

Enlargement: Five ways to adapt secondary law of the EU

1. **Replacement by new text in an annex to the act of accession**
 - E.g. art. 15 and annex III AA-HR*

2. Adaptation through a **specific act of secondary legislation** in a **simplified procedure** and according to **guidelines** laid down in an annex to the act of accession
 - E.g. art. 21 and annex III AA-2003, Procedure: art. 57 para. 2 AA-2003
 - **Guidelines** define the objective to be achieved according to the negotiation-results
 - **Simplified procedure**: Commission or Council with qualified majority on a Commission proposal; No EP-participation.
 - **Limit**: necessity as a consequence of accession.

3. **„Third option“: in case of higher standards in the candidate**
 - E.g. art. 69 and declarations Nr. 6, 7 AA-1994
 - **Transitional period** for maintaining the higher standards
 - **During this time: Review** of the EU-standards according to guidelines laid down in declarations to the accession treaty
 - At the end of the transitional period: **uniform application of the (possibly new) EU-standard.**

4. **Catch all clause** for all necessary adaptations not otherwise provided for
 - E.g. art. 50 AA-HR
 - **Simplified procedure**: as in number 2. above
 - **Limit always**: necessity because of accession

5. **Special rules for application**
 - E.g. art. 16 and annex IV AA-HR
 - **No formal modification of the EU law**
 - But definition of **additional rules** to be **taken into consideration** in the application of existing secondary legislation

Important: The character as secondary EU-legislation remains unchanged in all cases, even if the modification is done by primary law (e.g. art. 7 para 2 AA-HR)

* AA-HR = Act of accession Croatia