

ACT

concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded

PART ONE

PRINCIPLES

Article 1

For the purposes of this Act:

— the expression 'original Treaties' means:

- (a) the Treaty establishing the European Community ('EC Treaty') and the Treaty establishing the European Atomic Energy Community ('Euratom Treaty'), as supplemented or amended by treaties or other acts which entered into force before this accession,
- (b) the Treaty on European Union ('EU Treaty'), as supplemented or amended by treaties or other acts which entered into force before this accession;

— the expression 'present Member States' means the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland;

— the expression 'the Union' means the European Union as established by the EU Treaty;

— the expression 'the Community' means one or both of the Communities referred to in the first indent, as the case may be;

— the expression 'new Member States' means the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic;

— the expression 'the institutions' means the institutions established by the original Treaties.

Article 2

From the date of accession, the provisions of the original Treaties and the acts adopted by the institutions and the European Central Bank before accession shall be binding on the new Member States and shall apply in those States under the conditions laid down in those Treaties and in this Act.

Article 3

1. The provisions of the Schengen acquis as integrated into the framework of the European Union by the Protocol annexed to the Treaty on European Union and to the Treaty establishing the European Community (hereinafter referred to as the 'Schengen Protocol'), and the acts building upon it or otherwise related to it, listed in Annex I to this Act, as well as any further such acts which may be adopted before the date of accession, shall be binding on and applicable in the new Member States from the date of accession.

2. Those provisions of the Schengen acquis as integrated into the framework of the European Union and the acts building upon it or otherwise related to it not referred to in paragraph 1, while binding on the new Member States from the date of accession, shall only apply in a new Member State pursuant to a Council decision to that effect after verification in accordance with the applicable Schengen evaluation procedures that the necessary conditions for the application of all parts of the acquis concerned have been met in that new Member State and after consulting the European Parliament.

The Council shall take its decision acting with the unanimity of its members representing the Governments of the Member States in respect of which the provisions referred to in the present paragraph have already been put into effect and of the representative of the Government of the Member State in respect of which those provisions are to be put into effect. The members of the Council representing the Governments of Ireland and of the United Kingdom of Great Britain and Northern Ireland shall take part in such a decision insofar as it relates to the provisions of the Schengen acquis and the acts building upon it or otherwise related to it in which these Member States participate.

3. The Agreements concluded by the Council under Article 6 of the Schengen Protocol shall be binding on the new Member States from the date of accession.

TITLE II

OTHER ADJUSTMENTS*Article 18*

In Article 57(1) of the EC Treaty the following shall be added:

'In respect of restrictions existing under national law in Estonia and Hungary, the relevant date shall be 31 December 1999'.

Article 19

Article 299(1) of the EC Treaty shall be replaced by the following:

'1. This Treaty shall apply to the Kingdom of Belgium, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.'

PART THREE

PERMANENT PROVISIONS

TITLE I

ADAPTATIONS TO ACTS ADOPTED BY THE INSTITUTIONS*Article 20*

The acts listed in Annex II to this Act shall be adapted as specified in that Annex.

Article 21

The adaptations to the acts listed in Annex III to this Act made necessary by accession shall be drawn up in conformity with the guidelines set out in that Annex and in accordance with the procedure and under the conditions laid down in Article 57.

TITLE II

OTHER PROVISIONS*Article 22*

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

Article 23

The Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, may make the adaptations to the provisions of this Act relating to the common agricultural policy which may prove necessary as a result of a modification in Community rules. Such adaptations may be made before the date of accession.

Article 51

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

Article 52

1. The terms of office of the new members of the Committees, groups and other bodies created by the Treaties

and the legislator listed in Annex XVI shall expire at the same time as those of the members in office at the time of accession.

2. The terms of office of the new members of the Committees and groups created by the Commission listed in Annex XVII shall expire at the same time as those of the members in office at the time of accession.

3. Upon accession, the membership of the Committees listed in Annex XVIII shall be completely renewed.

TITLE II

APPLICABILITY OF THE ACTS OF THE INSTITUTIONS

Article 53

Upon accession, the new Member States shall be considered as being addressees of directives and decisions within the meaning of Article 249 of the EC Treaty and of Article 161 of the Euratom Treaty, provided that those directives and decisions have been addressed to all the present Member States. Except with regard to directives and decisions which enter into force pursuant to Article 254(1) and 254(2) of the EC Treaty, the new Member States shall be considered as having received notification of such directives and decisions upon accession.

Article 54

The new Member States shall put into effect the measures necessary for them to comply, from the date of accession, with the provisions of directives and decisions within the meaning of Article 249 of the EC Treaty and of Article 161 of the Euratom Treaty, unless another time-limit is provided for in the Annexes referred to in Article 24 or in any other provisions of this Act or its Annexes.

Article 55

At the duly substantiated request of one of the new Member States, the Council, acting unanimously on a proposal from the Commission, may, before 1 May 2004, take measures consisting of temporary derogations from acts of the institutions adopted between 1 November 2002 and the date of signature of the Treaty of Accession.

Article 56

Unless otherwise stipulated, the Council, acting by a qualified majority on a proposal from the Commission, shall adopt the necessary measures to implement the provisions contained in Annexes II, III and IV referred to in Articles 20, 21 and 22 of this Act.

Article 57

1. Where acts of the institutions prior to accession require adaptation by reason of accession, and the necessary adaptations have not been provided for in this Act or its Annexes, those adaptations shall be made in accordance with the procedure laid down by paragraph 2. Those adaptations shall enter into force as from accession.

2. The Council, acting by a qualified majority on a proposal from the Commission, or the Commission, according to which of these two institutions adopted the original acts, shall to this end draw up the necessary texts.

Article 58

The texts of the acts of the institutions, and of the European Central Bank, adopted before accession and drawn up by the Council, the Commission or the European Central Bank in the Czech, Estonian, Hungarian, Latvian, Lithuanian, Maltese, Polish, Slovak and Slovenian languages shall, from the date of accession, be authentic under the same conditions as the texts drawn up in the present eleven languages. They shall be published in the Official Journal of the European Union if the texts in the present languages were so published.

Article 59

Provisions laid down by law, regulation or administrative action designed to ensure the protection of the health of workers and the general public in the territory of the new Member States against the dangers arising from ionising radiations shall, in accordance with Article 33 of the Euratom Treaty, be communicated by those States to the Commission within three months of accession.

ANNEX III

List referred to in Article 21 of the Act of Accession

1. FREEDOM OF MOVEMENT FOR PERSONS

MUTUAL RECOGNITION OF PROFESSIONAL QUALIFICATIONS

31992 L 0051: Council Directive 92/51/EEC of 18 June 1992 on a second general system for the recognition of professional education and training to supplement Directive 89/48/EEC (OJ L 209, 24.7.1992, p. 25), as amended by:

- 31994 L 0038: Commission Directive 94/38/EC of 26.7.1994 (OJ L 217, 23.8.1994, p. 8),
- 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),
- 31995 L 0043: Commission Directive 95/43/EC of 20.7.1995 (OJ L 184, 3.8.1995, p. 21),
- 31997 L 0038: Commission Directive 97/38/EC of 20.6.1997 (OJ L 184, 12.7.1997, p. 31),
- 32000 L 0005: Commission Directive 2000/5/EC of 25.2.2000 (OJ L 54, 26.2.2000, p. 42),
- 32001 L 0019: Directive 2001/19/EC of the European Parliament and of the Council of 14.5.2001 (OJ L 206, 31.7.2001, p. 1).

Where appropriate, the Commission shall adapt Directive 92/51/EEC prior to the date of accession using the procedure laid down in Article 15 of that Directive to take account of the accession of the new Member States, with a view to:

- (a) inserting into Annex C with effect from the date of accession the following paramedical and childcare training courses:
- Czech Republic: physiotherapist ('Fyzioterapeut'), public health protection assistant ('Asistent ochrany veřejného zdraví'), medical laboratory technician ('Zdravotní laborant'), radiology assistant ('Radiologický asistent'), dental technician ('Zubní

technik), pharmacy laboratory technician ('Farmaceutický asistent'), orthotic and prosthetic technician ('Ortoticko- prote- tický technik'), paediatric nurse ('Dětská sestra'), nutritional therapist ('Nutriční terapeut');

- Slovakia: dance teacher at basic schools of art ('učiteľ tanca na základných umeleckých školách'), hygiene and epidemiology assistant ('asistent hygienickej služby/asistent hygieny a epide- miológie'), rehabilitation worker/assistant ('rehabilitačný pracovník'/rehabilitačný asistent'), orthopaedic technician ('ortopedický technik'), dental technician ('zubný laborant'/ 'zubný technik'), nutritional assistant ('diétna sestra'/asistent výživy), health care assistant ('zdravotnícky asistent'), masseur ('masér'), medical laboratory technician ('zdravotnícky labo- rant'), pharmacy laboratory technician ('farmaceutický labo- rant').

(b) inserting into Annex D with effect from the date of accession the following courses having a special structure:

- Lithuania: regulated courses leading to Level 3 and 4 qualifi- cations accredited as national vocational qualifications in the Republic of Lithuania. These levels are defined as follows:
 - Level 3: Competence in complicated work activities performed in spheres that require sufficiently responsible and independent decisions. Ability to organise and manage the activity of a group has been acquired. The 'Qualified workers diploma' ('Profesinio mokymo diplomas') is awarded on completion of education and training of three years' duration;
 - Level 4: Competence in complicated work activities performed in spheres that require responsibility, inde- pendence, profound knowledge and specific skills. Ability to organise and manage the activity of a group has been acquired. The 'Advanced education diploma' ('Aukštesniojo mokslo diplomas') is awarded on completion of education and training of three – four years' duration.

2. AGRICULTURE

A. AGRICULTURAL LEGISLATION

32000 R 1622: Commission Regulation (EC) No 1622/2000 of 24 July 2000 laying down certain detailed rules for implementing Regulation (EC) No 1493/1999 on the common organisation of the market in wine and establishing a Community code of oenological practices and processes (OJ L 194, 31.7.2000, p. 1), as amended by:

- 32000 R 2451: Commission Regulation (EC) No 2451/2000 of 7.11.2000 (OJ L 282, 8.11.2000, p. 7),
- 32001 R 0885: Commission Regulation (EC) No 885/2001 of 24.4.2001 (OJ L 128, 10.5.2001, p. 54),
- 32001 R 1609: Commission Regulation (EC) No 1609/2001 of 6.8.2001 (OJ L 212, 7.8.2001, p. 9),

- 32001 R 1655: Commission Regulation (EC) No 1655/2001 of 14.8.2001 (OJ L 220, 15.8.2001, p. 17),

- 32001 R 2066: Commission Regulation (EC) No 2066/2001 of 22.10.2001 (OJ L 278, 23.10.2001, p. 9),

- 32002 R 2244: Commission Regulation (EC) No 2244/2002 of 16.12.2002 (OJ L 341, 17.12.2002, p. 27).

Where appropriate and using the procedure referred to in Article 75 of Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine, the Commission shall adopt a decision by the date of accession with a view to modifying Annex XIII in order to set the maximum volatile acid content of the Hungarian quality wines 'Késői szüretelésű bor' and 'Válogatott szü- retelésű bor' at 25 milliequivalents per litre.

B. VETERINARY AND PHYTOSANITARY LEGISLATION

I. VETERINARY LEGISLATION

1. 31964 L 0432: Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine (OJ P 121, 29.7.1964, p. 1977), as amended and updated by:

— 31997 L 0012: Council Directive 97/12/EC of 17.3.1997 (OJ L 109, 25.4.1997, p. 1),

and subsequently amended by:

— 31998 L 0046: Council Directive 98/46/EC of 24.6.1998 (OJ L 198, 15.7.1998, p. 22),

— 32000 D 0504: Commission Decision 2000/504/EC of 25.7.2000 (OJ L 201, 9.8.2000, p. 6),

— 32000 L 0015: Directive 2000/15/EC of the European Parliament and the Council of 10.4.2000 (OJ L 105, 3.5.2000, p. 34),

— 32000 L 0020: Directive 2000/20/EC of the European Parliament and of the Council of 16.5.2000 (OJ L 163, 4.7.2000, p. 35),

— 32001 D 0298: Commission Decision 2001/298/EC of 30.3.2001 (OJ L 102, 12.4.2001, p. 63),

— 32002 R 0535: Commission Regulation (EC) No 535/2002 of 21.3.2002 (OJ L 80, 23.3.2002, p. 22),

— 32002 R 1226: Commission Regulation (EC) No 1226/2002 of 8.7.2002 (OJ L 179, 9.7.2002, p. 13).

Where appropriate and using the procedure laid down in Article 17 of Council Directive 64/432/EEC, the Commission shall adopt by the date of accession decisions to recognise the status of the new Member States in respect of bovine tuberculosis, bovine brucellosis, Aujeszky's disease, enzootic bovine leukosis, transmissible gastroenteritis and brucella suis.

2. 31991 L 0068: Council Directive 91/68/EEC of 28 January 1991 on animal health conditions governing intra-Community trade in ovine and caprine animals (OJ L 46, 19.2.1991, p. 19), 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 L 241, 29.8.1994, p. 21),

— 31994 D 0164: Commission Decision 94/164/EC of 18.2.1994 (OJ L 74, 17.3.1994, p. 42),

— 31994 D 0953: Commission Decision 94/953/EC of 20.12.1994 (OJ L 371, 31.12.1994, p. 14),

— 32001 D 0298: Commission Decision 2001/298/EC of 30.3.2001 (OJ L 102, 12.4.2001, p. 63),

— 32001 L 0010: Directive 2001/10/EC of the European Parliament and of the Council of 22.5.2001 (OJ L 147, 31.5.2001, p. 41),

— 32002 D 0261: Commission Decision 2002/261/EC of 25.3.2002 (OJ L 91, 6.4.2002, p. 31).

Where appropriate and using the procedure laid down in Article 15 of Council Directive 91/68/EEC, the Commission shall adopt by the date of accession decisions to recognise the status of the new Member States in respect of Brucellosis (*melitensis*) and contagious agalactia.

II. PHYTOSANITARY LEGISLATION

1. 31968 L 0193: Council Directive 68/193/EEC of 9 April 1968 on the marketing of material for the vegetative propagation of the vine (OJ L 93, 17.4.1968, p. 15), as amended by:

— 31971 L 0140: Council Directive 71/140/EEC of 22.3.1971 (OJ L 71, 25.3.1971, p. 16),

— 11972 B: Act concerning the conditions of accession and the adjustments to the Treaties – Accession of the Kingdom of Denmark, Ireland and the United Kingdom (OJ L 73, 27.3.1972, p. 14),

— 31974 L 0648: Council Directive 74/648/EEC of 9.12.1974 (OJ L 352, 28.12.1974, p. 43),

— 31977 L 0629: First Commission Directive 77/629/EEC of 28.9.1977 (OJ L 257, 8.10.1977, p. 27),

— 31978 L 0692: Council Directive 78/692/EEC of 25.7.1978 (OJ L 236, 26.8.1978, p. 13),

— 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. 17),

— 31982 L 0331: Commission Directive 82/331/EEC of 6.5.1982 (OJ L 148, 27.5.1982, p. 47),

— 31985 R 3768: Council Regulation (EEC) No 3768/85 of 20.12.1985 (OJ L 362, 31.12.1985, p. 8),

— 31986 L 0155: Council Directive 86/155/EEC of 22.4.1986 (OJ L 118, 7.5.1986, p. 23),

— 31988 L 0332: Council Directive 88/332/EEC of 13.6.1988 (OJ L 151, 17.6.1988, p. 82),

— 31990 L 0654: Council Directive 90/654/EEC of 4.12.1990 (OJ L 353, 17.12.1990, p. 48),

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

— 32002 L 0011: Council Directive 2002/11/EC of 14.02.2002 (OJ L 53, 23.2.2002, p. 20).

Where appropriate and using the procedure laid down in Article 17 of Council Directive 68/193/EEC, the Commission shall adopt a decision by the date of accession with a view to wholly or partially releasing Poland from the obligation to apply this Directive under the conditions set out in Article 18a.