

List referred to in Article 24 of the Act of Accession: Poland

1. FREE MOVEMENT OF GOODS

1. 31990 L 0385: Council Directive 90/385/EEC of 20 June 1990 on the approximation of the laws of the Member States relating to active implantable medical devices (OJ L 189, 20.7.1990, p. 17), as last amended by:

– 31993 L 0068: Council Directive 93/68/EEC of 22.7.1993 (OJ L 220, 30.8.1993, p. 1).

Certificates issued by the Institute of Medicines (Instytut Leków) for those medical devices defined as "medical materials" under the law of 10 October 1991: Ustawa o środkach farmaceutycznych, materiałach medycznych, aptekach, hurtowniach i Inspekcji Farmaceutycznej (Dz. U. 1991 Nr 105, poz. 452 ze zm.), and its secondary legislation of 6 April 1993: Zarządzenie Ministra Zdrowia w sprawie wykazu jednostek upoważnionych do przeprowadzenia badań laboratoryjnych i klinicznych oraz warunków przeprowadzenia tych badań (M. P. 1993 Nr 20, poz. 196), prior to the entry into force of the laws of 27 July 2001: Ustawa o wyrobach medycznych (Dz. U. 2001 Nr 126, poz. 1380 ze zm.) and Ustawa o Urzędzie Rejestracji Produktów Leczniczych, Wyrobów Medycznych i Produktów Biobójczych (Dz. U. 2001 Nr 126, poz. 1379 ze zm.) which entered into force on 1 October 2002, shall remain valid until their expiry or until 31 December 2005, whichever is the earlier. By way of derogation from Article 5 of Directive 90/385/EEC, Member States shall not be obliged to recognise such certificates.

Member States may prevent the putting on their markets of Polish medical devices as long as they are not in conformity with the Directive as amended.

2. 31993 L 0042: Council Directive 93/42/EEC of 14 June 1993 concerning medical devices (OJ L 169, 12.7.1993, p. 1), as last amended by:

– 32001 L 0104: Directive 2001/104/EC of the European Parliament and of the Council of 7.12.2001 (OJ L 6, 10.1.2002, p. 50).

Certificates issued by the Institute of Medicines (Instytut Leków) for those medical devices defined as "medical materials" under the law of 10 October 1991: Ustawa o środkach farmaceutycznych, materiałach medycznych, aptekach, hurtowniach i Inspekcji Farmaceutycznej (Dz. U. 1991 Nr 105, poz. 452 ze zm.), and its secondary legislation of 6 April 1993: Zarządzenie Ministra Zdrowia w sprawie wykazu jednostek upoważnionych do przeprowadzenia badań laboratoryjnych i klinicznych oraz warunków przeprowadzenia tych badań (M. P. 1993 Nr 20, poz. 196), prior to the entry into force of the laws of 27 July 2001: Ustawa o wyrobach medycznych (Dz. U. 2001 Nr 126, poz. 130 ze zm.) and Ustawa o Urzędzie Rejestracji Produktów Leczniczych, Wyrobów Medycznych i Produktów Biobójczych (Dz. U. 2001 Nr 126, poz. 1379 ze zm.) which entered into force on 1 October 2002, shall remain valid until their expiry or until 31 December 2005, whichever is the earlier. By way of derogation from Article 5(1) of Directive 93/42/EEC, Member States shall not be obliged to recognise such certificates.

Member States may prevent the putting on their markets of Polish medical devices as long as they are not in conformity with the Directive as amended.

3. 31998 L 0079: Directive 98/79/EC of the European Parliament and of the Council of 27 October 1998 on in vitro diagnostic medical devices (OJ L 331, 7.12.1998, p. 1).

Certificates issued by the Institute of Medicines (Instytut Leków) for those medical devices defined as "medical materials" under the law of 10 October 1991: Ustawa o środkach farmaceutycznych, materiałach medycznych, aptekach, hurtowniach i Inspekcji Farmaceutycznej (Dz. U. 1991 Nr 105, poz. 452 ze zm.), and its secondary legislation of 6 April 1993: Zarządzenie Ministra Zdrowia w sprawie wykazu jednostek upoważnionych do przeprowadzenia badań laboratoryjnych i klinicznych oraz warunków przeprowadzenia tych badań (M. P. 1993 Nr 20, poz. 196), prior to the entry into force of the laws of 27 July 2001: Ustawa o wyrobach medycznych (Dz. U. 2001 Nr 126, poz. 1380 ze zm.) and Ustawa o Urzędzie Rejestracji Produktów Leczniczych, Wyrobów Medycznych i Produktów Biobójczych (Dz. U. 2001 Nr 126, poz. 1379 ze zm.) which entered into force on 1 October 2002, shall remain valid until their expiry or until 31 December 2005, whichever is the earlier. By way of derogation from Article 5(1) of Directive 98/79/EC, Member States shall not be obliged to recognise such certificates.

Member States may prevent the putting on their markets of Polish medical devices as long as they are not in conformity with the Directive as amended.

4. 32001 L 0082: Directive 2001/82/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to veterinary medicinal products (OJ L 311, 28.11.2001, p. 1).

By way of derogation from the requirements of quality, safety and efficacy laid down in Directive 2001/82/EC, marketing authorisations for the pharmaceutical products on the list (in Appendix A to this Annex as provided by Poland in one language) issued under Polish law prior to the date of accession, shall remain valid until they are renewed in compliance with the acquis and in accordance with the timeframe set out in the abovementioned list, or until 31 December 2008, whichever is the earlier. Notwithstanding the provisions of Title III, Chapter 4, of the Directive, marketing authorisations covered by this derogation shall not benefit from mutual recognition in the Member States.

5. 32001 L 0083: Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p. 67).

By way of derogation from the requirements of quality, safety and efficacy laid down in Directive 2001/83/EC, marketing authorisations for the pharmaceutical products on the list (in Appendix A to this Annex as provided by Poland in one language) issued under Polish law prior to the date of accession, shall remain valid until they are renewed in compliance with the acquis and in accordance with the timeframe set out in the abovementioned list, or until 31 December 2008, whichever is the earlier. Notwithstanding the provisions of Title III, Chapter 4, of the Directive, marketing authorisations covered by this derogation shall not benefit from mutual recognition in the Member States.

2. FREEDOM OF MOVEMENT FOR PERSONS

Treaty establishing the European Community;

31968 L 0360: 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), as last 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);

31968 R 1612: Council Regulation (EEC) No 1612/68 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:

- 31992 R 2434: Council Regulation (EEC) No 2434/92 of 27.7.1992 (OJ L 245, 26.8.1992, p. 1);

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).

1. Article 39 and the first paragraph of Article 49 of the EC Treaty 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 Poland on the one hand, and Belgium, the Czech Republic, Denmark, Germany, Estonia, Greece, Spain, France, Ireland, Italy, Latvia, Lithuania, Luxembourg, Hungary, the Netherlands, Austria, Portugal, Slovenia, Slovakia, Finland, Sweden and the United Kingdom 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 Polish nationals. The present Member States may continue to apply such measures until the end of the five year period following the date of the accession.
- Polish 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.

Polish 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 Polish 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.

Polish 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 Poland's request 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 Poland's request.
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 Polish nationals, and which are issuing work permits to nationals of Poland 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 Polish 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 11 of the Regulation shall apply in Poland with regard to nationals of the present Member States, and in the present Member States with regard to Polish nationals under the following conditions:

- the members of a worker's family referred to in Article 10(1)(a) of the Regulation, 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 members of a worker's family referred to in Article 10(1)(a) of the Regulation, 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 certain provisions of Directive 68/360/EEC 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, Poland 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, Poland 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, Poland may resort to the procedures laid down in paragraph 7 with respect to the Czech Republic, Estonia, Latvia, Lithuania, Hungary, Slovenia or Slovakia. During any such period work permits issued by Poland for monitoring purposes to nationals of the Czech Republic, Estonia, Latvia, Lithuania, Hungary, Slovenia or Slovakia 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.

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 Polish workers, Germany and Austria may, after notifying the Commission, derogate from the first paragraph of Article 49 of the EC Treaty with a view to limit in the context of the provision of services by companies established in Poland, 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), as last amended by 32002 R 0029: Commission Regulation (EC) No 29/2002 of 19.12.2001 (OJ L 6, 10.1.2002, p. 3).

To the extent that Germany or Austria derogate from the first paragraph of Article 49 of the EC Treaty in accordance with the preceding subparagraphs, Poland 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 Poland 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 Polish 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.

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

3. FREEDOM TO PROVIDE SERVICES

1. 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 Poland until 31 December 2007. Poland shall ensure that its investor-compensation scheme provides for cover of not less than EUR 7 000 until 31 December 2004, of not less than EUR 11 000 from 1 January 2005 until 31 December 2005, of not less than EUR 15 000 from 1 January 2006 until 31 December 2006 and of not less than EUR 19 000 from 1 January 2007 until 31 December 2007.

During the transitional period the other Member States will retain the right to prevent a branch of a Polish 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 Polish level of compensation and the minimum level referred to in Article 4(1).

2. 32000 L 0012: Directive 2000/12/EC of the European Parliament and of the Council of 20 March 2000 relating to the taking up and pursuit of the business of credit institutions (OJ L 126, 26.5.2000, p. 1), as amended by:

- 32000 L 0028: Directive 2000/28/EC of the European Parliament and of the Council of 18.9.2000 (OJ L 275, 27.10.2000, p. 37).

With regard to Article 5 of Directive 2000/12/EC, the initial capital requirement laid down in paragraph 2 shall not apply until 31 December 2007 to co-operative credit institutions already established in Poland at the date of accession. Poland shall ensure that its initial capital requirement for these co-operative credit institutions is not less than EUR 300 000 until 31 December 2005, and not less than EUR 500 000 from 1 January 2006 until 31 December 2007.

During the transitional period, pursuant to Article 5(4), the own funds of these undertakings may not fall below the highest level reached with effect from the date of accession.

4. FREE MOVEMENT OF CAPITAL

Treaty on European Union;

Treaty establishing the European Community.

1. Notwithstanding the obligations under the Treaties on which the European Union is founded, Poland may maintain in force for five years from the date of accession the rules regarding the acquisition of secondary residences laid down in the Act of 24 March 1920 on the Acquisition of Real Estate by Foreigners (Dz.U. 1996, Nr 54, poz. 245 with amendments), as amended.

Nationals of the Member States and nationals of the States which are a party to the European Economic Area Agreement and who have been legally resident in Poland for four years continuously shall not, as regards the acquisition of secondary residences, be subject to the provisions of the preceding subparagraph or to any procedures other than those to which nationals of Poland are subject.

2. Notwithstanding the obligations under the Treaties on which the European Union is founded, Poland may maintain in force for twelve years from the date of accession the rules laid down in the Act of 24 March 1920 on the Acquisition of Real Estate by Foreigners (Dz.U. 1996, Nr 54, poz. 245 with amendments) as amended, regarding the acquisition of agricultural land and forests. In no instance may nationals of the Member States or legal persons formed in accordance with the laws of another Member State be treated less favourably in respect of the acquisition of agricultural land and forests than at the date of signature of the Accession Treaty.

Nationals of another Member State or of a State which is a party to the European Economic Area Agreement who want to establish themselves as self-employed farmers and who have been legally resident and leasing land in Poland as a natural or legal person for at least three years continuously, shall not be subject to the provisions of the preceding subparagraph or to any procedures other than those to which nationals of Poland are subject as regards the purchase of agricultural land and forests from the date of accession. In the Warmińsko-Mazurskie, Pomorskie, Kujawsko-Pomorskie, Zachodniopomorskie, Lubuskie, Dolnośląskie, Opolskie and Wielkopolskie voivodships, the residence and leasing period indicated in the preceding sentence shall extend to seven years. The lease period preceding the purchase of land shall be calculated individually for each national of a Member State who has been leasing land in Poland from the certified date of the original lease agreement. Self-employed farmers who have been leasing land not as natural but as legal persons can transfer the rights of the legal person under the lease agreement to themselves as natural persons. For calculating the lease period preceding the right to purchase, the lease period of the contracts as legal persons shall be counted. Lease agreements by natural persons can be provided with a certified date retroactively and the entire lease period of the certified contracts will be counted. There shall be no deadlines for self-employed farmers to transform their current lease contracts into contracts as natural persons or into written contracts with a certified date. The procedure to transform lease contracts shall be transparent and shall under no circumstances form a new obstacle.

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.

During the transitional period, Poland shall apply an authorisation procedure laid down by law which will ensure that the grant of authorisations for the acquisition of real estate in Poland is based on transparent, objective, stable and public criteria. These criteria shall be applied in a non-discriminatory manner and shall not differentiate between nationals of the Member States residing in Poland.

5. COMPETITION POLICY

1. Treaty establishing the European Community, Title VI, Chapter 1, Rules on Competition.

(a) Notwithstanding Articles 87 and 88 of the EC Treaty, Poland may apply corporate tax exemptions granted before 1 January 2001 on the basis of the Law on Special Economic Zones of 1994, under the following conditions:

- (i) for small enterprises, as defined in accordance with the Community definition ¹ of such enterprises and in conformity with Commission practice, up to and including 31 December 2011;

for medium-sized enterprises, as defined in accordance with the Community definition ² of such enterprises and in conformity with Commission practice, up to and including 31 December 2010;

In the event of a merger, acquisition or any similar event which involves the beneficiary of a tax exemption granted under the aforementioned legislation, the exemption from corporate tax shall be discontinued.

¹ As set out in Commission Recommendation 96/280/EC of 3 April 1996 concerning the definition of small and medium-sized enterprises (OJ L 107, 30.4.1996, p. 4).

² As set out in Commission Recommendation 96/280/EC of 3 April 1996 concerning the definition of small and medium-sized enterprises (OJ L 107, 30.4.1996, p. 4).

(ii) for other undertakings, provided the following limitations on the aid amounts granted under the aforementioned legislation are respected:

(aa) State aid for regional investments:

- the aid shall not exceed a maximum of 75% of the eligible investment costs if the undertaking obtained its Special Economic Zone (hereinafter referred to as SEZ) permit before 1 January 2000. If the undertaking obtained its SEZ permit during the year 2000, the total aid shall not exceed a maximum of 50% of the eligible investment costs,
- if the undertaking is active in the motor vehicle sector ¹, the total aid shall not exceed a maximum of 30% of the eligible investment costs,
- the period for calculating the aid to be included under the abovementioned ceilings of 75% and 50% (30% in the case of motor vehicle sector) shall start on 1 January 2001; all aid claimed and received on the basis of profits that precede this date shall be excluded from the calculation,

¹ Within the meaning of Annex C of the Community Multisectoral framework on regional aid for large investment projects (OJ C 70, 19.3.2002, p. 8).

- there shall be no requirement to reimburse the aid if at the date of accession the undertaking already exceeded the applicable ceilings,
- 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 are those incurred under the SEZ permit or under a programme that was formally decided by the company by 31 December 2002. Such costs can be taken into account only to the extent that they are actually incurred between the entry into force of the scheme under the Law on Special Economic Zones of 1994 and 31 December 2006;

¹ OJ C 74, 10.3.1998, p. 9.

(bb) State aid for training, research and development and environmental investment:

- the aid shall not exceed the relevant aid intensity ceilings applicable to such aid objectives pursuant to Articles 87 and 88 of the EC Treaty or as otherwise provided for in this Act,
- the period for calculating the aid to be included under the applicable ceilings shall start on 1 January 2001; 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 Community rules applicable to the aid objective concerned,
- there shall be no requirement to reimburse the aid if at the date of accession the undertaking already exceeded the applicable ceilings,

- the eligible costs that may be taken into account are those incurred under the SEZ permit or under a programme that was formally decided by the company by 31 December 2002. Such costs can be taken into account only to the extent that they are actually incurred between the entry into force of the scheme under the Law on Special Economic Zones of 1994 and 31 December 2006;
- (b) The transitional arrangements set out in (a) above shall only come into effect if Poland has modified the Law on Special Economic Zones introducing the above modifications to the benefits of both small and medium-sized enterprises and large undertakings granted under the Law of 1994 on Special Economic Zones up until 31 December 2000, and has brought all existing individual benefits in line with the above arrangements by accession. Any aid granted under the Law on Special Economic Zones of 1994 which is not brought into compliance with the conditions set out in (a) above by the date of accession shall be considered as new aid pursuant to the existing aid mechanism laid down in Annex IV, Chapter 3 on Competition Policy to this Act.

(c) Poland shall supply to the Commission:

- two months after the date of accession, information on the fulfilment of the conditions set out in (a) above,
- by the end of February 2007, information on the eligible investment costs effectively incurred by the beneficiaries under the aforementioned legislation, 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 the European Community, Title VI, Chapter 1, Rules on Competition.

Notwithstanding Articles 87 and 88 of the EC Treaty, Poland may grant State aid for environmental protection under the following conditions:

- (a) for environmental investments aimed at adapting to standards under Council Directives 76/464/EEC ¹, 82/176/EEC ², 83/513/EEC ³, 84/156/EEC ⁴ and 86/280/EEC ⁵, until 31 December 2007, provided that the aid intensity is limited to the applicable regional aid ceiling. In the case of small and medium-sized enterprises, as defined in accordance with the Community definition ⁶, the intensity can be raised by 15 percentage points;

¹ Council Directive 76/464/EEC on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community (OJ L 129, 18.5.1976, p. 23), as amended.

² Council Directive 82/176/EEC on limit values and quality objectives for mercury discharges by the chlor-alkali electrolysis industry (OJ L 81, 27.3.1982, p. 29), as amended.

³ Council Directive 83/513/EEC on limit values and quality objectives for cadmium discharges (OJ L 291, 24.10.1983, p. 1), as amended.

⁴ Council Directive 84/156/EEC on limit values and quality objectives for mercury discharges by sectors other than the chlor-alkali electrolysis industry (OJ L 99, 11.4.1984, p. 38), as amended.

⁵ Council Directive 86/280/EEC 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 amended.

⁶ Commission Recommendation 96/280/EC of 3 April 1996 concerning the definition of small and medium-sized enterprises (OJ L 107, 30.4.1996, p. 4) .

- (b) for environmental investments aimed at adapting to standards under Council Directives 91/271/EEC ¹ and 1999/31/EC ², until the dates specified in Annex XII, Chapter 13 on Environment, Section C, point 2, and Section B, point 3, to this Act, provided that the aid intensity is limited to the applicable regional aid ceiling. In the case of small and medium-sized enterprises, as defined in accordance with the Community definition ³, the intensity can be raised by 15 percentage points;
- (c) for environmental investments aimed at adapting to standards under Council Directive 96/61/EC ⁴, for existing installations and until the dates specified in Annex XII, Chapter 13 on Environment, Section D, point 1, to this Act, provided that the aid intensity is limited to 30% of the eligible investment costs;

¹ Council Directive 91/271/EEC concerning urban waste water treatment (OJ L 135, 30.5.1991, p. 40). Directive as amended by Commission Directive 98/15/EC (OJ L 67, 7.3.1998, p. 29).

² Council Directive 1999/31/EC on the landfill of waste (OJ L 182, 16.7.1999, p. 1).

³ Commission Recommendation 96/280/EC of 3 April 1996 concerning the definition of small and medium-sized enterprises (OJ L 107, 30.4.1996, p. 4).

⁴ Council Directive 96/61/EC concerning integrated pollution prevention and control (OJ L 257, 10.10.1996, p. 26).

- (d) for environmental investments aimed at adapting to standards under Directive 96/61/EC, until 31 October 2007, for existing installations not subject to the provisions laid down in Annex XII, Chapter 13 on Environment, Section D, point 1 to this Act, provided that the aid intensity is limited to 30% of the eligible investment costs;
- (e) for environmental investments aimed at adapting to standards under Directive 2001/80/EC ¹, for existing installations and until the dates specified in Annex XII, Chapter 13 on Environment, Section D, point 2 to this Act, provided that the aid intensity is limited to 50% of the eligible investment costs;
- (f) the eligible costs of environmental investments shall be defined in accordance with section E.1.7. of the Community guidelines on State aid for environmental protection ², or in accordance with subsequent rules replacing the existing Guidelines;
- (g) the transitional arrangements set out in (a) to (f) above shall only come into effect if Poland grants aid in accordance with the conditions set out above.

¹ Directive 2001/80/EC of the European Parliament and of the Council on the limitation of emissions of certain pollutants into the air from large combustion plants (OJ L 309, 27.11.2001, p. 3).

² OJ C 37, 3.2.2001, p. 3.

6. AGRICULTURE

A. AGRICULTURAL LEGISLATION

1. 31997 R 0478: Commission Regulation (EC) No 478/97 of 14 March 1997 laying down detailed rules for the application of Council Regulation (EC) No 2200/96 as regards preliminary recognition of producer organisations (OJ L 75, 15.3.1997, p. 4), as last amended by:

– 31999 R 0243: Commission Regulation (EC) No 243/1999 of 1.2.1999 (OJ L 27, 2.2.1999, p. 8).

By way of derogation from Article 3 of Regulation (EC) No 478/97, Poland shall be granted a three-year transitional period from the date of accession during which the minimum requirements for the preliminary recognition of producer organisations shall be set at five producers and EUR 100 000. The duration of the preliminary recognition may not exceed a period of five years starting from the date of acceptance by the competent national authority.

At the end of the three-year transitional period, the specific requirements applying for preliminary recognition as laid down in Article 3 of Regulation (EC) No 478/97, that is to say half the number of the minimum requirements set for the recognition of producer organisations laid down in Annexes I and II to Regulation (EC) No 412/97¹, shall apply.

¹ Commission Regulation (EC) No 412/97 laying down detailed rules for the application of Council Regulation (EC) No 2200/96 as regards the recognition of producer organisations (OJ L 62, 4.3.1997, p. 16). Regulation as last amended by Commission Regulation (EC) No 1120/2001 (OJ L 153, 8.6.2001, p. 10).

If, at the end of the three-year period, the producer organisation does not reach the minimum requirements set out in Regulation (EC) No 478/97, the preliminary recognition shall be withdrawn.

2. 31997 R 2597: Council Regulation (EC) No 2597/97 of 18 December 1997 laying down additional rules on the common organisation 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), (c) and (d) of Regulation (EC) No 2597/97, the requirements relating to fat content shall not apply to drinking milk produced in Poland for a period of five years from the date of accession. Drinking milk which does not comply with the requirements relating to fat content may be marketed only in Poland or exported to a third country.

3. 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 last amended by:

- 32002 R 1983: Commission Regulation (EC) No 1983/2002 of 7.11.2002 (OJ L 306, 8.11.2002, p. 8).

By way of derogation from Annex I of Regulation (EC) No 2848/98, the threshold for recognition as a producer group shall be set at the level of 1% of the guarantee threshold for all production regions in Poland for a period of five years from the date of accession.

4. 31999 R 1254: Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal (OJ L 160, 26.6.1999, p. 21), as last amended by:

- 32001 R 2345: Commission Regulation (EC) No 2345/2001 of 30.11.2001 (OJ L 315, 1.12.2001, p. 29).

By way of derogation from Article 3(f) of Regulation (EC) No 1254/1999, Poland may until the end of the year 2006 consider cows of the breeds listed in Annex I to Commission Regulation (EC) No 2342/1999 laying down detailed rules for the application of Council Regulation (EC) No 1254/1999 on the common organisation of the market in beef and veal as regards premium schemes ¹, as eligible for the suckler cow premium under Subsection 3 of Regulation (EC) No 1254/1999, provided they have been served or inseminated by bulls of a meat breed.

¹ OJ L 281, 4.11.1999, p. 30. Regulation as last amended by Commission Regulation (EC) No 1830/2002 (OJ L 277, 15.10.2002, p. 15.)

B. VETERINARY AND PHYTOSANITARY LEGISLATION

I. VETERINARY LEGISLATION

1. 31964 L 0433: Council Directive 64/433/EEC on health conditions for the production and marketing of fresh meat (OJ P 121, 29.7.1964, p. 2012 and later amended and consolidated in OJ L 268, 29.6.1991, p. 71), as last amended by:

– 31995 L 0023: Council Directive 95/23/EC of 22.6.1995 (OJ L 243, 11.10.1995, p. 7);

31971 L 0118: Council Directive 71/118/EEC of 15 February 1971 on health problems affecting the production and placing on the market of fresh poultry meat (OJ L 55, 8.3.1971, p. 23 and later amended and updated in OJ L 62, 15.3.1993, p. 6), as last amended by:

– 31997 L 0079: Council Directive 97/79/EC of 18.12.1997 (OJ L 24, 30.1.1998, p. 31);

31977 L 0099: Council Directive 77/99/EEC of 21 December 1976 on health problems affecting the production and marketing of meat products and certain other products of animal origin (OJ L 26, 31.1.1977, p. 85 and later amended and updated in OJ L 57, 2.3.1992, p. 4), as last amended by:

– 31997 L 0076: Council Directive 97/76/EC of 16.12.1997 (OJ L 10, 16.1.1998, p. 25);

31991 L 0493: Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products (OJ L 268, 24.9.1991, p. 15), as last amended by:

– 31997 L 0079: Council Directive 97/79/EC of 18.12.1997 (OJ L 24, 30.1.1998, p. 31);

31992 L 0046: Council Directive 92/46/EEC of 16 June 1992 laying down the health rules for the production and placing on the market of raw milk, heat-treated milk and milk-based products (OJ L 268, 14.9.1992, p. 1), as last amended by:

– 31996 L 0023: Council Directive 96/23/EC of 29.4.1996 (OJ L 125, 23.5.1996, p. 10);

31994 L 0065: Council Directive 94/65/EC of 14 December 1994 laying down the requirements for the production and placing on the market of minced meat and meat preparations (OJ L 368, 31.12.1994, p. 10).

- (a) The structural requirements laid down in Annex I to Directive 64/433/EEC, Annex I to Directive 71/118/EEC, Annexes A and B to Directive 77/99/EEC and Annex I to Directive 94/65/EC shall not apply to establishments in Poland listed in Appendix B to this Annex until 31 December 2007 and the structural requirements laid down in Annex B to Directive 92/46/EEC and the Annex to Directive 91/493/EEC shall not apply to establishments in Poland listed in Appendix B until 31 December 2006, 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 domestic establishments also covered by the provisions of paragraph (a), irrespective of the date of marketing. These products must bear a special health mark.

In the case of fresh, prepared or processed fishery products, these shall only be placed on the domestic market or be handled or further processed in the same establishment, irrespective of the date of marketing. Fresh, prepared or processed fishery products must be wrapped and/or packed in commercial units and must bear a special identification mark. Fresh unpacked fish shall not be marketed, except directly to the final consumer within the Poviats where the fishery products plant is situated. In this event, containers of fish in transit to the point of marketing must bear the aforementioned special identification mark.

The first subparagraph shall also apply to all products originating from integrated meat establishments, where a part of the establishment is subject to the provisions of paragraph (a). The milk processing establishments listed in Appendix B may receive deliveries of raw milk which do not comply with Annex A, Chapter IV, A (1), to Directive 92/46/EEC or which come from dairy farms which do not comply with Annex A, Chapter II, to that Directive, provided that those farms are mentioned on a list maintained for that purpose by the Polish authorities.

(c) The 56 milk processing establishments listed in Appendix B may process EU compliant and EU non-compliant milk on separate production lines. This authorisation is granted for the milk processing establishments until:

- 30 June 2005 for the 29 establishments listed in part I,
- 31 December 2005 for the 14 establishments listed in part II,
- 31 December 2006 for the 13 establishments listed in part III.

In this context, EU non-compliant milk is understood as deliveries of raw milk which do not comply with Annex A, Chapter IV, A (1), to Directive 92/46/EEC or which come from dairy farms which do not comply with Annex A, Chapter II, to that Directive, provided that those farms are mentioned on a list maintained for that purpose by the Polish authorities.

Such establishments must fully comply with the EU requirements for establishments, including the implementation of the Hazard Analysis Critical Control Point (HACCP) system (referred to in Article 14 of Directive 92/46/EEC ¹), 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 EU non-compliant milk, specific packing 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,
- 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 health marks are not used fraudulently.

¹ Council Directive 92/46/EC laying down health rules for the production and placing on the market of raw milk, heat-treated milk and milk-based products (OJ L 268, 14.9.1992, p. 1). Directive as last amended by Council Directive 94/71/EC (OJ L 368, 31.12.1994, p. 33).

The Polish 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 Annex C to Directive 92/46/EEC, 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 domestic market, irrespective of the date of marketing. If subject to further processing, the milk and/or milk-based products must not be mixed with EU compliant milk or EU compliant milk-based products, nor enter any other establishment which is not subject to transitional measures. These products shall bear a special health mark, irrespective of the date of marketing.

Milk and milk products produced in Poland under the above provisions shall only be granted support under Title I, Chapters II and III, except Article 11 thereof, and Title II of Council Regulation (EC) No 1255/1999 if they carry the oval health mark referred to in Annex C, Chapter IV. A, to Council Directive 92/46/EEC.

- (d) Poland shall ensure gradual compliance with the structural requirements referred to in paragraph (a) in accordance with the deadlines for correcting existing shortcomings set out in Appendix B. The Polish authorities shall continuously supervise the carrying out of the establishments' officially approved individual development plans on the basis of uniform criteria. Poland shall ensure that only those meat establishments which fully comply with these requirements by 31 December 2007, and only those milk and fish establishments which fully comply by 31 December 2006, may thereafter continue to operate. Poland shall submit annual reports to the Commission on progress made in each of the establishments listed in Appendix B, including a list of the establishments which have completed the development plans during the year in question. As regards the milk establishments referred to in paragraph (c), the reporting shall be done every six months, commencing in November 2004.

- (e) The Commission may update Appendix B to this Annex before accession and until the end of the transitional period. In this context the Commission may add to a limited extent individual establishments referred to in paragraph (a) or delete individual establishments referred to in paragraphs (a) and (c), in the light of progress made in the correction of existing shortcomings, the outcome of the monitoring process and the agreed gradual reduction of milk processing establishments milk with authorisation to process EU compliant milk and non-EU compliant milk as referred to in paragraph (c).

Detailed implementing rules to ensure the smooth operation of the above transitional regime shall be adopted in accordance with Article 16 of Directive 64/433/EEC, Article 21 of Directive 71/118/EEC, Article 15 of Directive 91/493/EEC, Article 20 of Directive 77/99/EEC, Article 31 of Directive 92/46/EEC and Article 20 of Directive 94/65/EC.

2. 31999 L 0074: Council Directive 1999/74/EC of 19 July 1999 laying down minimum standards for the protection of laying hens (OJ L 203, 3.8.1999, p. 53).

Until 31 December 2009, 44 establishments in Poland listed in Appendix C to this Annex may maintain in service existing cages not meeting the minimum requirements laid down in Article 5(1)(4) and 5(1)(5) of Directive 1999/74/EC for minor construction elements (height and floor slope only), provided that the cages are at least 36 cm high over 65% of the cage area and elsewhere at least 33 cm, and have a floor slope not greater than 16% and were put into operation before the year 2000.

II. PHYTOSANITARY LEGISLATION

1. 31969 L 0464: Council Directive 69/464/EEC of 8 December 1969 on control of Potato Wart Disease (OJ L 323, 24.12.1969, p. 1).

- (a) For a period of 10 years from the date of accession Poland shall limit the potato varieties planted in Poland to varieties fully (laboratory and field) resistant to *Synchytrium endobioticum* (Schilbersky) Percival, the causal agent of potato wart disease. During this period additional protection measures shall be taken in Poland to safeguard trade in seed and ware potatoes and in plants intended for planting originating in Poland, both within Poland and with other Member States, until it has been established that the old outbreak sites of potato wart disease no longer contain viable sporangia of *Synchytrium endobioticum* (Schilbersky) Percival, or that plots have been clearly scheduled, i.e. demarcated as contaminated by *Synchytrium endobioticum* (Schilbersky) Percival, and until the implementation of additional or stricter provisions in line with Article 9 of Directive 69/464/EEC is no longer necessary. Descheduling of plots shall be made in accordance with EPPO standard PM 3/59(1) "*SYNCHYTRIUM ENDOBIOTICUM*: soil tests and descheduling of previously infested plots".

- (b) The additional measures shall, having regard to sound scientific principles, the biology of the harmful organism concerned and the possible pathways for its dissemination and in particular the production, marketing and processing system of the host plants of this organism in Poland, include the following:
- (i) For seed potatoes: in addition to the requirements of point 18(1) of Annex IV.A.II to Directive 2000/29/EC ¹, compliance with Article 4 of Directive 69/464/EEC shall be ensured through official verification at the level of the individual plot on which seed potatoes were produced. In addition, areas where pathotypes 2 and 3 are known to occur shall be excluded as areas from which seed potatoes are eligible for movement into areas in Poland where *Synchytrium endobioticum* (Schilbersky) Percival is known not to occur or into other Member States. "Area" is defined at the district (Powiat) level;
- (ii) For ware potatoes:
- (aa) areas where pathotypes 2 and 3 are known to occur shall be excluded as areas from which such potatoes are eligible for movement into areas in Poland where *Synchytrium endobioticum* (Schilbersky) Percival is known not to occur or into other Member States;

¹ Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ L 169, 10.7.2000, p. 1). Directive as last amended by Commission Directive 2002/36/EC (OJ L 116, 3.5.2002, p. 16).

(bb) as regards potatoes originating in areas other than those mentioned under (aa), they shall either:

- originate in an area where *Synchytrium endobioticum* (Schilbersky) Percival is known not to occur. "Area" is defined at the district (Powiat) level,

or

- originate in a place of production where *Synchytrium endobioticum* (Schilbersky) Percival is known not to occur,

or

- be of a variety resistant to at least pathotype 1 of *Synchytrium endobioticum* (Schilbersky) Percival and, if moved into an area in Poland determined by survey as free from *Synchytrium endobioticum* (Schilbersky) Percival or into other Member States, have been washed or otherwise cleaned, and are free from soil.

- (iii) For plants with roots, planted or intended for planting, grown in the open air: in addition to the requirements of point 24 of Annex IV.A.II to Directive 2000/29/EC, compliance with Article 4 of Directive 69/464/EEC shall be ensured through official verification at the level of the individual plot on which these plants were produced. Moreover, areas where pathotypes 2 and 3 are known to occur shall be excluded as areas from which these plants are eligible for movement into areas in Poland where *Synchytrium endobioticum* (Schilbersky) Percival is known not to occur or into other Member States. "Area" is defined at the district (Powiat) level;
- (c) The designation of resistant potato varieties shall be according to tests based on the European and Mediterranean Plant Protection Organisation (EPPO) Protocol for the Identification of Quarantine Fungi. Official recognition of areas or places of production as being free from *Synchytrium endobioticum* (Schilbersky) Percival, shall be in accordance with the Food and Agriculture Organisation International Standards for Phytosanitary Measures No 4 on "Requirements for the establishment of pest free areas" or No 10 on "Requirements for the establishment of pest free places of production and pest free production sites";
- (d) At places of production where *Synchytrium endobioticum* (Schilbersky) Percival is known not to occur, as referred to in the second indent of paragraph (b)(ii)(bb), the Commission may allow the conclusion of individual agreements on the production of non-resistant varieties with the Polish competent authorities;

- (e) Poland shall ensure, through the registration of all potato producers, warehouses and distribution centres, that all consignments of potatoes can be traced back to their district of origin. For that purpose, the registration number of the said producers, warehouses and dispatching centres shall contain a reference to the districts where the potatoes have been produced, stored, graded or packed. This registration number shall be displayed on every consignment of potatoes originating in Poland and moved within Poland or into other Member States.
- (f) Poland shall submit annual reports on the results of the surveys carried out in respect of the distribution of *Synchytrium endobioticum* (Schilbersky) Percival in its territory. By the end of the period of 10 years, the surveys shall have been completed and all residual or possible newly infected plots, together with their safety zone, which shall be large enough to ensure the protection of surrounding areas, shall have been scheduled. The annual reports shall include lists of the areas and places of production where *Synchytrium endobioticum* (Schilbersky) Percival is known not to occur, as referred to in the first and second indents of paragraph (b)(ii)(bb).
- (g) Before the end of the 10 year period, the Commission shall, in cooperation with the Polish authorities, examine the situation in the light of developments and consider whether any further measures are necessary. Any such measures shall be adopted in accordance with the procedure laid down in Article 18 of Directive 2000/29/EC.

2. 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 of 19.8.1991, p. 1), as last amended by:

- 32002 L 0081: Commission Directive 2002/81/EC of 10.10.2002 (OJ L 276, 12.10.2002, p. 28).

By way of derogation from Article 13(1) of Directive 91/414/EEC, Poland may postpone, until 31 December 2006 at the latest, 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 produced in Poland and marketed exclusively on Polish territory and containing 2,4-D, MCPA, carbendazim or Mecoprop (MCP), provided that those ingredients are at the time listed in Annex I to that Directive, and that the applicant companies effectively started working on the generation or acquisition of the required data before 1 January 2003.

3. 31999 L 0105: Council Directive 1999/105/EC of 22 December 1999 on the marketing of forest reproductive material (OJ L 11, 15.01.2000, p. 17).

By way of derogation from Article 28(3) of Directive 1999/105/EC, Poland may allow marketing until exhaustion of stocks of forest reproductive material accumulated before 1 January 2004 that does not meet all the provisions of the Directive.

7. FISHERIES

31992 R 3760: Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture (OJ L 389, 31.12.1992, p. 1), as last amended by:

- 31998 R 1181: Council Regulation (EC) No 1181/98 of 4.6.1998 (OJ L 164, 9.6.1998, p. 1).

Regulation (EEC) No 3760/92 shall apply to Poland subject to the following specific provisions.

The share of Community fishing opportunities to be allocated to Poland for stocks, which are regulated by a catch limit shall be established as follows, by species and by zone:

Species	ICES or IBSFC Area	Shares for Poland (%)
Herring	I,II	1,734
Herring	III b, c, d ¹ , except Management Unit 3 of IBSFC	21,373
Sprat	III b, c, d ¹	29,359
Salmon	III b, c, d ¹ , excluding Sub-Division 32 of IBSFC	6,286
Plaice	III b, c, d ¹	15,017
Cod	I, II b	8,223
Cod	III b, c, d ¹	22,211
Mackerel	IIa (non-EC waters), Vb (EC waters), VI, VII, VIIIa, b, d, e, XII, XIV	0,448
Redfish	V, XII, XIV ²	4,144

¹ Community Waters

² Community Waters and areas beyond fisheries jurisdiction of other coastal States

These shares shall be used for the first allocation of fishing opportunities to Poland in accordance with the procedure provided for in Article 8(4) of Regulation (EEC) No 3760/92.

Additionally, Poland's share of the Community's fishing possibilities in the NAFO Regulatory Area will be determined by the Council acting by a qualified majority on a proposal from the Commission, on the basis of the balance in force within NAFO during a period immediately preceding the date of accession.

8. TRANSPORT POLICY

1. 31991 L 0440: Council Directive 91/440/EEC of 29 July 1991 on the development of the Community's railways (OJ L 237, 24.8.1991, p. 25), as last amended by:

- 32001 L 0012: Directive 2001/12/EC of the European Parliament and of the Council of 26.2.2001 (OJ L 75, 15.3.2001, p. 1).

Until 31 December 2006, Article 10(3) of Council Directive 91/440/EEC shall only apply in Poland subject to the following conditions:

- Polish State Railways (in particular Polskie Koleje Państwowe (PKP) CARGO S.A.) shall cooperate with railway undertakings to provide international rail freight for imports, exports and transit through Poland in a non-discriminatory manner. The access rights set out in Article 10(1) and (2) of the Directive shall be granted without limitation,
 - at least 20% of the annual total capacity of the Trans-European Rail Freight Network in Poland shall be reserved for railway undertakings other than Polish State Railways, and all origin-destinations shall allow for journey times comparable to those enjoyed by PKP CARGO S.A.. The actual capacity of each railway line shall be indicated by the infrastructure manager in the network statement. The above 20% of the annual total capacity covers the access rights set out in Article 10(1), (2) and (3) of the Directive.
2. 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 Poland 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 Poland.
- (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.

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 category 3.4. of Annex 1 to that Directive may only use non-upgraded parts of the Polish road network until 31 December 2010 if they comply with Polish 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 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.

Poland shall adhere to the timetable set out in the tables below for the upgrading of its main road network, as contained in Annex I to Decision 1692/96/EC. 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 Polish road network, including the network as contained in Annex I of Decision 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.

¹ OJ L 228, 9.9.1996, p. 1.

From 1 January 2009, all vehicles in international traffic complying with the limit values of the Directive shall not be subject to any (overweight) charges on the main transit routes as contained in Annex I to Decision 1692/96/EC.

Temporary additional charges for using non-upgraded parts of the network with vehicles in international traffic complying with the limit values of the Directive shall be levied in a non-discriminatory manner, differentiated in particular as regards the treatment of vehicles with or without air suspension systems, whereby vehicles fitted with air suspension should pay lower charges (at least 25% less). 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 Polish registered vehicles.

State of play as of 1 January 2004

Road No	Overall length in km	Carrying capacity of 115 kN per axle Length in km	Carrying capacity of 100 kN per axle Length in km
1	539,8		539,8
2 (50 – ring-road around Warsaw)	653,5	166,5	487,0
3	437,7	11,4	426,3
4 and 18	699,6	344,0	355,6
6	21,6	21,0	0,6
8	654,5	8,2	646,3
	3 006,7	551,1	2 455,6

State of play as of 1 January 2005

Road No	Overall length in km	Carrying capacity of 115 kN per axle Length in km	Carrying capacity of 100 kN per axle Length in km
1	539,8	62,2	477,6
2 (50 – ring-road around Warsaw)	653,5	201,2	452,3
3	437,7	32,4	405,3
4 and 18	699,6	425,0	274,6
6	21,6	21,6	
8	654,5	37,6	616,9
	3 006,7	780,0	2 226,7

State of play as of 1 January 2006

Road No	Overall length in km	Carrying capacity of 115 kN per axle Length in km	Carrying capacity of 100 kN per axle Length in km
1	539,8	124,4	415,4
2 (50 – ring-road around Warsaw)	653,5	266,0	387,5
3	437,7	53,1	384,6
4 and 18	699,6	504,4	195,2
6	21,6	21,6	
8	654,5	69,3	585,2
	3 006,7	1 038,8	1 967,9

State of play as of 1 January 2007

Road No	Overall length in km	Carrying capacity of 115 kN per axle Length in km	Carrying capacity of 100 kN per axle Length in km
1	539,8	161,0	378,8
2 (50 – ring-road around Warsaw)	653,5	302,0	351,5
3	437,7	74,3	363,4
4 and 18	699,6	621,0	78,6
6	21,6	21,6	–
8	654,5	112,0	542,5
	3 006,7	1 291,9	1 714,8

State of play as of 1 January 2008

Road No	Overall length in km	Carrying capacity of 115 kN per axle Length in km	Carrying capacity of 100 kN per axle Length in km
1	539,8	261,2	278,6
2 (50 – ring-road around Warsaw)	653,5	401,4	252,1
3	437,7	123,5	314,2
4 and 18	699,6	669,2	30,4
6	21,6	21,6	
8	654,5	173,4	481,1
	3 006,7	1 650,3	1 356,4

State of play as of 1 January 2009

Road No	Overall length in km	Carrying capacity of 115 kN per axle Length in km	Carrying capacity of 100 kN per axle Length in km
1	539,8	377,9	161,9
2 (50 – ring-road around Warsaw)	653,5	450,0	203,5
3	437,7	177,3	260,4
4 and 18	699,6	699,6	
6	21,6	21,6	
8	654,5	249,0	405,5
	3 006,7	1 975,4	1 031,3

State of play as of 1 January 2010

Road No.	Overall length in km	Carrying capacity of 115 kN per axle Length in km	Carrying capacity of 100 kN per axle Length in km
1	539,8	448,3	91,5
2 (50 – ring-road around Warsaw)	653,5	500,2	153,3
3	437,7	226,5	211,2
4 and 18	699,6	699,6	
6	21,6	21,6	
8	654,5	320,3	334,2
	3 006,7	2 216,5	790,2

State of play as of 1 January 2011

Road No.	Overall length in km	Carrying capacity of 115 kN per axle Length in km	Carrying capacity of 100 kN per axle Length in km
1	539,8	539,8	
2 (50 – ring-road around Warsaw)	653,5	553,4	100,1
3	437,7	287,7	50,0
4 and 18	699,6	699,6	
6	21,6	21,6	
8	654,5	400,7	253,8
	3 006,7	2 502,8	503,9

9. 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:

– 32002 L 0038: Council Directive 2002/38/EC of 7.5.2002 (OJ L 128, 15.5.2002, p. 41).

(a) By way of derogation from Article 12(3)(a) of Directive 77/388/EEC, Poland may (i) apply an exemption with refund of tax paid at the preceding stage on the supply of certain books and specialist periodicals, until 31 December 2007, and (ii) maintain a reduced rate of value added tax of not less than 7% on the supply of restaurant services until 31 December 2007 or until the end of the transitional period referred to in Article 28I of the Directive, whichever is the earlier.

- (b) By way of derogation from Article 12(3)(a) of Directive 77/388/EEC, Poland may maintain
- (i) a reduced rate of value added tax of no less than 3% on foodstuffs (including beverages but excluding alcoholic beverages) for human and animal consumption; live animals, seeds, plants and ingredients normally intended for use in preparation of foodstuffs; products normally intended to be used to supplement or substitute foodstuffs; and on the supply of goods and services of a kind normally intended for use in agricultural production, but excluding capital goods such as machinery or buildings, referred to in points 1 and 10 of annex H to the Directive, until 30 April 2008, and (ii) a reduced rate of value added tax of no less than 7% on the supply of services, not provided as part of a social policy, for construction, renovation and alteration of housing, excluding building materials, and on the supply before first occupation of residential buildings or parts of residential buildings as referred to in Article 4(3)(a) of the Directive until 31 December 2007.
- (c) For the purposes of applying Article 28(3)(b) of Directive 77/388/EEC, Poland 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:

– 32002 L 0010: Council Directive 2002/10/EC of 12.2.2002 (OJ L 46, 16.2.2002, p. 26).

By way of derogation from Article 2(1) of Directive 92/79/EEC, Poland 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 2008, provided that during this period Poland 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 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 Poland 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 Directive 2000/47/EC (OJ L 193, 29.7.2000, p. 73).

3. 31992 L 0081: Council Directive 92/81/EEC of 19 October 1992 on the harmonisation of the structures of excise duties on mineral oils (OJ L 316, 31.10.1992, p. 12), as last amended by:

– 31994 L 0074: Council Directive 94/74/EC of 22.12.1994 (OJ L 365, 31.12.1994, p. 46) .

Without prejudice either to a formal decision to be adopted according to the procedure set out in Article 8(4) of Directive 92/81/EEC, or to an assessment of this measure under Article 87 of the EC Treaty, Poland may maintain a reduced rate of excise duty on petrol manufactured with anhydrous alcohol, gas oil with a low sulphur content and petrol containing ethyl butyl alcohol ether until one year after the date of accession.

10. SOCIAL POLICY AND EMPLOYMENT

31989 L 0655: Council Directive 89/655/EEC of 30 November 1989 concerning the minimum safety and health requirements for the use of work equipment by workers at work (second individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) (OJ L 393, 30.12.1989, p. 13), as last amended by:

- 32001 L 0045: Directive 2001/45/EC of the European Parliament and of the Council of 27.6.2001 (OJ L 195, 19.7.2001, p. 46).

In Poland, Directive 89/655/EEC shall not apply until 31 December 2005 in respect of work equipment installed before 31 December 2002.

As from the date of accession and until the end of the above period, Poland will continue to provide the Commission with regularly updated information on the timetable and the measures taken to ensure compliance with the Directive.

11. 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 14.12.98 (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 Poland until 31 December 2008. Poland 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):

- 58 days by the date of accession,
- 65 days by 31 December 2004,
- 72 days by 31 December 2005,
- 80 days by 31 December 2006,
- 87 days by 31 December 2007,
- 90 days by 31 December 2008.

12. TELECOMMUNICATIONS AND INFORMATION TECHNOLOGIES

31997 L 0067: Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service (OJ L 15, 21.1.1998, p. 14), as last amended by:

- 32002 L 0039: Directive 2002/39/EC of the European Parliament and of the Council of 10.6.2002 (OJ L 176, 5.7.2002, p. 21).

By way of derogation from the second subparagraph of Article 7(1), of Directive 97/67/EC, Poland may apply a weight limit of 350 grams for reserving services to universal service providers until 31 December 2005. During this period, this weight limit shall not apply if the price is equal to, or more than, three times the public tariff for an item of correspondence in the first weight step of the fastest category.

13. 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).

By way of derogation from Articles 3, 4, 5, 6 and Annexes I to III of Directive 94/63/EC, the requirements for existing storage installations at terminals, for loading and unloading of existing mobile containers at terminals, for existing mobile containers and for loading into existing storage installations at service stations shall not apply in Poland until 31 December 2005. At terminals with a throughput of more than 150 000 tonnes/year, the requirements for loading and unloading of existing mobile containers shall apply as from 1 January 2005.

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 and amending Directive 93/12/EEC (OJ L 121, 11.5.1999, p. 13).

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 to Poland until 31 December 2006. As from 1 January 2005, no heavy fuel oils with a sulphur content exceeding 1.00% by mass produced at the Glimar refinery will be used within the Polish territory.

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 2012, all shipments to Poland 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 Article 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 2007 the competent authorities may raise objections to shipments to Poland for recovery of the following wastes 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.

- GE 010 – GE 020 glass
- GH 010 – GH 015 plastic
- GI 010 – GI 014 paper
- GK 020 used tyres

AA. Metal Bearing Wastes:

- AA 090 ex 2804 80 Arsenic waste and residues
- AA 100 ex 2805 40 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
- 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

With the exception of glass, paper and used tyres, 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 ¹ on waste, as amended by Directive 91/156/EEC ².

- (c) By way of derogation from Article 7(4) of Regulation (EEC) No 259/93, until 31 December 2012 the competent authorities may raise objections to shipments to Poland 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 Regulation (EEC) No 259/93;

¹ OJ L 194, 25.7.1975, p. 39. Directive as last amended by Commission Decision 96/350 (OJ L 135, 6.6.1996, p. 32).

² OJ L 78, 26.3.1991, p. 32.

(d) By way of derogation from Article 7(4) of Regulation (EEC) No 259/93, competent authorities shall object to shipments of waste for recovery listed in Annexes II, III and IV of 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 Directive 96/61/EC ¹ concerning integrated pollution prevention and control, 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).

By way of derogation from Article 6(1)(a) and (b) of Directive 94/62/EC, Poland shall attain the recovery and recycling targets for the following packaging materials by 31 December 2007 in accordance with the following intermediate targets:

- recycling of plastics: 10% by weight by the date of accession, 14% for 2004 and a minimum of 15% for 2005,
- recycling of metals: 11% by weight by the date of accession, 14% for 2004 and a minimum of 15% for 2005,
- overall recovery rate: 32% by weight by the date of accession, 32% for 2004, 37% for 2005 and 43 % for 2006.

¹ OJ L 275, 10.10.1996, p. 26.

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).

By way of derogation from Article 14(c) and points 2, 3, 4 and 6 of Annex I of Directive 1999/31/EC and without prejudice to Council Directive 75/442/EEC on waste ¹, and Council Directive 91/689/EEC on hazardous waste ², the requirements relating to water control and leachate management, protection of soil and water, gas control and stability will not apply to municipal landfills in Poland until 1 July 2012, subject to the following intermediate targets:

- by the date of accession: 11 200 000 tonnes landfilled not in compliance with the Directive, i.e. 85% of a total of 13 200 000 tonnes landfilled,
- by 31 December 2004: 10 300 000 tonnes landfilled not in compliance with the Directive, i.e. 77,5% of a total of 13 300 000 tonnes landfilled,

¹ OJ L 194, 25.7.1975, p. 39. Directive as last amended by Commission Decision 96/350/EC (OJ L 135, 6.6.1996, p. 32).

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).

- by 31 December 2005: 9 350 000 tonnes landfilled not in compliance with the Directive, i.e. 70% of a total of 13 350 000 tonnes landfilled,
- by 31 December 2006: 7 900 000 tonnes landfilled not in compliance with the Directive, i.e. 59% of a total of 13 400 000 tonnes landfilled,
- by 31 December 2007: 4 600 000 tonnes landfilled not in compliance with the Directive, i.e. 36% of a total of 12 800 000 tonnes landfilled,
- by 31 December 2008: 4 000 000 tonnes landfilled not in compliance with the Directive, i.e. 32% of a total of 12 500 000 tonnes landfilled,
- by 31 December 2009: 3 200 000 tonnes landfilled not in compliance with the Directive, i.e. 26% of a total of 12 200 000 tonnes landfilled,
- by 31 December 2010: 2 000 000 tonnes landfilled not in compliance with the Directive, i.e. 17% of a total of 12 000 000 tonnes landfilled,
- by 31 December 2011: 1 200 000 tonnes landfilled not in compliance with the Directive, i.e. 10% of a total of 11 700 000 tonnes landfilled.

This provision shall not apply to hazardous waste or to industrial waste.

Poland shall provide the Commission, by 30 June of each year starting with the year of accession, a report concerning the gradual implementation of the Directive and compliance with these intermediate targets.

C. WATER QUALITY

1. 31982 L 0176: Council Directive 82/176/EEC of 22 March 1982 on limit values and quality objectives for mercury discharges by the chlor-alkali electrolysis industry (OJ L 81, 27.3.1982, p. 29), as last amended by:

– 31991 L 0692: Council Directive 91/692/EEC of 23.12.1991 (OJ L 377, 31.12.1991, p. 48);

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 last 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 last amended by:

– 31991 L 0692: Council Directive 91/692/EEC of 23.12.1991 (OJ L 377, 31.12.1991, p. 48);

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).

By way of derogation from Article 3 and Annex I of Directive 82/176/EEC, from Article 3 and Annex I of Directive 83/513/EEC, Article 3 and Annex I of Directive 84/156/EEC, and Article 3 and Annex II of Directive 86/280/EEC, the limit values for discharges into the waters referred to in Article 1 of Directive 76/464/EEC¹ on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community, shall not apply in Poland until 31 December 2007. The limit values set out in Annex II to Directive 86/280/EEC, as amended, relating to DDT, aldrin, dieldrin, endrin and isodrin shall apply from the date of accession.

¹ OJ L 129, 18.5.1976, p. 23. Directive as last amended by Directive 2000/60/EC (OJ L 327, 22.12.2000, p. 1).

2. 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 amended by:

– 31998 L 0015: Commission Directive 98/15/EC of 27.2.1998 (OJ L 67, 7.3.1998, p. 29).

(a) By way of derogation from Articles 3, 4, 5(2) and 7 of Directive 91/271/EEC, the requirements for collecting systems and treatment of urban waste water shall not fully apply in Poland until 31 December 2015 in accordance with the following intermediate targets:

- by 31 December 2005, compliance with the Directive shall be achieved in 674 agglomerations, representing 69% of the total biodegradable load,
- by 31 December 2010, compliance with the Directive shall be achieved in 1069 agglomerations, representing 86% of the total biodegradable load,
- by 31 December 2013, compliance with the Directive shall be achieved in 1165 agglomerations, representing 91% of the total biodegradable load.

- (b) By way of derogation from Article 13 of Directive 91/271/EEC, the requirements for biodegradable industrial waste water shall not apply in Poland until 31 December 2010 in accordance with the table below:

S e c t o r No.	Sector Name	Estimates of organic pollutant load measured with p.e. in waste-water delivered to waste-water treatment plants	
		Total:	Including p.e. delivered by waste-water treatment plants with at least biological or equivalent treatment effect
1	Milk-processing	801,200	600, 000
2 4	Manufacture of fruit and vegetable products, including potato processing	500,000	450, 000
3 6 7 10	Beverage production, including beer: Manufacture and bottling of soft drinks Breweries Production of alcohol and alcoholic beverages Malt-houses	183,300	144,000
5	Meat industry	230,160	108,240
11	Fish-processing industry	0	0
Total:		1,714,660	1,302,240

D. INDUSTRIAL POLLUTION CONTROL 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).

- (a) 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 Poland to the following installations until 31 December 2010, 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. Fully coordinated permits will 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 the operators as set out in Article 3 of the Directive by 30 October 2007.

Energy industries, category 1.1 of Annex I to Directive 96/61/EC: combustion installations with a rated thermal input exceeding 50 MW

1. Aspra-Sefako S.A., Sędziszów
2. Carbon Black Polska Sp. z o.o., Jasło
3. Ciepłownia "Bielszowice", Ruda Śląska
4. Ciepłownia "Mikołaj", Ruda Śląska
5. Ciepłownia "Nowy Wirek", Ruda Śląska
6. Ciepłownia C II Spółdzielni Mieszkaniowej "Świt", Ełk
7. Ciepłownia Huty CEDLER S.A., Sosnowiec
8. Ciepłownia KAZIMIERZ (ZEC w Katowicach), Katowice
9. Ciepłownia NIWKA (ZEC w Katowicach), Katowice
10. COWiK Bartoszyce Sp. z o.o. – kotłownia rejonowa, Bartoszyce
11. Dolnośląski Zakład Termoelektryczny S.A., Dzierżoniów
12. Elektrociepłownia Bydgoszcz I, Bydgoszcz
13. Elektrociepłownia GIGA Sp. z o.o., Świdnik
14. Elektrociepłownia Gorlice, Gorlice
15. Elektrociepłownia WSK Rzeszów, Rzeszów
16. Elektrociepłownia Zduńska Wola Sp. z o.o., Zduńska Wola
17. ENERGOPON Sp. z o.o., Poniatowa
18. Komunalne Przedsiębiorstwo Energetyki Ciepłej, Bydgoszcz
19. Kotłownia Miejska w Myszkowie, Myszków

20. Miejska Energetyka Ciepła Sp. z o.o., Ostrowiec Świętokrzyski
21. Miejskie Przedsiębiorstwo Energetyki Ciepłej Sp. z o.o., Włocławek
22. Mifama S.A., Mikołów
23. MPEC Sp. z o.o., Leszno
24. MP GK Włodawa, Włodawa
25. MZEC Sp. z o.o., Chojnice
26. Nadwiślańska Spółka Energetyczna Sp. z o.o., Bieruń
27. PEC Sp. z o.o., Jarocin
28. Przedsiębiorstwo Energetyczne Megawat Sp. z o.o. Z-1 Dębieńsko, Czerwionka – Leszczyny
29. Przedsiębiorstwo Energetyki Ciepłej, Katowice
30. Przedsiębiorstwo Energetyczne MEGAWAT Sp. z o.o. Zakład Z-2 Knurów, Czerwionka – Leszczyny
31. Przedsiębiorstwo Energetyczne MEGAWAT Sp. z o.o. Zakład Z-3 Szczygłowice, Czerwionka – Leszczyny
32. Przedsiębiorstwo Energetyczne Systemy Ciepłownicze S.A., Częstochowa
33. Przedsiębiorstwo Energetyki Ciepłej "Legionowo" Sp. z o.o., Legionowo
34. Przedsiębiorstwo Energetyki Ciepłej, Hajnówka
35. Przedsiębiorstwo Energetyki Ciepłej, Oborniki
36. Przedsiębiorstwo Energetyki Ciepłej Sp. z o.o. w Elku, Elk
37. Przedsiębiorstwo Energetyki Ciepłej Sp. z o.o., Pułtusk
38. Przedsiębiorstwo Energetyki Ciepłej w Goleniowie Sp. z o.o., Goleniów

39. Przedsiębiorstwo Wielobranżowe ATEX Sp. z o.o., Zamość
40. RSW S.A. – Ciepłownia Ignacy, Rybnik
41. RSW S.A. – Ciepłownia Jankowice, Rybnik
42. RSW S.A. – Ciepłownia Rymer, Rybnik
43. RSW S.A. Elektrociepłownia Chwałowice, Rybnik
44. Spółdzielnia Mieszkaniowa "Zazamcze", Włocławek
45. VT ENERGO Sp. z o.o., Dobre Miasto
46. Zakład Energetyczny Częstochowa S.A., Częstochowa
47. Zakład Energetyczny w Sokołowie Podlaskim, Sokołów Podlaski
48. Zakład Energetyki Ciepłej, Wołomin
49. Zakład Energetyki Ciepłej Sp. z o.o., Bolesławiec
50. Zakład Energetyki Ciepłej Sp. z o.o., Nowy Dwór Mazowiecki
51. Zakład Gospodarki Ciepłowniczej Sp. z o.o., Tomaszów Mazowiecki
52. Zakład Produkcji Ciepła Żory, Żory
53. Zakłady Energetyki Ciepłej, Katowice
54. Zakłady Tworzyw Sztucznych Gamrat w Jasle, Jasło
55. Zakład Energetyki Ciepłej Sp. z o.o., Tczew

Waste management, category 5.4 of Annex I to Directive 96/61/EC: landfills receiving more than 10 tonnes per day or with a total capacity exceeding 25 000 tonnes, excluding landfills for inert waste

Lp.	Category according to the Annex 1 to the Directive	Voivodship	Municipality	Town
1	5.4	Dolnośląskie	Syców	Syców
2	5.4	Dolnośląskie	Żarów	Żarów
3	5.4	Dolnośląskie	Chojnów	Biała
4	5.4	Dolnośląskie	Mirsk	Mirsk
5	5.4	Dolnośląskie	Lwówek Śląski	Płóczki Dolne
6	5.4	Dolnośląskie	Wiązów	St. Wiązów
7	5.4	Dolnośląskie	Osiecznica	Świątoszów
8	5.4	Dolnośląskie	Lądek – Zdrój	Lądek – Zdrój
9	5.4	Dolnośląskie	Bystrzyca Kłodzka	Bystrzyca Kłodzka
10	5.4	Dolnośląskie	Ziębice	Ziębice
11	5.4	Dolnośląskie	Strzelin	Wąwolnica
12	5.4	Kujawsko-Pomorskie	Golub – Dobrzyń	Białkowo
13	5.4	Kujawsko-Pomorskie	Sępólno Krajeńskie	Włociborek
14	5.4	Kujawsko-Pomorskie	Chełmno	Osnowo
15	5.4	Kujawsko-Pomorskie	Tuchola	Bładowo
16	5.4	Kujawsko-Pomorskie	Pielgrzymka	Pielgrzymka
17	5.4	Lubelskie	Parczew	Królewski Dwór
18	5.4	Lubelskie	Terespol	Lebiedziew
19	5.4	Lubelskie	Ryki	Ryki
20	5.4	Lubelskie	Kurów	Szumów

21	5.4	Lubelskie	Włodawa	Włodawa
22	5.4	Lubelskie	Hrubieszów	Hrubieszów
23	5.4	Lubelskie	Krasnystaw	Wincentów
24	5.4	Lubuskie	Słubice	Kunowice
25	5.4	Lubuskie	Lubsko	Lubsko
26	5.4	Lubuskie	Żary	Sieniawa Żarska
27	5.4	Lubuskie	Kozuchów	Stypułów
28	5.4	Lubuskie	Iłowa	Czyżówek
29	5.4	Lubuskie	Nowogród Bobrzański	Kłępin
30	5.4	Łódzkie	Rawa Mazowiecka	Pukinin
31	5.4	Łódzkie	Działoszyn	Działoszyn
32	5.4	Małopolskie	Słpnice	Słpnice Szlacheckie
33	5.4	Małopolskie	Proszowice	Żębocin
34	5.4	Mazowieckie	Tuszczy	Wólka Kozłowska
35	5.4	Mazowieckie	Mszczonów	Marków Świnice
36	5.4	Mazowieckie	Białobrzegi	Sucha
37	5.4	Mazowieckie	Radziejowice	Krzyżówka
38	5.4	Mazowieckie	Teresin	Topolowa
39	5.4	Mazowieckie	Płońsk	Dalanówek
40	5.4	Mazowieckie	Żuromin	Budnice
41	5.4	Opolskie	Namysłów	Ziemielowice
42	5.4	Opolskie	Kietrz	Dzierzysław
43	5.4	Opolskie	Lubniany	Kępa
44	5.4	Opolskie	Zawadzkie	Kielcza
45	5.4	Opolskie	Głogówek	Nowe Kotkowice – Rozłochów
46	5.4	Opolskie	Komprachcice	Domecko
47	5.4	Opolskie	Paczków	Ujeździec

48	5.4	Opolskie	Olesno	Świercze
49	5.4	Opolskie	Leśnica	Leśnica
50	5.4	Podlaskie	Mońki	Świerzbienie
51	5.4	Podlaskie	Wysokie Mazowieckie	Wysokie Mazowieckie
52	5.4	Podlaskie	Suwałki	Sobolewo
53	5.4	Podlaskie	Zambrów	Czerwony Bór
54	5.4	Podlaskie	Sejny	Konstatynówka
55	5.4	Pomorskie	Bytów	Sierzno
56	5.4	Pomorskie	Czarne	Nadziejewo
57	5.4	Pomorskie	Miastko	Gatka
58	5.4	Pomorskie	Człuchów	Kielpin
59	5.4	Pomorskie	Pelplin	Ropuchy
60	5.4	Pomorskie	Wicko	Lucin
61	5.4	Pomorskie	Sztum	Nowa Wieś
62	5.4	Śląskie	Wilkowice	Wilkowice
63	5.4	Śląskie	Krzyżanowice	Tworów
64	5.4	Świętokrzyskie	Małogoszcz	Mieronice
65	5.4	Świętokrzyskie	Ożarów	Julianów
66	5.4	Świętokrzyskie	Połaniec	Luszyca
67	5.4	Świętokrzyskie	Busko Zdrój	Dobrowoda
68	5.4	Świętokrzyskie	Włoszczowa	Włoszczowa "Kępny Ług"
69	5.4	Świętokrzyskie	Strawczyn	Promnik

70	5.4	Warmińsko-Mazurskie	Mikołajki	Zelwąg
71	5.4	Warmińsko-Mazurskie	Działdowo	Zakrzewo
72	5.4	Warmińsko-Mazurskie	Pasłęk	Pasłęk
73	5.4	Warmińsko-Mazurskie	Biskupiec	Adamowo
74	5.4	Warmińsko-Mazurskie	Reszel	Worplawki
75	5.4	Warmińsko-Mazurskie	Lidzbark Warmiński	
76	5.4	Warmińsko-Mazurskie	Ryn	Knis
77	5.4	Warmińsko-Mazurskie	Reszel	Pudwagi
78	5.4	Wielkopolskie	Grodzisk Wlkp.	Czarna Wieś
79	5.4	Wielkopolskie	Złotów	Międzybłocie
80	5.4	Wielkopolskie	Rogoźno	Studzieniec
81	5.4	Wielkopolskie	Trzcianka	Trzcianka
82	5.4	Wielkopolskie	Gostyń	Dalabuszki
83	5.4	Wielkopolskie	Opalenica	Jastrzębniki
84	5.4	Wielkopolskie	Ostrzeszów	Ostrzeszów
85	5.4	Wielkopolskie	Jutrosin	Jutrosin
86	5.4	Zachodniopomorskie	Sławno	Gwiazdowo
87	5.4	Zachodniopomorskie	Świdwin	Świdwinek 2
88	5.4	Zachodniopomorskie	Gryfice	Smolecin
89	5.4	Zachodniopomorskie	Dziwnów	Międzywodzie
90	5.4	Zachodniopomorskie	Drawsko Pomorskie	Mielenko Drawskie
91	5.4	Zachodniopomorskie	Marianowo	Marianowo

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(b) 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 Poland 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. Fully coordinated permits will 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 the operators as set out in Article 3 of the Directive by 30 October 2007.

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|-----|--|---------------|
| 1. | Zakłady Chemiczne "Wizów S.A.", Bolesławiec Śląski | by 30.6.2010 |
| 2. | "ENERGOTOR-TORUŃ S.A." | by 30.6.2010 |
| 3. | Zespół Elektrociepłowni "Bydgoszcz S.A. EC II" | by 31.12.2010 |
| 4. | Zespół Elektrociepłowni "Bydgoszcz S.A. EC I" | by 31.12.2010 |
| 5. | Zakłady Chemiczne "Nitro-Chem S.A.", Bydgoszcz | by 31.12.2010 |
| 6. | Zakłady Chemiczne "Organika-Zachem", Bydgoszcz | by 31.12.2010 |
| 7. | Inowrocławskie Zakłady Chemiczne "Soda Mątwy S.A." | by 31.12.2010 |
| 8. | Janikowskie Zakłady Sodowe "Janikosoda S.A." | by 31.12.2010 |
| 9. | Miejskie Przedsiębiorstwo Oczyszczania, Wysypisko Miejskie,
Toruń | by 31.12.2009 |
| 10. | ELANA S.A., Toruń | by 30.6.2010 |

11.	Spółka Pracownicza Rolmil Mileszewy "Rolmil Sp. z o.o., Jabłonowo Pomorskie	by 31.12.2010
12.	Łęczyńska Energetyka Sp. z o.o. w Bogdance, Puchaczów	by 31.12.2010
13.	MEGATEM EC Lublin	by 31.12.2010
14.	Spółdzielnia Pracy Chemików XENON Zakład w Rąbieniu	by 31.12.2010
15.	Tomaszowskie Zakłady Drobiarskie "ROLDROB" S.A., Tomaszów Mazowiecki	by 31.12.2010
16.	Kutnowskie Zakłady Drobiarskie EXDROB S.A. w Kutnie	by 30.10.2010
17.	Huta im. T. Sendzimira S.A. w Krakowie – Piece koksownicze	by 31.12.2010
18.	Przedsiębiorstwo Materiałów Ogniotrwałych, Kraków	by 31.12.2010
19.	Cementownia Nowa Huta S.A., Kraków	by 31.12.2010
20.	Bolesław- Recycling w Bukownie	by 31.12.2010
21.	Elektrociepłownia Pruszków I (Elektrociepłownie Warszawskie S.A.), Pruszków	by 31.12.2010
22.	Ciepłownia Wola (Elektrociepłownie Warszawskie S.A.), Warszawa	by 31.12.2010
23.	URSUS – MEDIA Sp. z o.o., Warszawa	by 31.12.2010
24.	KERAMZYT Przedsiębiorstwo Kruszyw Lekkich Sp. z o.o., Mszczonów	by 30.11.2010
25.	Metsa Tissue S.A. (former Warszawskie Zakłady Papiernicze w Konstancinie Jeziornej), Konstancin Jeziorna	by 31.12.2009
26.	Reckitt Benckiser (Poland) S.A., Dwór Mazowiecki	by 31.12.2010
27.	Tarchomińskie Zakłady Farmaceutyczne POLFA S.A., Warszawa	by 31.12.2010
28.	Elektrownia Blachownia, Kędzierzyn Koźle	by 31.12.2010

29.	Południowe Zakłady Rafineryjne NAFTOPOL S.A. – Oddział w Kędzierzyn Koźle	by 31.12.2009
30.	Huta "Andrzej", Zawadzkie	by 31.12.2010
31.	Huta Małapanew w Ozimku – presently: Małapanew Zakłady Odlewnicze Sp. z o.o.	by 31.12.2010
32.	Visteon Corporation – Visteon Poland S.A., Praszka	by 31.12.2010
33.	Zakłady Azotowe "Kędzierzyn" S.A., Kędzierzyn – Koźle	by 31.12.2010
34.	Petro Carbo Chem S.A. – divided into two companies: "Synteza" S.A., Zakład Kędzierzyn-Koźle	by 30.6.2010
35.	Zakład Utylizacyjny WĘGRY, Węgry	by 31.12.2010
36.	Opolskie Zakłady Drobiarskie Continental Grain Company S.A., Opole	by 31.12.2009
37.	Przedsiębiorstwo Produkcyjno Handlowe "Ferma-Pol" Sp. z o.o. w Zalesiu	by 31.12.2010
38.	Zakład Usług Technicznych FASTY Sp. z o.o., Białystok	by 31.12.2010
39.	Zakład Produkcji Pasz "KEMOS", Suwałki	by 31.12.2010
40.	Przedsiębiorstwo Transportowe NECKO Sp. z o.o., Augustów	by 31.12.2010
41.	Zakład Utylizacji Sp. z o.o., Gdańsk	by 31.12.2010
42.	POLDANOR S.A., Przechlewo	by 31.12.2010
43.	Elektrociepłownia ZABRZE, Zabrze	by 31.12.2010
44.	Elektrownia EC1, Bielsko – Biała	by 31.12.2010
45.	Elektrociepłownia SZOMBIERKI, Bytom	by 31.12.2010
46.	Huta CZĘSTOCHOWA	by 31.12.2010
47.	Kombinat Koksowniczy "Zabrze" – Koksownia Dębieńsko, Czerwionka – Leszczyny	by 31.12.2009
48.	KK ZABRZE S.A. Koksownia RADLIN, Radlin	by 31.12.2009
49.	KK ZABRZE S.A. Koksownia JADWIGA, Zabrze	by 31.12.2009

50.	Huta Batory S. A., Chorzów	by 31.12.2010
51.	Huta JEDNOŚĆ, Siemianowice Śląskie	by 31.12.2010
52.	Zakłady Mechaniczne BYTOM, Bytom	by 31.12.2010
53.	Huta Łaziska S.A., Łaziska Górne	by 31.12.2010
54.	Kombinat Koksochemiczny ZABRZE S.A. – Zakład Destylacji Smoły, Zabrze	by 31.12.2010
55.	POLIFARB Cieszyn – Wrocław, Oddział Cieszyn	by 31.12.2009
56.	Zakłady Chemiczne ORGANIKA-AZOT S.A., Jaworzno	by 31.12.2010
57.	AGROB EKO, Zabrze	by 31.12.2010
58.	Miejskie Przedsiębiorstwo Gospodarki Komunalnej, Świętochłowice	by 31.12.2010
59.	INDYKPOL S.A., Olsztyn	by 31.12.2010
60.	Gospodarstwo Rolne Skarbu Państwa Raszewy, Żerków	by 31.12.2010
61.	Gospodarstwo Spółdzielcze AGROFIRMA, Wroniawy	by 31.12.2010
62.	Kombinat rolniczo-przemysłowy "Manieczki" Sp. z o.o., Brodnica	by 31.12.2010
63.	Ośrodek Hodowli Zarodowej "Garzyń" Sp. z o.o., Krzemieniewo	by 31.12.2010
64.	AGRO-MEAT, Koszalin	by 31.12.2010
65.	Spółdzielnia AGROFIRMA Witkowo, Stargard Szczeciński	by 31.12.2010
66.	Instytut Zootechniki – ferma Kołbacz, Stare Czarnowo	by 31.12.2010

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).

(a) By way of derogation from Article 4(3) and part A of Annexes III and IV of Directive 2001/80/EC, the emission limit values for sulphur dioxide shall not apply until 31 December 2015 at the latest to the following plants:

1. EL. BEŁCHATÓW, 2 x BB-1150 power boilers
2. EL. TURÓW, 1 x OP 650 b power boiler – 2012, 1 x OP 650 b power boiler – 2013
3. EL. KOZIENICE, 5 x OP-650 power boilers
4. EL. DOLNA ODRA, 1 x OP-650 power boilers
5. EL. POMORZANY, 2 x Benson OP-206 power boilers, 1 x WP – 120 power boiler
6. EL. SZCZECIN, 2 x OP-130 power boilers
7. Elektrownia im. T. Kościuszki S.A. w Połańcu, 2 x EP-650 power boilers
8. Elektrownia Rybnik S.A., 3 x OP-650 power boilers
9. Zespół Elektrowni Ostrołęka S.A., EL. OSTROŁĘKA "B", 2 x OP-650 power boilers

10. Południowy Koncern Energetyczny S.A., Elektrownia "Łagisza", 3 x OP-380k power boilers
11. Elektrownia "Skawina" S.A., 4 x OP-230 power boilers, 4 x OP-210 power boilers
12. Elektrownia "Stalowa Wola" S.A., 4 x OP-150 power boilers, 2 x OP-380k power boilers
13. Elektrociepłownie Warszawskie S.A., EC "Siekierki", 2 x OP-230 power boilers, 1 x OP-380 power boiler, 3 x OP-430 power boilers, 1 x WP-200 power boiler, 3 x WP-120 power boilers
14. Elektrociepłownie Warszawskie S.A., EC "Żerań", 5 x OP 230 power boilers, 4 x WP 120 power boilers
15. Elektrociepłownia nr 2, Łódź, 1 x OP 130 power boiler, 1 x OP 130 power boiler – 2014, 1 x OP 140 power boiler
16. Elektrociepłownia nr 3, Łódź, 1 x OP 230 power boilers, 1 x OP 230 power boiler – 2014
17. Elektrociepłownia nr 4, Łódź, 4 x WP 120 power boilers
18. KOGENERACJA S.A., Wrocław, Elektrociepłownia Czechnica, 4 x OP 130 power boilers
19. KOGENERACJA S.A., Wrocław, Elektrociepłownia Wrocław, 2 x OP 430 power boilers, 1 x WP 70 power boiler, 1 x WP 120 power boiler
20. Elektrociepłownie Wybrzeże S.A., Elektrociepłownia Gdańska, 2 x OP 70C power boilers, 1 x OP 230 power boiler – 2012, 1 x OP 230 power boiler
21. Elektrociepłownie Wybrzeże S.A., Elektrociepłownia Gdyńska, 1 x WP 120 power boiler

22. Zespół Elektrociepłowni Bydgoszcz S.A., Elektrociepłownia Bydgoszcz II,
2 x OP 230 power boilers
23. Elektrociepłownia Białystok S.A., 2 x OP 140 power boilers, 1 x OP 230 power
boiler
24. Elektrociepłownia Zabrze S.A., 2 x WP 120 power boilers
25. Elektrociepłownia Będzin S.A., 2 x OP 140 power boilers
26. Elektrociepłownia Gorzów S.A., 2 x OP 140 power boilers
27. Elektrociepłownia Elbląg S.A., 3 x OP 130 power boilers, 1 x WP 120 power
boiler
28. Elektrociepłownia Toruń S.A., 2 x WP 120 power boilers
29. EC Lublin Wrotków, 2 x WP 70 power boilers
30. Zakład Elektrociepłowni, Polskiego Koncernu Naftowego "Orlen" S.A.,
1 x OO 220 power boiler, 3 x OO-320 power boilers, 4 x OO-420 power boilers
31. Energetyka Dwory Sp. z o.o., 1 x OP-140 power boiler – 2012
32. EC ANWIL S.A, Włocławek, 1 x OO-230 power boilers, 2 x OO-260 power
boilers
33. Zakłady Azotowe "PUŁAWY" S.A., Zakład Elektrociepłowni, Puławy,
2 x OP-215 power boilers
34. Huta im. T. Sendzimira S.A., 4 x TP-230 power boilers, 1 x OP-230 power boiler
35. EC Rafinerii Gdańskiej, 2 x OOP-160 power boilers
36. EC II Elana S.A., Toruń, 4 x OO-120 power boilers

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

- 2008: 454 000 tonnes / year
- 2010: 426 000 tonnes / year
- 2012: 358 000 tonnes / year;

(b) By way of derogation from Article 4(3) and part A of Annex VI of Directive 2001/80/EC, the emission limit values for nitrogen oxide emissions applicable as from 1 January 2016 for plants with a rated thermal input greater than 500 MWth shall not apply until 31 December 2017 to the following plants:

1. Zespół Elektrowni PAK, EL. ADAMÓW, 3 x OP 380 b power boilers, 2 x OP 380 b power boilers
2. EL. KOZIENICE, 3 x OP-650 power boilers, 2 x AP-1650 power boilers
3. EL. DOLNA ODRA, 5 x OP-650 power boilers
4. Elektrownia im. T. Kościuszki S.A., Połaniec, 6 x EP-650 power boilers
5. Elektrownia Rybnik S.A., 5 x OP-650 power boilers
6. Zespół Elektrowni Ostrołęka S.A, EL. OSTROŁĘKA "B", 1 x OP-650 power boiler
7. Południowy Koncern Energetyczny S.A., Elektrownia Jaworzno III, 6 x OP-650 power boilers

8. Południowy Koncern Energetyczny S.A., Elektrownia Łaziska, 2 x OP-380 power boilers, 4 x OP-650 power boilers,
9. Południowy Koncern Energetyczny S.A., Elektrownia Łagisza, 2 x OP-380k power boilers
10. Elektrownia "Opole" S.A., 4 x BP-1150 power boilers
11. Elektrociepłownie Warszawskie S.A., EC "Siekierki", 2 x OP-230 power boilers
12. Elektrociepłownie Warszawskie S.A., EC "Kawęczyn", 1 x WP-120 power boiler, 2 x WP-200 power boilers
13. Elektrociepłownia nr 3, Łódź, 2 x OP 130 power boilers, 1 x OP 230 power boiler
14. Elektrociepłownia nr 4, Łódź, 2 x OP 230 power boilers
15. Elektrociepłownia "Kraków" S.A., 2 x BC-90 power boilers, 2 x BC-100 power boilers, 4 x WP 120 power boilers
16. Elektrociepłownie Wybrzeże S.A., Elektrociepłownia Gdyńska, 2 x OP 230 power boilers
17. Zespół Elektrociepłowni Bydgoszcz S.A., Elektrociepłownia Bydgoszcz II, 2 x OP 230 power boilers
18. Zespół Elektrociepłowni Poznańskich S.A., EC II Poznań Karolin, 2 x OP 140 power boilers, 2 x OP 430 power boilers
19. EC Nowa Sp. z o.o., Dąbrowa Górnicza, 1 x OPG-230 power boiler, 4 x OPG-230 power boilers, 1 x OPG-430 power boiler

20. Zakłady Azotowe "PUŁAWY" S.A., Zakład Elektrociepłowni, Puławy, 3 x OP-215 power boilers
21. INTERNATIONAL PAPER-KWIDZYN S.A., Wydział Energetyczny, 4 x OP-140 power boilers

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

- 2008: 254 000 tonnes / year
- 2010: 251 000 tonnes / year
- 2012: 239 000 tonnes / year;

- (c) By way of derogation from Article 4(3) and part A of Annex VII of Directive 2001/80/EC, the emission limit values for dust shall not apply until 31 December 2017 for dust emissions from the following municipal heat generating plants:

1. Ciepłownia Miejska Łomża, 3 x WR-25 water boilers
2. Miejskie Przedsiębiorstwo Energetyki Ciepłej Spółka z o.o., Ciepłownia "Zatorze", Leszno, 3 x WR-25 water boilers

3. Miejskie Przedsiębiorstwo Energetyki Ciepłej Spółka z o.o., Chełm, 2 x WR-25 water boilers, 1 x WR-10 water boiler
4. Ciepłownia Miejska Sieradz, 2 x WR-25 water boilers
5. LUBREM S.C., Centralna Ciepłownia w Dęblinie, 3 x WR-25 water boilers
6. Miejskie Przedsiębiorstwo Energetyki Ciepłej Spółka z o.o., Ciepłownia "Zachód", Białystok, 3 x WR-25 water boilers
7. Komunalne Przedsiębiorstwo Energetyki Ciepłej Sp. z o.o., Karczew, 3 x WR-25 water boilers
8. Ciepłownia C III Ełk, 3 x WR-25 water boilers
9. Ciepłownia-Zasanie Przemyśl, 3 x WR-25 water boilers
10. Przedsiębiorstwo Energetyki Ciepłej Spółka z o.o., Biała Podlaska, 2 x WR-25 water boilers
11. Ciepłownia "Rejtan" Częstochowa, 3 x WR-25 water boilers
12. Centralna Ciepłownia w Ciechanowie, PEC Sp. z o.o., Ciechanów, 3 x WR-25 water boilers, 3 x OR-10 steam boilers
13. Wojewódzkie Przedsiębiorstwo Energetyki Ciepłej w Legnicy S.A., 1 x WR-46 water boiler, 2 x OR 32 steam boilers
14. OPEC Grudziądz, 2 x WR-25 water boilers, 3 x OR-32 steam boilers
15. Ciepłownia Miejska Malbork, 2 x WR-10 water boilers
16. ATEX Sp. z o.o Przedsiębiorstwo Wielobranżowe Zamość, 3 x WR-25 water boilers
17. Miejskie Przedsiębiorstwo Gospodarki Komunalnej Sp. z o.o., Krosno, 2 x WR-10 water boilers – 2015, 2 x WR – 10 water boilers

18. Miejskie Przedsiębiorstwo Energetyki Ciepłej Sp. z o.o., Tarnowskie Góry, 2 x WR-25 water boilers
19. Zakład Energetyki Ciepłej Tczew Sp. z o.o., 2 x WR – 25 water boilers
20. Elektrociepłownia "Zduńska Wola" Sp. z o.o., 3 x OR-32 steam boilers, 1 x WR-25 water boiler
21. Miejska Energetyka Ciepła Sp. z o.o., Kotłownia Zachód, Piła, 2 x WR-25 water boilers
22. Przedsiębiorstwo Energetyki Ciepłej, Gniezno, 2 x WR-25 water boilers, 1 x WLM-5 water boiler – 2015
23. Szczecińska Energetyka Ciepła Sp. z o.o., 2 x WR-25 water boilers
24. Przedsiębiorstwo Energetyki Ciepłej "Legionowo" Sp. z o.o., 3 x WR-25 water boilers
25. Kalisz -Piwonice S.A., 3 x WR25 water boilers, 1 x OSR-32 steam boiler
26. Przedsiębiorstwo Energetyki Ciepłej, Ciepłownia Główna, Suwałki, 4 x WR-25 water boilers
27. Radomskie Przedsiębiorstwo Energetyki Ciepłej "RADPEC" S.A., 3 x WR-25 water boilers
28. Miejski Zakład Gospodarki Komunalnej Piotrków Trybunalski, 2 x WR-25 water boilers
29. Zakład Gospodarki Komunalnej i Mieszkaniowej, Ciepłownia Miejska, Pabianice, 4 x WR-25 water boilers.

In addition, the percentage share of the plants listed above shall not exceed the following:

- sulphur dioxide emissions:

2008: 20% of the overall power of the sector as of 2001

2013: 19% of the overall power of the sector as of 2001;

- nitrogen oxide emissions:

2016: 24% of the overall power of the sector as of 2001;

- dust emissions:

During the entire period: 2% of the overall power of the sector as of 2001.

- (d) By 1 January 2008, and again by 1 January 2012, Poland shall present to the Commission an updated plan, including an investment plan, for the gradual alignment of remaining non-compliant plants with clearly defined stages for the application of the *acquis*. Both these plans shall ensure a further reduction of the emissions under the above intermediate targets and aim at sulphur dioxide emissions lower than 400 000 tonnes in 2010 and 300 000 tonnes 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 arrangements, considers that these plans are not sufficient to meet these objectives, it shall inform Poland. Within the following three months, Poland 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 226 of the EC Treaty.

E. NUCLEAR SAFETY AND RADIATION PROTECTION

31997 L 0043: Council Directive 97/43/Euratom of 30 June 1997 on health protection of individuals against the dangers of ionising radiation in relation to medical exposure, and repealing Directive 84/466/Euratom (OJ L 180, 9.7.1997, p. 22).

By way of derogation from Article 8 of Directive 97/43/Euratom, the provisions on radiological equipment shall not apply in Poland until 31 December 2006. Such equipment shall not be placed on the market of other Member States.