

TREATY**between**

**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 Portuguese Republic,
the United Kingdom of Great Britain and Northern Ireland
(Member States of the European Union)**

and

**the Kingdom of Norway,
the Republic of Austria,
the Republic of Finland
the Kingdom of Sweden,**

concerning the accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union.

(94/C 241/07)

HIS MAJESTY THE KING OF THE BELGIANS,

HER MAJESTY THE QUEEN OF DENMARK,

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY,

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,

HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG,

HER MAJESTY THE QUEEN OF THE NETHERLANDS,

HIS MAJESTY THE KING OF NORWAY,

THE FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA,

THE PRESIDENT OF THE PORTUGUESE REPUBLIC,

Greece	12
Spain	21
France	24
Ireland	9
Italy	24
Luxembourg	6
Netherlands	12
Norway	9
Austria	12
Portugal	12
Finland	9
Sweden	12
United Kingdom	24

CHAPTER 8***The ECSC Consultative Committee******Article 25***

The following is substituted for the first paragraph of Article 18 of the ECSC Treaty:

'A Consultative Committee shall be attached to the Commission. It shall consist of not less than 87 and not more than 111 members and shall comprise equal numbers of producers, of workers and of consumers and dealers.'

CHAPTER 9***The Scientific and Technical Committee******Article 26***

The following is substituted for the first subparagraph of Article 134 (2) of the Euratom Treaty:

'2. The Committee shall consist of 39 members, appointed by the Council after consultation with the Commission.'

TITLE II**OTHER ADJUSTMENTS*****Article 27***

The following is substituted for Article 227 (1) of the EC Treaty:

'1. This Treaty shall apply to 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 Kingdom of Norway, 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.'

Article 28

The following shall be inserted in Article 227 (5) of the EC Treaty as paragraph (d), in Article 79 of the ECSC Treaty as paragraph (d) and in Article 198 of the Euratom Treaty as paragraph (e):

'This Treaty shall not apply to the Åland islands. The Government of Finland may, however, give notice, by a declaration deposited when ratifying this Treaty with the Government of the Italian Republic, that the Treaty shall apply to the Åland islands in accordance with the provisions set out in Protocol No 2 to the Act concerning the accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union. The Government of the Italian Republic shall transmit a certified copy of any such declaration to the Member States.'

PART THREE**ADAPTATIONS TO ACTS ADOPTED BY THE INSTITUTIONS*****Article 29***

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

Article 30

The adaptations to the acts listed in Annex II 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 169.

CHAPTER 5

Financial and budgetary provisions*Article 63*

Any reference to the Council Decision on the system of the Communities' own resources shall be understood as referring to the Council Decision of 24 June 1988 as from time to time amended or to any Decision replacing it.

Article 64

The revenue designated as 'Common Customs Tariff duties and other duties' referred to in Article 2 (1) (b) of the Council Decision on the system of the Communities' own resources, or the corresponding provision in any Decision replacing it, shall include the customs duties calculated on the basis of the rates resulting from the Common Customs Tariff and any tariff concession relating thereto applied by the Community in Norway's trade with third countries.

Article 65

Own resources accruing from VAT shall be calculated and checked as though investment tax were not applied. To that end, the Kingdom of Norway shall, upon accession, implement the procedures necessary to ensure that annual revenue derived from VAT and annual revenue derived from investment tax is accurately entered in the accounts.

Article 66

On the first working day of each month the Community shall pay the Kingdom of Norway, as an item of expenditure under the general budget of the European Communities, one twelfth of the following amounts:

- ECU 201 million in 1995,
- ECU 128 million in 1996,
- ECU 52 million in 1997,
- ECU 26 million in 1998.

Article 67

The Kingdom of Norway's share in the financing of the payments still to be made after its accession on commitments contracted under Article 82 of the Agreement on the European Economic Area shall be borne by the general budget of the European Communities.

Article 68

The Kingdom of Norway's share in the financing of the financial mechanism provided for in Article 116 of the Agreement on the European Economic Area shall be borne by the general budget of the European Communities.

TITLE III

TRANSITIONAL MEASURES CONCERNING AUSTRIA

CHAPTER 1

Free movement of goods

Sole section

Standards and environment*Article 69*

1. During a period of four years from the date of accession, the provisions referred to in Annex VIII, shall, in accordance with that Annex and subject to the conditions set out therein, not apply to Austria.

2. The provisions referred to in paragraph 1 shall be reviewed within that period in accordance with EC procedures.

Without prejudice to the outcome of that review, at the end of the transitional period referred to in paragraph 1, the EC acquis will be applicable to the new Member States under the same conditions as in the present Member States.

CHAPTER 2

Free movement of persons, services and capital*Article 70*

Notwithstanding the obligations under the Treaties on which the European Union is founded, the Republic of Austria may maintain its existing legislation regarding secondary residences for five years from the date of accession.

CHAPTER 3

Competition policy*Article 71*

1. Without prejudice to paragraphs 2 and 3 of this Article, the Republic of Austria shall progressively adjust as from the date of accession its monopoly of manufactured tobacco of a commercial character within the meaning of Article 37 (1) of the EC Treaty so as to ensure that, at the latest three years from the date of accession, no discrimination regarding the conditions under which goods are procured and marketed exists between nationals of Member States.

2. As regards the products set out in the list in Annex IX, the exclusive import right shall be abolished at latest on expiry of a period of three years from the date of accession. Abolition of that exclusive right shall be carried out by the progressive opening, as from the date of accession, of quotas for the import of products

ANNEX II

List provided for in Article 30 of the Act of Accession

I. COMMERCIAL POLICY

1. *394 R 0517*: Council Regulation (EC) No 517/94 of 7 March 1994 on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific Community import rules (OJ No L 67, 10.3.1994, p. 1).

Annex III A must be supplemented by the indication of products originating in countries others than those referred to in Annex II, for which the release into free circulation was subject to quantitative restrictions in the new Member States on 31 December 1993. As a consequence, the wording 'on the basis of Regulation (EEC) No 288/82' appearing in the third indent of Article 2 (1) must be deleted.

Sweden:

Where appropriate, the quantitative tables appearing in Annexes III B, IV and VI must be adjusted to indicate the new quantitative limits, which take into account the existing trade patterns of Sweden.

Austria, Norway and Finland:

Where appropriate, the tables appearing in Annexes III B, IV and VI must be adjusted to indicate the new quantitative limits, which take into account the accession of Austria, Norway and Finland.

2. *392 R 3951*: Council Regulation (EEC) No 3951/92 of 29 December 1992 on the arrangements for imports of certain textile products originating in Taiwan (OJ No L 405, 31.12.1992, p. 6), as amended by:
- *394 R 217*: Council Regulation (EC) No 217/94 of 24 January 1994 (OJ No L 28, 2.2.1994, p. 1).

Sweden:

Where appropriate, the quantitative tables appearing in Annex II must be adjusted to indicate the new quantitative limits which take into account the existing trade patterns of Sweden.

Austria, Norway and Finland:

Where appropriate, the quantitative tables appearing in Annex II must be adjusted to indicate the new quantitative limits which take into account the accession of Austria, Norway and Finland.

II. FISHERIES

1. *392 R 3759*: Council Regulation (EEC) No 3759/92 of 17 December 1992 (OJ No L 388, 31.12.1992, p. 1).

The amendments to be made to Annexes I and VI to this Regulation with a view to introducing new species will be made during the interim period, on a proposal from the Commission, in the light of information to be supplied by the Member States of the Union and by the acceding States.

The amendment to be made to Article 5 with a view to authorizing Member States to recognise producers' organizations on an exclusive basis will be made during the interim period, on a proposal from the Commission.

2. *393 R 2210*: Commission Regulation (EEC) No 2210/93 of 26 July 1993 on the communication of information for the purposes of the common organization of the market in fishery and aquaculture products (OJ No L 197, 6.8.1993, p. 8).

A list of representative markets and ports will be established before accession according to the appropriate procedure.

4. Joint Declaration on the application of the Euratom Treaty

The Contracting Parties, recalling that the Treaties on which the European Union is founded apply to all Member States on a non-discriminatory basis and without prejudice to the rules governing the internal market, acknowledge that, as Contracting Parties to the Treaty establishing the European Atomic Energy Community, Member States decide to produce or not to produce nuclear energy according to their specific policy orientations.

As regards the back end of the nuclear fuel cycle, it is the responsibility of each Member State to define its own policy.

5. Joint Declaration on secondary residences

Nothing in the 'acquis communautaire' prevents individual Member States from taking national, regional or local measures regarding secondary residences, provided that they are necessary for land-use planning and environmental protection and apply without direct or indirect discrimination between nationals of the Member States in conformity with the 'acquis'.

6. Joint Declaration on standards for the protection of the environment, health and product safety

The Contracting Parties emphasize the great importance of promoting a high level of health, safety and environmental protection as part of Community action, in conformity with the objectives and in accordance with the criteria laid down in the Treaty on European Union. In this context they also refer to the Resolution of 1 February 1993 on a Community programme of policy and action in relation to the environment and sustainable development.

Conscious of the attachment of the new Member States to the preservation of the standards they have implemented in certain fields, owing in particular to their special geographical and climatic conditions, the Contracting Parties have agreed, exceptionally and for specific cases, on a procedure for examining the existing 'acquis communautaire', with the full participation of the new Member States, under the terms and conditions laid down in the Accession Treaty.

Without prejudice to the outcome of the agreed examination procedure, the Contracting Parties undertake to make every endeavour to conclude that procedure before the expiry of the transitional period laid down. At the end of the transitional period, the entire 'acquis communautaire' will be applicable in the new Member States under the same conditions as in the present Member States of the Union.

7. Joint Declaration on Articles 32, 69, 84, and 112 of the Act of Accession

The Contracting Parties recall that in the Ministerial meeting of 21 December 1993 the Conferences noted that:

- the goal of the agreed solution is to take decisions before the end of the transitional period;
- the review of the *acquis communautaire* shall be without prejudice to the result;
- when undertaking the review the Union will also take into account the criteria laid down in Article 130r(3) of the EC Treaty.

8. Joint Declaration on the institutional procedures of the Accession Treaty

In adopting the institutional provisions of the Accession Treaty, the Member States and the applicant countries agree that, as well as examining the legislative role of the European Parliament and the other matters envisaged in the Treaty on European Union, the Intergovernmental Conference to be convened in 1996 will consider the questions relating to the number of members of the Commission and the weighting of the votes of the Member States in the Council. It will also consider any measures deemed necessary to facilitate the work of the Institutions and guarantee their effective operation.

9. Joint Declaration on Article 172 of the Act of Accession

The Contracting Parties note that any amendment to the EEA Agreement and the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice needs the consent of the contracting parties concerned.

The Plenipotentiaries have taken note of the exchange of letters on the arrangement regarding the procedure for adopting certain decisions and other measures to be taken during the period preceding accession which has been reached within the Conference between the European Union and the States which have applied for accession to that Union and which is annexed to this Final Act.

Finally, the following Declarations have been made and are annexed to this Final Act:

A. Joint Declarations: The present Member States / Kingdom of Norway

10. Joint Declaration on management of fisheries resources in waters north of 62° N
11. Joint Declaration on the 12-mile limit
12. Joint Declaration on ownership of fishing vessels
13. Joint Declaration on the supply of raw material for the fish processing industry in northern Norway
14. Declaration ad Article 147 on the Norwegian food processing industry
15. Joint Declaration on Svalbard