţa, Işalniţa II, Dolj county
7. COMPLEXUL ENERGETIC CRAIOVA - SE Işalniţa, Işalniţa I, Dolj county
8. S.C. ELECTROCENTRALE DEVA SA - SE Paroşeni, Căprişoara, Hunedoara county
9. S.C. TERMICA SA Suceava, Suceava, Suceava county

Until 31 December 2010:

10. S.C. ELECTROCENTRALE DEVA SA, Bejan, Hunedoara county
11. S.C. ALUM Tulcea, Tulcea, Tulcea county

Until 31 December 2011:

12. S.C. UZINA TERMOELECTRICĂ GIURGIU SA, Giurgiu, Giurgiu county

Until 31 December 2012:

13. CET Bacău, Furnicari – Bacău, Bacău
14. S.C. COMPLEXUL ENERGETIC TURCENI, Valea Ceplea, Gorj county
15. S.C. COMPLEXUL ENERGETIC TURCENI, Valea Ceplea, Gorj county
16. S.C. UZINELE SODICE Govora, Govora, Vâlcea county
17. S.C. CET Govora SA, Govora, Vâlcea county

Until 31 December 2013:

18. S.C. CET Arad, Arad, Arad county
19. S.C. ELECTROCENTRALE ORADEA SA, Sântaul Mic, Bihor county
20. S.C. ELECTROCENTRALE ORADEA SA, Sântaul Mic, Bihor county
21. S.C. ELECTROCENTRALE ORADEA SA, Sântaul Mic, Bihor county
22. CET II Iași, Holboca, Iași county
23. S.C. Uzina Electrică Zalău, Hereclean – Panic, Sălaj county

Romania shall ensure a gradual reduction of liquid waste landfilled in these 23 existing non-compliant facilities in accordance with the following annual maximum quantities:

- by 31 December 2006: 11 286 000 tonnes;
- by 31 December 2007: 11 286 000 tonnes;
- by 31 December 2008: 11 120 000 tonnes;
- by 31 December 2009: 7 753 000 tonnes;
- by 31 December 2010: 4 803 000 tonnes;
- by 31 December 2011: 3 492 000 tonnes;
- by 31 December 2012: 3 478 000 tonnes;
- by 31 December 2013: 520 000 tonnes.

- (c) By way of derogation from Article 5(3)(a) and (b) and Annex I, point 2, second indent, to Directive 1999/31/EC and without prejudice to Article 6(c)(ii) of that Directive and Directive 75/442/EEC, the requirements for liquid, corrosive and oxidising waste, and as regards prevention of surface water entering into the landfilled waste shall not apply in Romania to the following 5 existing tailing ponds until the date indicated for each tailing pond:

Until 31 December 2009:

1. BĂIȚA Ștei, Fânațe, Bihor county

Until 31 December 2010:

2. TRANSGOLD Baia Mare, Aurul-Recea, Maramureș county
3. MINBUCOVINA Vatra Dornei, Ostra-Valea Straja, Suceava county

Until 31 December 2011:

4. CUPRUMIN Abrud, Valea Șesei, Alba county
5. CUPRUMIN Abrud, Valea Ștefancei, Alba county.

Romania shall ensure a gradual reduction of liquid waste landfilled in these 5 existing non-compliant tailing ponds in accordance with the following annual maximum quantities:

- by 31 December 2006: 6 370 000 tonnes;
- by 31 December 2007: 5 920 000 tonnes (of which 2 100 000 tonnes hazardous, 3 820 000 tonnes non-hazardous);
- by 31 December 2008: 4 720 000 tonnes (of which 2 100 000 tonnes hazardous, 2 620 000 non-hazardous);

- by 31 December 2009: 4 720 000 tonnes (of which 2 100 000 tonnes hazardous, 2 620 000 non-hazardous);
 - by 31 December 2010: 4 640 000 tonnes (of which 2 100 000 tonnes hazardous, 2 540 000 non-hazardous);
 - by 31 December 2011: 2 470 000 tonnes (all of which non-hazardous).
- (d) By way of derogation from the second indent of Article 2(g) of Directive 1999/31/EC, and without prejudice to Directive 75/442/EEC and Directive 91/689/EEC, a permanent site which is used for temporary storage of hazardous waste generated within Romania will not be considered as a landfill in Romania until 31 December 2009.

Romania shall provide the Commission, by 30 June of each year starting with 30 June 2007, a report concerning the gradual implementation of the Directive and compliance with these intermediate targets.

4. 32002 L 0096: Directive 2002/96/EC of the European Parliament and of the Council of 27 January 2003 on waste electrical and electronic equipment (WEEE) (OJ L 37, 13.2.2003, p.24), as amended by:

- 32003 L 0108: Directive 2003/108/EC of the European Parliament and Council of 8.12.2003 (OJ L 345, 31.12.2003, p. 106).

By way of derogation from Articles 5(5) and 7(2) of Directive 2002/96/EC, Romania shall attain the rate of separate collection of at least four kilograms on average per inhabitant per year of WEEE from private households, the rate of recovery and the rate of component, material and substance reuse and recycling by 31 December 2008.

C. WATER QUALITY

1. 31983 L 0513: Council Directive 83/513/EEC of 26 September 1983 on limit values and quality objectives for cadmium discharges (OJ L 291, 24.10.1983, p. 1), as amended by:

- 31991 L 0692: Council Directive 91/692/EEC of 23.12.1991 (OJ L 377, 31.12.1991, p. 48);

- 31984 L 0156: Council Directive 84/156/EEC of 8 March 1984 on limit values and quality objectives for mercury discharges by sectors other than the chlor-alkali electrolysis industry (OJ L 74, 17.3.1984, p. 49), as amended by:
- 31991 L 0692: Council Directive 91/692/EEC of 23.12.1991 (OJ L 377, 31.12.1991, p. 48).

By way of derogation from Article 3 and Annex I to Directive 83/513/EEC and Article 3 and Annex I to Directive 84/156/EEC, the limit values for discharges of cadmium and mercury into the waters referred to in Article 1 of Council Directive 76/464/EEC of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community¹, shall not apply in Romania until 31 December 2009 to the following industrial installations:

ARIEȘMIN SA Baia de Arieș – Valea Sărtaș – Baia de Arieș – Alba county

ARIEȘMIN SA Baia de Arieș – ape de mină – Baia de Arieș – Alba county

EM TURȚ – Turț – Satu Mare county

SM BAIA BORȘA- evacuare ape de mină Gura Băii - Borșa – Maramureș county

SM BAIA BORȘA- evacuare ape de mină Burloaia - Borșa – Maramureș county

SM BAIA BORȘA- evacuare Colbu-Toroioaga - Borșa – Maramureș county

EM BAIA SPRIE – Baia Sprie – Maramureș county

¹ OJ L 129, 18.5.1976, p. 23. Directive as last amended by Directive 2000/60/EC of the European Parliament and of the Council (OJ L 327, 22.12.2000, p. 1).

EM CAVNIC – Cavnic – Maramureş county

EM BĂIUȚ – Băiuț – Maramureş county

S.C. Romplumb SA BAIA MARE-evacuare în canal de transport – Baia Mare – Maramureş county

SUCURSALA MINIERĂ BAIA MARE-flotație centrală - Baia Mare – Maramureş county

SM BAIA BORȘA- evacuare ape flotație - Borșa – Maramureş county

Romarm Tohan Zărnești – Zărnești – Braşov county

S.C. Viromet SA Victoria – Victoria – Braşov county

S.C. Electrocarbon SA Slatina - R 1 – Slatina – Olt county

S.C. Electrocarbon SA Slatina - R 2 - Slatina – Olt county

S.C. Electrocarbon SA Slatina - R 3 - Slatina – Olt county

S.C. Electrocarbon SA Slatina - R 4 - Slatina – Olt county

S.C. Electrocarbon SA Slatina - R 5 - Slatina – Olt county

S.C. Electrocarbon SA Slatina - R 6 - Slatina – Olt county

S.C. Electrocarbon SA Slatina - R 7 - Slatina – Olt county

S.C. GECSAT Târnăveni – Târnăveni – Mureş county

SGDP BAIA BORȘA - Borșa – Maramureş county

SPGC SEINI – Seini – Maramureş county

S.C. VITAL BAIA MARE-evacuare stație - Baia Mare – Maramureş county

S.C. IMI SA BAIA MARE-evacuare stație mina Ilba - Baia Mare – Maramureş county

S.C. WEST CONSTRUCT MINA SOCEA – Valea Socea – Maramureş county

2. 31984 L 0491: Council Directive 84/491/EEC of 9 October 1984 on limit values and quality objectives for discharges of hexachlorocyclohexane (OJ L 274, 17.10.1984, p. 11), as amended by:
- 31991 L 0692: Council Directive 91/692/EEC of 23.12.1991 (OJ L 377, 31.12.1991, p. 48).

By way of derogation from Article 3 and Annex I to Directive 84/491/EEC, the limit values for discharges of lindane into the waters referred to in Article 1 of Council Directive 76/464/EEC of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community ¹, shall not apply in Romania until 31 December 2009 to the following industrial installations:

S.C. Sinteza SA Oradea – Oradea – Bihor county

S.C. OLTCHIM SA Râmnicu Vâlcea – Râmnicu Vâlcea – Vâlcea county

S.C. CHIMCOMPLEX SA Borzești – Borzești – Bacău county

3. 31986 L 0280: Council Directive 86/280/EEC of 12 June 1986 on limit values and quality objectives for discharges of certain dangerous substances included in List I of the Annex to Directive 76/464/EEC (OJ L 181, 4.7.1986, p. 16), as last amended by:
- 31991 L 0692: Council Directive 91/692/EEC of 23.12.1991 (OJ L 377, 31.12.1991, p. 48).

¹ OJ L 129, 18.5.1976, p. 23. Directive as last amended by Directive 2000/60/EC of the European Parliament and of the Council (OJ L 327, 22.12.2000, p. 1).

By way of derogation from Article 3 and Annex II to Directive 86/280/EEC, the limit values for discharges of hexachlorobenzene, hexachlorobutadiene, 1,2 – dichloroethane (EDC), trichloroethylene (TRI) and trichlorobenzene (TCB) into the waters referred to in Article 1 of Council Directive 76/464/EEC of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community¹, shall not apply in Romania until 31 December 2009 to the following industrial installations:

S.C. NUTRISAM SATU MARE- Ferma MOFTIN– Satu Mare – Satu Mare county

S.C. MARLIN SA ULMENI – Ulmeni – Maramureş county

S.C. PROMET – Satu Mare – Maramureş county

ARDUDANA ARDUD – Ardud - Maramureş county

SM BAIA BORŞA- evacuare ape de mină Gura Băii – Borşa – Maramureş county

SM BAIA BORŞA-evacuare Colbu-Toroioaga - Borşa – Maramureş county

ERS CUG CLUJ - evacuare 3 –Cluj –Napoca – Cluj county

S.C. ARMĂTURA CLUJ – 6 evacuări directe - Cluj-Napoca – Cluj county

SUCURSALA MINIERĂ BAIA MARE-flotație centrală – Baia Mare – Maramureş county

S.C. OLTCHIM SA – Râmnicu Vâlcea – Vâlcea county

S.C. CHIMCOMPLEX SA Borzeşti-M 1 – Borzeşti – Bacău county

¹ OJ L 129, 18.5.1976, p. 23. Directive as last amended by Directive 2000/60/EC of the European Parliament and of the Council (OJ L 327, 22.12.2000, p. 1).

S.C. Electrocarbon SA Slatina - R 2 – Slatina – Olt county
S.C. TERAPIA CLUJ - evacuare stație 3 + stație 2 - Cluj-Napoca – Cluj county
S.C. PHOENIX ROMÂNIA CAREI – Carei – Satu Mare county
S.C. SILVANIA ZALĂU – Zalău – Sălaj county
SNP PETROM SA - ARPECHIM Pitești – Pitești – Argeș county
S.C. TEHNOFRIG CLUJ - evacuare 1 - Cluj-Napoca – Cluj county
RBG ELCOND ZALĂU - Zalău – Sălaj county
S.C. MUCART CLUJ - Cluj-Napoca – Cluj county
S.C. CELHART DONARIS SA Brăila – Brăila – Brăila county
STRATUS MOB SA Blaj – Blaj – Alba county

4. 31991 L 0271: Council Directive 91/271/EEC of 21 May 1991 concerning urban waste water treatment (OJ L 135, 30.5.1991, p. 40), as last amended by:

- 32003 R 1882: Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29.9.2003 (OJ L 284, 31.10.2003, p. 1).

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 Romania until 31 December 2018, in accordance with the following intermediate targets:

- by 31 December 2013, compliance with Article 3 of the Directive shall be achieved in agglomerations with a population equivalent of more than 10 000;
- by 31 December 2015, compliance with Article 5(2) of the Directive shall be achieved in agglomerations with a population equivalent of more than 10 000.

Romania shall ensure a gradual increase of provision of Article 3 collecting systems in accordance with the following minimum overall population equivalent rates:

- 61% by 31 December 2010,
- 69% by 31 December 2013,
- 80% by 31 December 2015.

Romania shall ensure a gradual increase of provision of Articles 4 and 5(2) waste water treatment in accordance with the following minimum overall population equivalent rates:

- 51% by 31 December 2010,
- 61% by 31 December 2013,
- 77% by 31 December 2015.

5. 31998 L 0083: Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption (OJ L 330, 5.12.1998, p. 32), as amended by:

- 32003 R 1882: Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29.9.2003 (OJ L 284, 31.10.2003, p. 1).

By way of derogation from Articles 5(2) and 8, and from Annex I, Part B and Part C to Directive 98/83/EC, the values set for the following parameters shall not fully apply to Romania under the conditions set out below:

- until 31 December 2010 for oxidisability in agglomerations with less than 10 000 inhabitants;
- until 31 December 2010 for oxidisability and turbidity in agglomerations with between 10 000 and 100 000 inhabitants;
- until 31 December 2010 for oxidisability, ammonium, aluminium, pesticides, iron and manganese in agglomerations with more than 100 000 inhabitants;

- until 31 December 2015 for ammonium, nitrates, turbidity, aluminium, iron, lead, cadmium and pesticides in agglomerations with less than 10 000 inhabitants;
- until 31 December 2015 for ammonium, nitrates, aluminium, iron, lead, cadmium, pesticides and manganese in agglomerations with between 10 000 and 100 000 inhabitants.

Romania shall ensure compliance with the requirements of the Directive, in accordance with the intermediate targets set out in the table below:

Localities complying by 31 December 2006

| Population connected | Total of localities | Oxidisability % | Ammonium % | Nitrates % | Turbidity % | Aluminium % | Iron % | Cadmium, Lead % | Pesticides % | Manganese % |
|----------------------|---------------------|-----------------|------------|------------|-------------|-------------|--------|-----------------|--------------|-------------|
| <10 000 | 1 774 | 98,4 | 99 | 95,3 | 99,3 | 99,7 | 99,2 | 99,9 | 99,9 | 100 |
| 10 000 - 100 000 | 111 | 73 | 59,5 | 93,7 | 87 | 83,8 | 78,4 | 98,2 | 93,4 | 96,4 |
| 100 001 - 200 000 | 14 | 85,7 | 92,9 | 100 | 100 | 92,9 | 100 | 100 | 78,6 | 92,9 |
| >200 000 | 9 | 77,8 | 100 | 100 | 100 | 88,9 | 88,9 | 100 | 88,9 | 88,9 |
| TOTAL | 1 908 | 96,7 | 96,7 | 95,2 | 98,64 | 98,64 | 97,9 | 99,8 | 99,4 | 99,7 |

Localities complying by the end of 2010

| Population connected | Total of localities | Oxidisability % | Ammonium % | Nitrates % | Turbidity % | Aluminium % | Iron % | Cadmium, Lead % | Pesticides % | Manganese % |
|----------------------|---------------------|-----------------|------------|------------|-------------|-------------|--------|-----------------|--------------|-------------|
| <10 000 | 1 774 | 100 | 99,5 | 97,7 | 99,7 | 99,7 | 99,3 | 99,9 | 99,9 | 100 |
| 10 000 - 100 000 | 111 | 100 | 80,2 | 97,3 | 100 | 94,6 | 90 | 98,2 | 96,4 | 96,4 |
| 100 001 - 200 000 | 14 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 |
| >200 000 | 9 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 |
| TOTAL | 1 908 | 100 | 98,32 | 97,7 | 99,7 | 99,4 | 98,7 | 99,8 | 99,7 | 99,7 |

This derogation does not apply to drinking water intended for food processing.

D. INDUSTRIAL POLLUTION AND RISK MANAGEMENT

1. 31996 L 0061: Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control (OJ L 257, 10.10.1996, p. 26), as last amended by:

- 32003 R 1882: Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29.9.2003 (OJ L 284, 31.10.2003, p. 1).

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 Romania 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:

Until 31 December 2008:

1. S.C. CARBID FOX SA Târnăveni (main activity 4.2)
2. S.C. AVICOLA SA Ferma Gârleni – Bacău (main activity 6.6 a)
3. S.C. EXPERT 2001 IMPEX SRL Bistrița-Năsăud (main activity 6.6)

Until 31 December 2009:

4. S.C. UCM Reșița-Caraș-Severin (main activity 2.2)
5. S.C. SICERAM SA Mureș (main activity 3.5)
6. S.C. BEGA UPSOM SA Alba (main activity 4.2)
7. S.C. CELROM SA Mehedinți (main activity 6.1)
8. S.C. COMCEH SA Călărași-Călărași (main activity 6.1 b)
9. S.C. ECOPAPER SA Zărnești-Brașov (main activity 6.1 b)
10. S.C. RIFIL SA Neamț (main activity 6.2)
11. S.C. AVICOLA SA Ferma Războieni-Iași (main activity 6.6 a)
12. S.C. AVIMAR SA Maramureș (main activity 6.6 a)

13. S.C. AVICOLA SA Iași-Ferma Lețcani–Iași (main activity 6.6 a)
14. COMBINATUL AGROINDUSTRIAL Curtici-Arad (main activity 6.6 b)
15. S.C. AVICOLA SA Slobozia Ferma Bora-Ialomița (main activity 6.6 a)
16. S.C. SUINTEST Oarja SA– Argeș (main activity 6.6 b, c)
17. S.C. AVICOLA SA Slobozia-Ferma Andrășești-Ialomița (main activity 6.6 a)
18. S.C. AVICOLA SA Slobozia-Ferma Perieți-Ialomița (main activity 6.6 a)
19. S.C. AVICOLA SA Slobozia-Ferma Gheorghe Doja-Ialomița (main activity 6.6 a)

Until 31 December 2010:

20. S.C. ROMPLUMB SA Maramureș (main activity 2.5)
21. S.C. ROMRADIATOARE SA Brașov (main activity 2.5 b)
22. S.C. ELECTROMONTAJ SA București (main activity 2.6)
23. HOLCIM (Romania) –Ciment Câmpulung Argeș (main activity 3.1)
24. S.C. ETERMED SA Medgidia –Constanța (main activity 3.2)
25. S.C. CONGIPS SA (Azbest) Bihor (main activity 3.2)
26. S.C. HELIOS SA Aștileu-Bihor (main activity 3.5)
27. S.C. SOFERT SA Bacău (main activity 4.3, 4.2 b)
28. S.C. CHIMOPAR SA București (main activity 4.1)
29. S.C. ANTIBIOTICE SA Iași (main activity 4.5)
30. S.C. ROMPETROL PETROCHEMICALS SRL Constanța (main activity 4.1)
31. S.C. LETEA SA Bacău (main activity 6.1 a)
32. S.C. ZAHAR Corabia SA-Olt (main activity 6.4 b)

33. S.C. TARGO SRL Timiș (main activity 6.4)
34. S.C. SUINPROD Roman-Neamț (main activity 6.6 b)
35. S.C. LUCA SUINPROD SA Codlea -Brașov (main activity 6.6 b)
36. S.C. AVICOLA Costești Argeș-Argeș (main activity 6.6 b)
37. S.C. AVICOLA SA Platou Avicol Brad -Bacău (main activity 6.6 a)
38. S.C. AT GRUP PROD IMPEX SRL Olt (main activity 6.6 a)
39. S.C. AVICOLA SA Ferma Gherăiești-Bacău (main activity 6.6 a)
40. S.C. CARNIPROD SRL Tulcea –Tulcea (main activity 6.6 b)
41. S.C. PIGCOM SA Satu Nou-Tulcea (main activity 6.6 b)
42. S.C. AGROPROD IANCU SRL Urziceni-Ialomița (main activity 6.6 b)
43. S.C. CRUCIANI IMPEX SRL Dedulești-Brăila (main activity 6.6)
44. S.C. AGROFLIP Bonțida – Cluj (main activity 6.6 b, c)
45. S.C. AVICOLA SA Slobozia Ferma Amara– Ialomița (main activity 6.6 a)
46. S.C. ISOVOLTA GROUP SA București (main activity 6.7)
47. S.C. SAMOBIL SA Satu Mare (main activity 6.7)
48. S.C. ELECTROCARBON SA Slatina-Olt (main activity (6.8)
49. S.C. TRANSGOLD SA Baia Mare-Maramureș (main activity 2.5)

Until 31 December 2011:

50. S.C. ORGANE DE ASAMBLARE SA Brașov (main activity 2.6)
51. HEIDELBERG CEMENT - Fieni Cement Dâmbovița (main activity 3.1)
52. CARMEUSE România SA Argeș (main activity 3.1)

53. S.C. RESIAL SA Alba (main activity 3.5)
54. SOCIETATEA NATIONALĂ A PETROLULUI PETROM SA Sucursala Craiova, Combinatul Doljchim-Dolj (main activity 4.2, 4.1)
55. S.C. USG SA Vâlcea (main activity 4.2 d)
56. S.C. ULTEX SA Țândărei-Ialomița (main activity 6.4 b)
57. S.C. CARMOLIMP SRL Viștea de Sus - Sibiu (main activity 6.6 b)
58. S.C. AVICOLA Buftea - Ilfov (main activity 6.6 a)
59. S.C. AVICOLA SA Ferma Hemeiuș-Bacău (main activity 6.6 a)
60. S.C. SUINPROD SA Zimnicea – Ferma Zimnicea-Teleorman (main activity 6.6 b)
61. S.C. SUINPROD SA Bilciurești - Dâmbovița (main activity 6.6)
62. S.C. COMPLEXUL DE PORCI Brăila SA Baldovinești -Brăila (main activity 6.6 b)
63. S.C. COMPLEXUL DE PORCI Brăila SA Tichilești-Brăila (main activity 6.6 b)
64. S.C. AT GRUP PROD IMPEX SRL - Teleorman (main activity 6.6 a)
65. S.C. KING HAUSE ROM Cornetu SRL Filiala Mavrodin – Teleorman (main activity 6.6 a)
66. S.C. AVIKAF PROD IMPEX SRL Teleorman (main activity 6.6 a)
67. S.C. SUINPROD SA Zimnicea - Ferma Dracea - Teleorman (main activity 6.6 b)
68. S.C. ROMCIP Salcia – Teleorman (main activity 6.6 b)
69. S.C. AVIPUTNA SA Golești - Vrancea (main activity 6.6 a)
70. S.C. NUTRICOM SA Oltenița – Călărași (main activity 6.6 b)
71. S.C. PIGALEX SA Alexandria – Teleorman (main activity 6.6 b)
72. S.C. PIC ROMÂNIA SRL Vasilați - Călărași (main activity 6.6 c)
73. S.C. SUINTEST SA Fierbinți -Ialomița (main activity 6.6 b)
74. S.C. AGRIVAS SRL Vaslui (main activity 6.6 a)
75. S.C. AVICOLA Buftea SA Punct de lucru Turnu Măgurele - Teleorman (main activity 6.6 a)
76. S.C. C+C SA Reșița (main activity 6.6 b)

Until 31 December 2012:

77. SNP PETROM SA Sucursala ARPECHIM Pitești-Argeș (activities 1.2, 4.1)
78. S.C. ROMPETROL Rafinare SA Constanța (activity 1.2)
79. COMBINATUL DE OȚELURI SPECIALE Târgoviște-Dâmbovița (main activity 2.2, 2.3)
80. S.C. COMBINATUL DE UTILAJ GREU SA Cluj (main activity 2.2, 2.3 b)
81. S.C. IAIFO Zalău-Sălaj (main activity 2.3 b, 2.4)
82. S.C. ALTUR SA Olt (main activity 2.5)
83. CNCAF MINVEST SA DEVA Filiala DEVAMIN SA Deva, Exploatarea minieră Deva-Hunedoara (main activity 2.5)
84. S.C. MONDIAL SA Lugoj-Timiș (main activity 3.5)
85. S.C. MACOFIL SA Târgu Jiu-Gorj (main activity 3.5)
86. S.C. CERAMICA SA Iași (main activity 3.5)
87. S.C. FIBREXNYLON SA Neamț (main activity 4.1 b, d; 4.2 b; 4.3)
88. S.C. CHIMCOMPLEX SA Borzești –Bacău (main activity 4.1 a, b, c, d, f; 4.2 b, c, d; 4.4)
89. S.C. PEHART SA Petrești- Alba (main activity 6.1 b)
90. S.C. TABACO-CAMPOFRIO SA Tulcea (main activity 6.4 a)
91. S.C. AVICOLA SA Slobozia Ferma Ion Ghica-Ialomița (main activity 6.6 a)
92. S.C. AVICOLA SA Platou Avicol Aviasan -Bacău (main activity 6.6 a)
93. S.C. ITAL TRUST Racovița SA– Sibiu (main activity 6.6 b)
94. S.C. COMTIM GROUP SRL Ferma Parța-Timiș (main activity 6.6 b)
95. S.C. COMTIM GROUP SRL Ferma Pădureni-Timiș (main activity 6.6 b)
96. S.C. COMTIM GROUP SRL Ferma Peciu Nou-Timiș (main activity 6.6 b)
97. S.C. COMTIM GROUP SRL Ferma Periam-Timiș (main activity 6.6 b)
98. S.C. COMTIM GROUP SRL Ferma Ciacova-Timiș (main activity 6.6 b)
99. S.C. AVICOLA LUMINA SA - Constanța (main activity 6.6 a)

Until 31 December 2013:

100. S.C. UNIO SA Satu Mare (main activity 2.3 b)
101. S.C. ARTROM SA Slatina – Olt (main activity 2.3 b, 2.6)
102. S.C. IAR SA Braşov (main activity 2.6)
103. S.C. ARIO SA Bistriţa Năsăud (main activity 2.4)
104. S.C. LAFARGE ROMCIM SA Medgidia - Constanţa (main activity 3.1)
105. S.C. CARS SA Târnăveni - Mureş (main activity 3.5)
106. S.C. CASIROM SA Cluj (main activity 3.5)
107. S.C. TURNU SA Turnu Măgurele – Teleorman (main activity 4.3, 4.2 b)
108. S.C. COMBINATUL DE ÎNGRĂŞĂMINTE CHIMICE SA Năvodari – Constanţa (main activity 4.3)
109. S.C. AMBRO Suceava SA - Suceava (main activity 6.1 a, b)
110. S.C. ROMSUIN TEST Periş SA - Ilfov (main activity 6.6 a)
111. S.C. NUTRICOD Codlea Sucursala Sfântu Gheorghe - Covasna (main activity 6.6 b)
112. S.C. HADITON GRUP SRL Argeş (main activity 6.6 a)

Until 31 December 2014:

113. S.C. PETROM SA Rafinăria PETROBRAZI - Prahova (activity 1.2)
114. S.C. RAFINĂRIA ASTRA ROMÂNĂ SA Ploiești - Prahova (activity 1.2)
115. S.C. ROMPETROL Rafinăria VEGA - Prahova (activity 1.2)
116. S.C. PETROTEL LUKOIL SA - Prahova (activity 1.2)
117. S.C. ISPAT SIDEX SA Galați (main activity 2.2, 2.3)
118. S.C. SIDERURGICA SA Hunedoara (main activity 2.2, 2.3)
119. S.C. KVAERNER IMGB SA București (main activity 2.4)
120. S.C. SOMETRA SA Copșa Mică - Sibiu (main activity 2.5 a, 2.5 b, 2.1, 2.4)
121. S.C. FERAL SRL Tulcea (main activity 2.5 a)
122. S.C. METALURGICA SA Aiud - Alba (main activity 2.4, 2.3 b)
123. S.C. NEFERAL SA Ilfov (main activity 2.5 b)
124. S.C. INDUSTRIA SÂRMEI SA Câmpia Turzii-Cluj (main activity 2.2, 2.3, 2.6)
125. S.C. METALURGICA SA Vlăhița-Harghita (main activity 2.5 b)
126. S.C. UPETROM 1 Mai SA Prahova (main activity 2.2)
127. S.C. LAMINORUL SA Brăila (main activity 2.3)
128. S.C. AVERSA SA București (main activity 2.4)
129. S.C. FORMA SA Botoșani (main activity 2.3)
130. S.C. ISPAT TEPRO SA Iași (main activity 2.3 c)
131. S.C. URBIS Armături Sanitare SA-București (main activity 2.6)
132. S.C. BALANȚA SA Sibiu (main activity 2.6)
133. S.C. COMMET SA Galați (main activity 2.6)

134. CNACF MINVEST SA Deva Filiala DEVAMIN Exploatarea minieră Vețel Hunedoara (main activity 2.5)
135. S.C. MOLDOMIN SA Moldova Nouă-Caraș Severin (main activity 2.5)
136. S.C. FIROS SA București (main activity 3.3)
137. S.C. SINTER-REF SA Azuga-Prahova (main activity 3.5)
138. S.C. PRESCOM Brașov SA-Brașov (main activity 3.1)
139. S.C. MELANA IV SA Neamț (activity 4.1)
140. S.C. OLTCHIM SA Râmnicu Vâlcea-Vâlcea (main activity 4.1, 4.2, 4.3)
141. S.C. AMONIL SA Slobozia –Ialomița (main activity 4.3, 4.2)
142. CAROM SA Bacău (main activity 4.1 a, b, i)
143. AZOCHIM SA Săvinești-Neamț (main activity 4.2)
144. S.C. UZINA DE PRODUSE SPECIALE Făgăraș SA Brașov (main activity 4.6)
145. S.C. SINTEZA SA Oradea- Bihor (main activity 4.1 g; 4.2 d, e; 4.4)
146. S.C. CHIMPROD SA Bihor (main activity 4.1 b, 4.5)
147. S.C. AZUR SA Timișoara-Timiș (main activity 4.1)
148. S.C. PUROLITE SA Victoria –Brașov (main activity 4.1 d, h)
149. S.C. CELHART DONARIS SA Brăila (main activity 6.1)
150. S.C. VRANCART SA Adjud-Vrancea (main activity 6.1 b)
151. S.C. PIM SA Sibiu (main activity 6.3)
152. S.C. DANUBIANA Roman SA Neamț (main activity 6.4 b)
153. S.C. ZAHĂRUL Românesc SA Țândărei –Ialomița (main activity 6.4 b)
154. S.C. VASCAR SA Vaslui (main activity 6.4 a)
155. S.C. MULTIVITA SA Negru Voda - Constanța (main activity 6.5)

156. S.C. SUINPROD SA Prahova (main activity 6.6 a)
157. S.C. AVICOLA SA Ferma Șerbănești-Bacău (main activity 6.6 a)
158. S.C. AVICOLA BUCUREȘTI SA Punct de lucru CSHD Mihăilești (main activity 6.6 a)
159. S.C. SUINPROD SA Bumbesti Jiu -Gorj (main activity 6.6 a)
160. S.C. SIBAVIS SA Sibiu –Sibiu (main activity 6.6 a)
161. S.C. OLTCHIM SA Râmnicu Vâlcea Ferma 1 Frâncești -Vâlcea (main activity 6.6 a)
162. S.C. AVIA AGROBANAT SRL Bocșa –Reșița (main activity 6.6 a)
163. S.C. AVICOLA Găiești SA - Dâmbovița (main activity 6.6 a)
164. S.C. VENTURELLI PROD SRL Sibiu (main activity 6.6 b)
165. S.C. OLTCHIM SA Râmnicu Vâlcea Ferma Budești – Vâlcea (main activity 6.6 a)
166. S.C. OLTCHIM SA Râmnicu Vâlcea Ferma Băbeni Mihăiești-Vâlcea (main activity 6.6 a)
167. S.C. OLTCHIM SA Râmnicu Vâlcea Ferma 2 Frâncești -Vâlcea (main activity 6.6 a)
168. S.C. OLTCHIM SA Râmnicu Vâlcea Ferma Băbeni-Vâlcea (main activity 6.6 a)
169. S.C. AVICOLA București SA Sucursala Cluj-Săliște-Cluj (main activity 6.6 a)
170. S.C. AVICOLA București SA Sucursala CSHD Codlea-Brașov (main activity 6.6 a)
171. S.C. Cereal Prod SA - Galați (main activity 6.6 a)
172. S.C. AVICOLA Mangalia SA Constanța (main activity 6.6 a)
173. S.C. AVICOLA SA Constanța-Constanța (main activity 6.6 a)
174. S.C. AVICOLA BUCUREȘTI SA Punct de lucru Butimanu-Dâmbovița (main activity 6.6 a)
175. S.C. EUROPIG SA Poiana Mărului - Brașov (main activity 6.6 b)
176. S.C. SUINPROD SA Leț – Covasna (main activity 6.6 b)

177. S.C. AVICOLA Șivița SA Galați (main activity 6.6 a)
178. S.C. COLLINI SRL Bocșa –Reșița (main activity 6.6 b)
179. S.C. AGROSAS SRL Timișoara-Timiș (main activity 6.6 b, c)
180. S.C. FLAVOIA SRL Platforma Hereclean- Sălaj (main activity 6.6 a)
181. S.C. ELSID SA Titu –Dâmbovița (main activity 6.8)

Until 31 December 2015:

182. S.C. RAFINĂRIA STEAUA ROMÂNĂ SA Câmpina - Prahova (activity 1.2)
183. S.C. TRACTORUL UTB SA Brașov (main activity 2.3 b, 2.4, 2.6, 6.7)
184. S.C. ISPAT Petrotub SA Neamț (main activity 2.3, 6.7)
185. S.C. ARO SA Argeș (main activity 2.3 b, 2.6)
186. S.C. STIMET SA Sighișoara –Mureș (main activity 3.3)
187. S.C. BEGA REAL SA Pleșa - Prahova (main activity 3.5)
188. S.C. AZOMUREȘ SA Târgu Mureș-Mureș (main activity 4.2, 4.3)
189. S.C. COLOROM SA Codlea-Brașov (main activity 4.1 j)
190. S.C. SOMEȘ SA Dej - Cluj (main activity 6.1 a, b)
191. S.C. OMNIMPEX Hârtia SA Bușteni- Prahova (main activity 6.1 b)
192. S.C. PERGODUR Internațional SA Neamț (main activity 6.1 b)
193. S.C. PROTAN SA -Popești Leordeni-Ilfov (main activity 6.5)
194. S.C. PROTAN SA București Sucursala Codlea-Brașov (main activity 6.5)
195. S.C. PROTAN SA-Cluj (main activity 6.5)

Fully coordinated permits shall 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 operators, as set out in Article 3 of the Directive by 30 October 2007.

2. 32000 L 0076: Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 on the incineration of waste (OJ L 332, 28.12.2000, p. 91).

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 until 31 December 2007 to 52 incinerators for medical waste and until 31 December 2008 to 58 incinerators for medical waste in Romania.

Romania shall report to the Commission by the end of the first trimester of each year, starting with 30 March 2007, on the closure of non-complying installations for thermal treatment of hazardous waste and the quantities of medical waste treated in the previous year.

3. 32001 L 0080: Directive 2001/80/EC of the European Parliament and of the Council of 23 October 2001 on the limitation of emissions of certain pollutants into the air from large combustion plants (OJ L 309, 27.11.2001, p. 1), as amended by:

– 12003 T: Act concerning the conditions of accession and the adjustments to the Treaties - 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 (OJ L 236, 23.9.2003, p. 33).

(a) By way of derogation from Article 4(3) and part A of Annexes III and IV to Directive 2001/80/EC, the emission limit values for sulphur dioxide shall not apply in Romania to the following plants until the date indicated for each plant:

Until 31 December 2008:

S.C. ELECTROCENTRALE DEVA SA No. 1, 4 power boilers x 264 MWth

Until 31 December 2009:

S.C. TERMOELECTRICA SE DOICEȘTI No. 1, 1 steam boiler x 470 MWth

Until 31 December 2010:

S.C. COMPLEXUL ENERGETIC CRAIOVA S.E. CRAIOVA II – No.1, 2 boilers x 396,5 MWth

S.C. COMPLEXUL ENERGETIC TURCENI SA No. 2, 2 power boilers x 789 MWth

S.C. COMPLEXUL ENERGETIC TURCENI SA No. 3, 2 power boilers x 789 MWth

S.C. TERMOELECTRICA SE PAROȘENI No. 2, 1 steam boiler Benson x 467 MWth + 1 hot water boiler x 120 MWth

RAAN, BRANCH ROMAG TERMO No. 2, 3 boilers x 330 MWth

S.C. COLTERM SA No. 7, 1 hot water boiler x 116 MWth

Until 31 December 2011:

CET ARAD No. 2, 2 industrial steam boilers x 80 MWth

S.C. COMPLEXUL ENERGETIC CRAIOVA S.E. CRAIOVA II – No.2, 2 CAF x 116 MWth + 2 x CR 68 MWth

S.C. COMPLEXUL ENERGETIC ROVINARI SA No. 2, 2 steam boilers x 879 MWth

S.C. TERMOELECTRICA GIURGIU No. 1, 3 energetic steam boilers x 285 MWth

S.C. ELECTROCENTRALE DEVA SA No. 2, 4 power boilers x 264 MWth

S.C. PETROTEL-LUKOIL SA No. 1, 2 DAV3 + HPM 1 x 45 MWth + 14,7 MWth + 11,4 MWth

S.C. PETROTEL-LUKOIL SA No. 2, 3 technological steam boilers x 105,5 MWth

S.C. C.E.T. GOVORA No. 3, 1 boiler x 285 MWth

Until 31 December 2012:

CET BACĂU No. 1, 1 steam boiler x 343 MWth

S.C. ELCEN BUCUREȘTI VEST No. 1, 2 steam boilers x 458 MWth

S.C. COMPLEXUL ENERGETIC CRAIOVA S.E. IȘALNIȚA, 4 boilers x 473 MWth

Until 31 December 2013:

CET ARAD No. 1, 1 steam boiler x 403 MWth

S.C. ELECTROCENTRALE ORADEA SA No.2, 2 steam group boilers x 300 MWth + 269 MWth

S.C. TERMOELECTRICA SA, SUCURSALA ELECTROCENTRALE BRĂILA, 6 steam boilers x 264 MWth

S.C. CET BRAȘOV SA No. 1, 2 boilers x 337 MWth

S.C. ELCEN BUCUREȘTI SUD No. 1, 4 steam boilers x 287 MWth

S.C. ELCEN BUCUREȘTI SUD No. 2, 2 steam boilers x 458 MWth

S.C. ELCEN BUCUREȘTI PROGRESUL No. 1, 4 steam boilers x 287 MWth

S.C. COMPLEXUL ENERGETIC ROVINARI SA No. 1, 2 steam boilers x 878 MWth

S.C. ELECTROCENTRALE DEVA SA No. 3, 4 power boilers x 264 MWth

S.C. C.E.T. IAȘI II, 2 steam boilers x 305 MWth

S.C. UZINA ELECTRICĂ ZALĂU No. 1, 4 industrial steam boilers x 85,4 MWth

S.C. TERMICA S.A SUCEAVA No. 1, 2 boilers x 296 MWth

S.C. COLTERM SA No. 5, 1 hot water boiler x 116,3 MWth

S.C. COLTERM SA No. 6, 3 steam boilers x 81,4 MWth

S.C. C.E.T. GOVORA No. 2, 2 boilers x 285 MWth

During this transitional period, sulphur dioxide emissions from all combustion plants pursuant to Directive 2001/80/EC shall not exceed the following intermediate ceilings:

- by 2007: 540 000 tonnes SO₂/ year;
- by 2008: 530 000 tonnes SO₂/ year;
- by 2010: 336 000 tonnes SO₂/ year;
- by 2013: 148 000 tonnes SO₂/ year.

- (b) By way of derogation from Article 4(3) and part A of Annex VI to Directive 2001/80/EC, the emission limit values for nitrogen oxide emissions shall not apply in Romania to the following plants until the date indicated for each plant:

Until 31 December 2008:

S.C. ARPECHIM PITEȘTI No. 2, 1 boiler BW x 81 MWth

S.C. ARPECHIM PITEȘTI No. 3, 4 boilers x 81 MWth

PRODITERM BISTRIȚA, 2 hot water boilers x 116 MWth + 2 steam boilers x 69 MWth

S.C. C.E.T. BRAȘOV SA No.1, 2 boilers x 337 MWth

REGIA AUTONOMĂ DE TERMOFICARE CLUJ, 2 hot water boilers x 116 MWth

S.C. TERMOELECTRICA GIURGIU No. 1, 3 energetic steam boilers x 285 MWth

S.C. TERMOELECTRICA GIURGIU No. 2, 2 industrial steam boilers x 72 MWth

S.C. ELECTROCENTRALE DEVA SA No. 1, 4 power boilers x 264 MWth

S.C. COLTERM SA No. 2, 1 hot water boiler x 58,1 MWth

Until 31 December 2009:

CET ARAD No. 1, 1 CR steam boiler x 403 MWth

CET ENERGOTERM SA REȘIȚA No. 2, 1 hot water boiler x 58 MWth

S.C. TERMICA TÂRGOVIȘTE, 1 hot water boiler x 58,15 MWth

S.C. COMPLEXUL ENERGETIC CRAIOVA S.E. CRAIOVA II – No. 1, 2 boilers x 396,5 MWth

S.C. CET IAȘI I No. 2, 2 steam boilers x 283 MWth

S.C. UZINA ELECTRICĂ ZALĂU No. 3, 1 steam boiler x 72,3 MWth

Until 31 December 2010:

S.C. ELECTROCENTRALE ORADEA SA No 1, 2 steam group boilers x 127 MWth + 269 MWth

S.C. C.E.T SA No. 2 Brăila, 2 boilers x 110 MWth

CET ENERGOTERM SA REȘIȚA No. 1, 2 boilers x 45,94 MWth

S.C. UZINA TERMOELECTRICĂ MIDIA No. 2, 1 boiler x 73 MWth

S.C. UZINA TERMOELECTRICĂ MIDIA No. 3, 1 boiler x 73 MWth

S.C. UZINA TERMOELECTRICĂ MIDIA No. 4, 1 boiler x 73 MWth

S.C. TERMOELECTRICA SE DOICEȘTI No. 1, 1 steam boiler Benson x 470 MWth

S.C. ELECTROCENTRALE GALAȚI No. 3, 3 power boilers x 293 MWth

S.C. TERMOELECTRICA SE PAROȘENI No. 2, 1 steam boiler x 467 MWth + 1 hot water boiler x 120 MWth

S.C. CET IAȘI I No. 1, 3 steam boilers x 94 MWth

S.C. TERMICA SA SUCEAVA No. 1, 2 boilers x 296 MWth

S.C. TURNU SA TURNU MĂGURELE No. 1, 1 hot water boiler x 58 MWth

S.C. TURNU SA TURNU MĂGURELE No. 2, 1 hot water boiler x 58 MWth

S.C. ENET SA No. 1, 3 boilers x 18,5 MWth

S.C. ENET SA No. 2, 1 hot water boiler x 58 MWth

Until 31 December 2011:

CET ARAD No. 2, 2 industrial steam boilers + 1 boiler x 80 MWth

S.C. TERMON SA ONEȘTI, 3 boilers x 380 MWth

S.C. CET SA No. 1 BRĂILA, 2 boilers x 110 MWth

S.C. TERMICA SA No. 1 BOTOȘANI, 3 hot water boilers x 116 MWth

S.C. ELCEN BUCUREȘTI SUD No. 12, 2 hot water boilers x 116 MWth

S.C. ELCEN BUCUREȘTI SUD No. 16, 1 hot water boiler x 116 MWth

CET ENERGOTERM SA REȘIȚA No. 4, 1 hot water boiler x 58 MWth

S.C. ELCEN BUCUREȘTI SE PALAS No. 1, 1 hot water boiler x 116 MWth

S.C. COMPLEXUL ENERGETIC CRAIOVA SE IȘALNIȚA, 4 boilers x 473 MWth

S.C. ELECTROCENTRALE DEVA SA No. 2, 4 power boilers x 264 MWth

S.C. CET IAȘI I No. 3, 4 hot water boilers x 116 MWth

RAAN, BRANCH ROMAG TERMO No. 1, 3 boilers x 330 MWth

RAAN, BRANCH ROMAG TERMO No. 2, 3 boilers x 330 MWth

S.C. ROMPETROL SA BUCUREȘTI VEGA PLOIEȘTI, 3 technological steam boilers x 24,75 MWth

S.C. PETROTEL-LUKOIL SA No. 1, 2 DAV3 + HPM, 1 x 45 MWth + 14,7 MWth + 11,4 MWth

S.C. PETROTEL-LUKOIL SA No. 2, 3 technological steam boilers x 105,5 MWth

S.C. UZINA ELECTRICĂ ZALĂU No. 1, 4 industrial steam boilers x 85,4 MWth

S.C. COLTERM SA No. 4, 1 hot water boiler x 116,1 MWth

S.C. C.E.T. GOVORA No. 3, 1 boiler x 285 MWth

Until 31 December 2012:

CET ENERGOTERM SA REȘIȚA No. 3, 1 hot water boiler x 116 MWth

S.C. ELCEN BUCUREȘTI SE PALAS No. 2, 1 hot water boiler x 116 MWth

S.C. ELCEN BUCUREȘTI SE MUREȘ No. 5, 4 steam boilers x 277 MWth

S.C. COLTERM SA No. 6, 3 steam boilers x 81,4 MWth

Until 31 December 2013:

S.C. TERMOELECTRICA SA, SUCURSALA ELECTROCENTRALE BRĂILA, 6 steam boilers x 264 MWth

S.C. ELCEN BUCUREȘTI SUD No. 14, 1 hot water boiler x 116 MWth

S.C. ELCEN BUCUREȘTI SE PALAS No. 3, 1 hot water boiler x 116 MWth

S.C. ELECTROCENTRALE GALAȚI No. 2, 2 power boilers x 293 MWth

S.C. ELECTROCENTRALE DEVA SA No. 3, 4 power boilers x 264 MWth

S.C. ELCEN BUCUREȘTI SE MUREȘ No. 1, 1 steam boiler x 277 MWth

S.C. ELCEN BUCUREȘTI SE MUREȘ No. 4, 1 steam boiler x 277 MWth

S.C. COLTERM SA No. 5, 1 hot water boiler x 116,3 MWth

S.C. COLTERM SA No. 7, 2 hot water boilers x 116,3 MWth

S.C. C.E.T. GOVORA No. 2, 2 boilers x 285 MWth

S.C. ENET SA VRANCEA No. 3, 1 hot water boiler x 116,3 MWth

During this transitional period, nitrogen oxide emissions from all combustion plants pursuant to Directive 2001/80/EC shall not exceed the following intermediate ceilings:

- by 2007: 128 000 tonnes / year
- by 2008: 125 000 tonnes / year
- by 2010: 114 000 tonnes / year
- by 2013: 112 000 tonnes / year

- (c) By way of derogation from Article 4(3) and part A of Annex VII to Directive 2001/80/EC, the emission limit values for dust emissions shall not apply in Romania to the following plants until the date indicated for each plant:

Until 31 December 2008:

S.C. ELECTROCENTRALE DEVA SA No. 1, 4 power boilers x 264 MWth

S.C. C.E.T. IAȘI II, 2 steam boilers x 305 MWth

Until 31 December 2009:

CET BACĂU No. 1, 1 steam boiler x 345 MWth

S.C. TERMOELECTRICA GIURGIU No. 1, 3 steam boilers x 285 MWth

S.C. COLTERM SA No. 6, 3 steam boilers x 81,4 MWth

Until 31 December 2010:

CET ARAD No. 1, 1 steam boiler x 403 MWth

S.C. CET BRAȘOV SA No. 1, 2 boilers x 337 MWth

S.C. TERMOELECTRICA DOICEȘTI No. 1, 1 steam boiler Benson x 470 MWth

S.C. COMPLEX ENERGETIC TURCENI SA No. 2, 2 power boilers x 789 MWth

S.C. TERMICA SA SUCEAVA No. 1, 2 boilers x 296 MWth

S.C. CET GOVORA SA No. 3, 1 boiler x 285 MWth

Until 31 December 2011:

S.C. COMPLEX ENERGETIC CRAIOVA SE CRAIOVA II-No. 2, 2 CAF x 116 MWth + 2 CR x 68 MWth

S.C. COMPLEX ENERGETIC ROVINARI SA No. 2, 2 steam boilers x 879 MWth

S.C. ELECTROCENTRALE DEVA SA No. 2, 4 power boilers x 264 MWth

S.C. PETROTEL LUKOIL SA No. 1, DAV3 + HPM, 1 x 45 MWth + 14,7 MWth + 11,4 MWth

S.C. PETROTEL LUKOIL SA No. 2, 3 technological steam boilers x 105,5 MWth

S.C. ALUM SA TULCEA No.1, 3 boilers x 84,8 MWth +1 x 72,6 MWth

S.C. CET GOVORA SA No. 2, 2 boilers x 285 MWth

Until 31 December 2013:

S.C. COMPLEX ENERGETIC Rovinari SA No. 1, 2 steam boilers x 878 MWth

S.C. ELECTROCENTRALE DEVA SA No. 3, 4 power boilers x 264 MWth

S.C. UZINA ELECTRICĂ ZALĂU No. 1, 4 steam boilers x 85,4 MWth

S.C. ELECTROCENTRALE ORADEA SA No. 2, 2 steam group steam boilers x 300 MWth
+ 1 x 269 MWth

During this transitional period, dust emissions from all combustion plants pursuant to Directive 2001/80/EC shall not exceed the following intermediate ceilings:

- by 2007: 38 600 tonnes / year;
- by 2008: 33 800 tonnes / year;
- by 2010: 23 200 tonnes / year;
- by 2013: 15 500 tonnes / year.

- (d) By way of derogation from Article 4(3) and part A of Annex VI to Directive 2001/80/EC, the emission limit values for nitrogen oxides emissions applicable as from 1 January 2016 for plants with a rated thermal input greater than 500 MWth shall not apply in Romania until 31 December 2017 to the following plants:

S.C. ELECTROCENTRALE ORADEA SA No. 2, 2 steam group boilers x 300 MWth + 1 steam boiler x 269 MWth;

S.C. ELECTROCENTRALE DEVA SA No. 2, 4 power boilers x 264 MWth;

S.C. COMPLEXUL ENERGETIC ROVINARI SA No. 2, 2 steam boilers x 879 MWth;

S.C. COMPLEXUL ENERGETIC TURCENI SA No. 3, 2 power boilers x 789 MWth;

S.C. ELECTROCENTRALE DEVA SA No. 1, 4 power boilers x 264 MWth;

S.C. TERMICA SA SUCEAVA, No. 1, 2 boilers x 296 MWth.

During this transitional period, nitrogen oxides emissions from all combustion plants pursuant to Directive 2001/80/EC shall not exceed the following intermediate ceilings:

- by 2016: 80 000 tonnes / year;
- by 2017: 74 000 tonnes / year.

- (e) By 1 January 2011, Romania shall submit an updated plan to the Commission, including an investment plan, for the gradual alignment of the remaining non-compliant plants with clearly defined stages for the application of the acquis. These plans shall ensure a further reduction of the emissions to a level significantly below the intermediate targets specified in paragraphs (a) to (d) above, in particular for emissions in 2012. If the Commission, having regard in particular to the environmental effects and to the need to reduce distortions of competition in the internal market due to the transitional measures, considers that these plans are not sufficient to meet these objectives, it shall inform Romania. Within the subsequent three months, Romania shall communicate the measures it has taken in order to meet these objectives. If subsequently the Commission, in consultation with the Member States, considers that these measures are not sufficient to meet these objectives it shall commence infringement proceedings under Article III-360 of the Constitution

Appendix A to ANNEX VII

Restructuring of the Romanian Steel Industry
(Referred to in Annex VII, Chapter 4, Section B)

PART I

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

- Ispat Sidex Galați
- Siderurgica Hunedoara
- COS Târgoviște
- CS Reșița
- IS Câmpia Turzii
- Donasid (Siderca) Călărași

PART II

TIMETABLE AND DESCRIPTION OF CAPACITY CHANGES ¹

| | Facility | Capacity change (tonnes) | Date of cessation of production | Date of permanent closure |
|----------------------------|-----------------------------|--------------------------|---------------------------------|---------------------------|
| Siderurgica Hunedoara | Wire rod No 1 | - 400 000 | 1995 | 1997 |
| | Wire rod No 3 | - 280 000 | 1998 | 2000 |
| | Medium sections | - 480 000 | 1st quarter 2008 | 2nd quarter 2008 |
| IS Câmpia Turzii | Wire rod No 1 | - 80 000 | 1995 | 1996 |
| CS Reșița | Light sections | - 80 000 | 2000 | 2001 |
| | Rail wheels | - 40 000 | 1999 | 2000 |
| | Heavy sections | - 220 000 | 4th quarter 2007 | 2nd quarter 2008 |
| | Medium and special sections | - 120 000 | 4th quarter 2006 | 4th quarter 2007 |
| Donasid (Siderca) Călărași | Medium sections | - 350 000 | 1997 | 1999 |
| | Net capacity change | - 2 050 000 | | |

¹ Capacity reductions shall be permanent as defined in Commission Decision No 3010/91/ECSC of 15 October 1991 (OJ L 286, 16.10.1991, p. 20).

PART III

RESTRUCTURING BENCHMARKS

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 of 10% for non-integrated steel undertakings and 13,5% for integrated steel mills and a minimum return of 1,5% of turnover on own capital no later than 31 December 2008. This shall be verified in the independent evaluation carried out annually between 2005 and 2009, as provided for in Chapter 4, Section B, paragraph 13, of Annex VII.

2. Productivity

An overall productivity comparable with that attained by the EU steel industry shall be achieved gradually by 31 December 2008. This shall be verified in the independent evaluation carried out annually between 2005 and 2009, as provided for in Chapter 4, Section B, paragraph 13, of Annex VII.

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.

PART 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),
- evolution of employment in the national steel sector.

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

- 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 Romania 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),

¹ OJ L 286, 16.10.1991, p. 20.

- details of taxes and duties paid including information on any deviations from normally applicable fiscal and customs rules,
- level of financial charges,
- details and timing of the paying out of aid already granted in accordance with the terms of the Protocol,
- terms and conditions of any new loans (irrespective of source).

7. 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.

8. Ownership changes.

Appendix B to ANNEX VII

List of meat, poultry meat and milk and milk products establishments
referred to in Chapter 5, Section B, Subsection I, of Annex VII

Meat establishments

| No | Vet. No | Name of establishment | Site of premises concerned |
|----|-----------|---------------------------|---|
| 1 | 5806/2000 | Comb Agroind Curtici | Str. Revoluției, nr.33, Curtici, jud. Arad |
| 2 | 5065/2000 | S.C. RB Prod S.R.L. | Str. Constituției, Arad, jud. Arad |
| 3 | 101/2000 | S.C. Cominca S.A. | Str. Octavian Goga, nr. 4, Oradea, jud. Bihor |
| 4 | 102/1999 | S.C. Prodaliment S.A. | Str. Republicii, nr. 101, Salonta, jud. Bihor |
| 5 | 115/1996 | S.C. Ferm Com Prod S.R.L. | Căldărăști, jud. Buzău |
| 6 | 1446/2002 | S.C. Izocon MC S.A. | Cuza Vodă, jud. Călărași |
| 7 | 19/2002 | S.C. Carnob S.R.L. | Str. Lebedelor, nr. 1, Lumina, jud. Constanța |
| 8 | 154/1999 | S.C. Casalco S.A. | Str. Jókai Mór, nr. 9-11, Sf. Gheorghe, jud. Covasna |
| 9 | 312/1999 | S.C. Olas Prod S.R.L. | Str. N. Romanescu, nr. 28, Craiova, jud. Dolj |

| | | | |
|----|-----------|--------------------------------|--|
| 10 | 58/2001 | S.C. Elan Trident S.R.L. | Str. Rákóczi, Miercurea Ciuc, jud. Harghita |
| 11 | 143/1999 | S.C. Lorialba Prest S.R.L. | Str. Crișul Alb, nr. 1, Brad, jud. Hunedoara |
| 12 | 4585/2002 | S.C. Agro Prod Com Dosa S.R.L. | Str. Principală, nr. 79, Chibed, jud. Mureș |
| 13 | 2585/2000 | S.C. Cazadela S.R.L. | Str. Oltului, nr. 34, Reghin, jud. Mureș |
| 14 | 4048/2000 | S.C. Coniflor S.R.L. | Str. Petru Maior, Gurghiu, jud. Mureș |
| 15 | 422/1999 | S.C. Prodprosper S.R.L. | Str. Dumbravei, nr. 18, Dumbrava Roșie, jud. Neamț |
| 16 | 549/1999 | S.C. Tce 3 Brazi S.R.L. | Zănești, jud. Neamț |
| 17 | 24/2000 | S.C. Spar S.R.L. | Str. Gării, nr. 10, Potcoava, jud. Olt |
| 18 | 2076/2002 | S.C. Simona S.R.L. | Str. Popa Șapcă, nr. 105, Balș, jud. Olt |
| 19 | 86/2002 | S.C. Universal S.R.L. | Crișeni, jud. Sălaj |
| 20 | 5661/2002 | S.C. Harald S.R.L. | Str. Mânăstirea Humorului, nr. 76A, jud. Suceava |
| 21 | 6066/2002 | S.C. Raitar S.R.L. | Cornu Luncii, jud. Suceava |
| 22 | 5819/2002 | S.C. Mara Alex S.R.L. | Milișăuți, jud. Suceava |
| 23 | 93/2003 | S.C. Mara Prod Com S.R.L. | Str. Abatorului, nr. 1 bis, Alexandria, jud. Teleorman |
| 24 | 1/2000 | S.C. Diana S.R.L. | Bujoreni, jud. Vâlcea |
| 25 | 6/1999 | S.C. Diana Prod S.R.L. | Vlădești, jud. Vâlcea |

Poultry Meat establishments

| No | Vet. No | Name of establishment | Site of premises concerned |
|----|-----------|--------------------------------|---|
| 1 | 2951/2000 | S.C. Agronutrisco Impex S.R.L. | Str. Abatorului, nr. 2A, Mihăilești, jud. Giurgiu |
| 2 | 3896/2002 | S.C. Oprea Avicom S.R.L. | Str. Dealul Viilor, nr. 5, Crăiești, jud. Mureș |

Milk and Milk Products establishments

| No | Vet. No | Name of establishment | Site of premises concerned |
|----|-----------------------|-------------------------------|--|
| 1 | 999/2000 | S.C. Alba Lact S.A. | Str. Muncii, nr. 4, Alba Iulia, jud. Alba |
| 2 | 5158/8.11.2002 | S.C. Biolact Bihor S.R.L. | Paleu, jud. Bihor |
| 3 | 2100/8.11.2001 | S.C. Bendearcris S.R.L. | Miceștii de Câmpie, nr. 202A, jud. Bistrița-Năsăud |
| 4 | 2145/5.3.2002 | S.C. Lech Lacto S.R.L. | Lechința, nr. 387, jud. Bistrița-Năsăud |
| 5 | 395/18.6.2001 | S.C. Lacto Solomonescu S.R.L. | Miron Costin, Vlăsinești, jud. Botoșani |
| 6 | 115/1.2.2002 | S.C. Comintex S.R.L. Darabani | Darabani, jud. Botoșani |
| 7 | A343827/ 30.8.2002 | S.C. Prodlacta S.A. | Str. Gării, nr. 403, Homorod, jud. Brașov |

| | | | |
|----|-----------------|-------------------------------------|---|
| 8 | 258/10.4.2000 | S.C. Binco Lact S.R.L. | Săcele, jud. Constanța |
| 9 | 12203/25.9.2003 | S.C. Lacto Genimico S.R.L. | Str. Cășăriei nr. 2A, Hârșova, jud. Constanța |
| 10 | 2721/28.8.2001 | S.C. Industrializarea Laptelui S.A. | B-dul Independenței, nr. 23, Târgoviște, jud. Dâmbovița |
| 11 | 4136/10.6.2002 | S.C. Galmopan S.A. | B-dul G. Coșbuc, nr. 257, Galați, jud. Galați |
| 12 | 5/7.5.1999 | S.C. Sandralact S.R.L. | Șos. București-Giurgiu, km. 23, jud. Giurgiu |
| 13 | 213/1996 | S.C. Paulact S.R.L. | Str. Principală, nr. 28, Sânpaul, jud. Harghita |
| 14 | 625/21.11.1996 | S.C. Lactis S.R.L. | Str. Beclean, nr. 31, Odorheiu Secuiesc, jud. Harghita |
| 15 | 913/17.3.2000 | S.C. Lactex – Reghin S.R.L. | Jabenița, nr. 33, jud. Mureș |
| 16 | 207/21.4.1999 | S.C. Midatod S.R.L. | Ibănești, nr. 273, jud. Mureș |
| 17 | 391/23.4.1999 | S.C. Kubo Ice Cream Company S.R.L. | Str. Dumbravei, nr. 5, Piatra Neamț, jud. Neamț |
| 18 | 1055/10.7.2000 | S.C. Oltina S.A. | Str. A. I. Cuza, nr. 152, Slatina, jud. Olt |
| 19 | 282/1999 | S.C. Calion S.R.L. | Str. Gheorghe Doja, nr. 39, Jibou, jud. Sălaj |

| | | | |
|----|-----------------------------------|------------------------------|---|
| 20 | 1562/27.12.1999 5750/23.5.2002 | S.C. Bucovina S.A. Suceava | Str.Humorului, nr.4, Suceava, jud. Suceava |
| 21 | 1085/26.5.1999 | S.C. Bucovina S.A. Falticeni | Str. Izvor, nr.5, Falticeni, jud. Suceava |
| 22 | 5614/20.4.2002 | S.C. Coza Rux S.R.L. | Str. Burdujeni, nr.11 A, Suceava, jud. Suceava |
| 23 | 1659/27.3.2003 | S.C. Ecolact S.R.L. | Milisauti, jud. Suceava |
| 24 | 1205/5.10.1999 | S.C. Pro Putna S.R.L. | Putna, jud. Suceava |
| 25 | 5325/13.2.2002 | S.C. Cetina Prod Lact S.R.L. | Neagra Sarului, Saru Dornei, jud. Suceava |
| 26 | 5245/6.11.2001 | S.C. Simultan S.R.L. | Ortisoara, jud. Timis |
| 27 | 2459/21.8.2002 | S.C. Zan S.R.L. | Str. Celulozei, nr. 5, Zarnesti, jud. Brasov |

ANNEX VIII

Rural development
(referred to in Article 34 of the Protocol)

SECTION I: TEMPORARY ADDITIONAL RURAL DEVELOPMENT MEASURES FOR
BULGARIA AND ROMANIA

A. Support for semi-subsistence farms undergoing restructuring

- (1) Support for semi-subsistence farms undergoing restructuring shall contribute to the following objectives:
 - (a) to help ease rural transition problems as the agricultural sector and rural economy of Bulgaria and Romania are exposed to the competitive pressure of the single market;
 - (b) to facilitate and encourage the restructuring of farms not yet economically viable.

For the purpose of this Annex, "semi-subsistence farms" shall mean farms which primarily produce for their own consumption, but also market a proportion of their output.

- (2) To benefit from the support, the farmer must present a business plan which:
 - (a) demonstrates the future economic viability of the farm;
 - (b) contains details of the investments required;
 - (c) describes specific milestones and targets.
- (3) Compliance with the business plan referred to in point (2) shall be reviewed after three years. If the interim objectives set out in the plan have not been achieved by the time of the three-year review, no further support shall be granted but there will be no requirement on these grounds to repay monies already received.
- (4) Support shall be paid annually in the form of a flat-rate aid up to the maximum eligible amount specified in Section I G and for a period not exceeding five years.

B. Producer groups

- (1) Flat-rate support shall be granted in order to facilitate the establishment and administrative operation of producer groups which have as their objectives:
 - (a) adapting the production and output of the producers who are members of such groups to market requirements;
 - (b) jointly placing goods on the market, including preparation for sale, the centralisation of sales and supply to bulk buyers; and
 - (c) establishing common rules on production information, with particular regard to harvesting and availability.
- (2) The support shall be granted only to producer groups which are formally recognised by the competent authorities of Bulgaria or Romania between the date of accession and 31 December 2009 on the basis of either national or Community law.

- (3) The support shall be granted in annual instalments for the first five years following the date on which the producer group was recognised. It shall be calculated on the basis of the group's annual marketed production and shall not exceed:
- (a) 5%, 5%, 4%, 3% and 2% of the value of the production up to EUR 1 000 000 marketed respectively in the first, second, third, fourth and fifth year, and
 - (b) 2,5%, 2,5%, 2,0%, 1,5% and 1,5% of the value of the production exceeding EUR 1 000 000 marketed respectively in the first, second, third, fourth and fifth year.

In any case, support shall not exceed the maximum eligible amounts laid down in Section I G.

C. Leader + type measures

- (1) Support may be granted for measures which are related to the acquisition of skills intended to prepare rural communities to conceive and implement local rural development strategies.

These measures may include in particular:

- (a) technical support for studies of the local area, and territory diagnosis taking into account the wishes expressed by the population concerned;
- (b) information and training of the population to encourage an active participation in the development process;
- (c) building representative local development partnerships;
- (d) drawing up integrated development strategies;
- (e) financing research and preparing applications for support.

- (2) Support may be granted for the adoption of integrated territorial rural development strategies, of a pilot nature, prepared by local action groups in accordance with the principles laid down in items 12, 14 and 36 of the Commission Notice to the Member States of 14 April 2000 laying down guidelines for the Community initiative for rural development (Leader+) ¹. This support shall be limited to regions where there is already sufficient administrative capacity and experience of local rural development type approaches.
- (3) The local action groups referred to in point (2) may be eligible to participate in inter-territorial and transnational cooperation actions in accordance with the principles laid down in items 15 to 18 of the Commission Notice referred to in point (2).
- (4) Bulgaria and Romania and local action groups shall be given access to the Observatory of rural areas provided for in item 23 of the Commission Notice referred to in point (2).

¹ OJ C 139, 18.5.2000, p. 5.

D. Farm advisory and extension services

Support shall be granted for the provision of farm advisory and extension services.

E. Complements to direct payments

- (1) Support may be granted to farmers eligible for complementary national direct payments or aids under Article 143c of Regulation (EC) No 1782/2003¹.

¹ Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) No 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001 (OJ L 270, 21.10.2003, p. 1). Regulation adapted by Council Decision 2004/281/EC (OJ L 93, 30.3.2004, p. 1) and Regulation as last amended by Regulation (EC) No 864/2004 (OJ L 161, 30.4.2004, p. 48).

- (2) The support granted to a farmer in respect of the years 2007, 2008, 2009 shall not exceed the difference between:
 - (a) the level of direct payments applicable in Bulgaria or Romania for the year concerned in accordance with Article 143a of Regulation (EC) 1782/2003, and
 - (b) 40% of the level of direct payments applicable in the Community as constituted on 30 April 2004 in the relevant year.

- (3) The Community contribution to support granted under this subsection E in Bulgaria or Romania in respect of each of the years 2007, 2008, and 2009 shall not exceed 20% of its respective annual allocation. However Bulgaria or Romania may decide to replace this 20% annual rate with the following rates: 25% for 2007, 20% for 2008 and 15% for 2009.

- (4) Support granted to a farmer under this subsection E shall be counted as complementary national direct payments or aids, as applicable, for the purposes of applying the maximum levels set out in Article 143c(2a) of Regulation (EC) No 1782/2003.

F. Technical assistance

- (1) Support may be granted for the preparation, monitoring, evaluation and control measures which are necessary for the implementation of the rural development programming documents.
- (2) The measures referred to in point (1) shall include in particular:
 - (a) studies;
 - (b) measures of technical assistance, the exchange of experience and information aimed at partners, beneficiaries and the general public;
 - (c) installation, operation and interconnection of computerised systems for management, monitoring and evaluation;
 - (d) improvements in evaluation methods and exchange of information on best practice in this field.

G. Table of amounts for the temporary additional rural development measures for Bulgaria and Romania

| Measure | EUR | |
|------------------------|---------|---------------------|
| Semi-subsistence farms | 1 000 | per farm/per year |
| Producer groups | 100 000 | For the first year |
| | 100 000 | For the second year |
| | 80 000 | For the third year |
| | 60 000 | For the fourth year |
| | 50 000 | For the fifth year |

SECTION II: SPECIFIC PROVISIONS CONCERNING INVESTMENT SUPPORT FOR BULGARIA AND ROMANIA

- (1) Investment support to agricultural holdings under the regulations concerning rural development in force on the date of accession shall be granted to agricultural holdings for which economic viability at the end of the realisation of the investment can be demonstrated.
- (2) The total amount of support for investment in agricultural holdings, expressed as a percentage of the volume of eligible investment, shall be limited to a maximum of either 50% and, in less-favoured areas, 60%, or the percentages established in the relevant rural development regulation in force on the date of accession, whichever is the higher. Where investments are undertaken by young farmers, as defined by the relevant rural development regulation in force on the date of accession, these percentages may reach a maximum of either 55% and, in less-favoured areas, 65%, or the percentages established in the relevant rural development regulation in force on the date of accession, whichever is the higher.
- (3) Support for investment to improve the processing and marketing of agricultural products under the relevant rural development regulation in force on the date of accession shall be granted to enterprises which have been granted a transitional period after accession in order to meet the minimum standards regarding the environment, hygiene and animal welfare. In this case, the enterprise shall comply with the relevant standards by the end of the specified transitional period or the end of the investment period, whichever is the earlier.

SECTION III: SPECIFIC PROVISION CONCERNING EARLY RETIREMENT SUPPORT FOR BULGARIA

- (1) Farmers in Bulgaria who have been allocated a milk quota shall be eligible for the early retirement scheme on condition that they are less than 70 years old at the time of the transfer.
- (2) The amount of support shall be subject to the maximum amounts set out in the relevant rural development regulation in force on the date of accession and shall be calculated in relation to the size of the milk quota and the total farming activity on the holding.
- (3) Milk quotas allocated to a transferor shall be returned to the national milk quota reserve with no additional compensation payment.

SECTION IV: SPECIFIC FINANCIAL PROVISIONS FOR BULGARIA AND ROMANIA
FOR 2007-2013

- (1) For the programming period 2007-2013, Community support granted in Bulgaria and Romania for all rural development measures shall be implemented pursuant to the principles laid down in Articles 31 and 32 of Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds ¹.

- (2) In the areas covered by Objective 1, the financial contribution of the Community may amount to either 85% for agri-environment and animal welfare measures, and 80% for other measures, or the percentages established in the regulations concerning rural development in force on the date of accession, whichever is the higher.

¹ OJ L 161, 26.6.1999, p. 1. Regulation as last amended by the 2003 Act of Accession (OJ L 236, 23.9.2003, p. 33).

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)

- I. In relation to Article 39(2)
- (1) To implement without further delay the Schengen Action Plan, as published in M.Of., p. I, nr. 129 bis/10.II.2005, amended in line with the *acquis* and in accordance with the deadlines agreed upon.
 - (2) In order to ensure a high level of control and surveillance at the future external borders of the Union, to speed up considerably efforts in terms of modernising equipment and infrastructure at the green border, blue border and at border crossing points, and to further enhance the capacity of operational risk analysis. This must be reflected in one single multi-annual investment plan to be tabled no later than March 2005, which must allow the Union to measure progress on a yearly basis and until the decision referred to in Article 4(2) of the Protocol is taken in respect of Romania. In addition, Romania must considerably step up its plans to recruit 4 438 border police agents and officers and in particular ensure that a staffing level as close as possible to 100% is reached along the borders with Ukraine, Moldova and at the Black Sea coast already upon accession. Romania must also implement all necessary measures to effectively combat illegal immigration, including strengthening cooperation with third countries.

- (3) To develop and implement an updated and integrated Action Plan and Strategy for the Reform of the Judiciary including the main measures for implementing the Law on the Organisation of the Judiciary, the Law on the Status of Magistrates and the Law on the Superior Council of Magistracy which entered into force on 30 September 2004. Both updated documents must be submitted to the Union no later than March 2005; adequate financial and human resources for the implementation of the Action Plan must be ensured and it must be implemented without further delay and according to the time schedule set. Romania must also demonstrate by March 2005 the full operationability of the new system for random distribution of cases.
- (4) To considerably step up the fight against corruption and in particular against high-level corruption by ensuring a rigorous enforcement of the anti-corruption legislation and the effective independence of the National Anti-Corruption Prosecutors' Office (NAPO) and by submitting on a yearly basis as of November 2005 a convincing track-record of the activities of NAPO in the fight against high-level corruption. NAPO must be given the staff, financial and training resources, as well as equipment necessary for it to fulfil its vital function.

- (5) To conduct an independent audit of the results and the impact the current National Anti-Corruption Strategy has generated; to reflect the conclusions and recommendations of this audit in the new multi-annual anti-corruption strategy which must be one comprehensive document, in place no later than March 2005, accompanied by an action plan with clearly defined benchmarks to be reached and results to be obtained, as well as adequate budgetary provisions; the implementation of the Strategy and Action Plan must be overseen by one existing, clearly defined, independent body; the strategy must include the commitment to revise the protracted criminal procedure by the end of 2005 to ensure that corruption cases are dealt with in a swift and transparent manner, in order to guarantee adequate sanctions that have a deterrent effect; finally, it must contain steps to considerably reduce the number of bodies which all have powers to prevent or investigate corruption by the end of 2005, so that overlapping responsibilities are avoided.

- (6) To ensure by March 2005 a clear legal framework for the respective tasks of, and cooperation between, gendarmerie and police including as far as implementing legislation is concerned, and to develop and implement a clear recruitment plan by the middle of 2005 for both institutions with the aim of having made considerable progress in filling the 7 000 vacancies in the police and the 18 000 vacancies in the gendarmerie by the date of accession.

- (7) To develop and implement a coherent multi-annual anti-crime strategy including concrete actions to curb Romania's status as a country of origin, transit and destination of victims of trafficking and to submit on a yearly basis and as of March 2005 reliable statistics on the way this crime phenomenon is being tackled.

II. In relation to Article 39(3)

- (8) To ensure effective control by the Competition Council of any potential State aid, including in relation to State aid foreseen by means of deferrals of payments to the State budget of fiscal or social liabilities or deferrals of liabilities related to energy supply.
- (9) To strengthen the State aid enforcement record without delay and to ensure a satisfactory enforcement record in the areas of both anti-trust and State aid thereafter.

- (10) To submit to the Commission by mid-December 2004 a revised steel restructuring plan (including the National Restructuring Programme and the Individual Business Plans) in line with the requirements set out in 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 Romania, of the other part ¹, as well as with the conditions set out in Annex VII, Chapter 4, Section B, to the Protocol.

To fully respect the commitment not to grant or pay any State aid to the steel mills covered by the National Restructuring Strategy from 1 January 2005 to 31 December 2008 and to fully respect the State aid amounts and the conditions regarding capacity reductions to be decided in the context 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 Romania, of the other part.

- (11) To continue devoting adequate financial means and sufficient and adequately qualified human resources to the Competition Council.

¹ OJ L 357, 31.12.1994, p. 2. Agreement as last amended by Decision No 2/2003 of the EU/Romania Association Council of 25.9.2003 (not yet published in the Official Journal).