

II. DECLARATIONS ADOPTED BY THE PLENIPOTENTIARIES

Furthermore, the Plenipotentiaries have adopted the Declarations listed below, annexed to this Final Act.

1. Joint Declaration: One Europe
2. Joint Declaration on the Court of Justice of the European Communities

1. JOINT DECLARATION: ONE EUROPE

Today is a great moment for Europe. We have today concluded accession negotiations between the European Union and Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia. 75 million people will be welcomed as new citizens of the European Union.

We, the current and acceding Member States, declare our full support for the continuous, inclusive and irreversible enlargement process. The accession negotiations with Bulgaria and Romania will continue on the basis of the same principles that have guided the negotiations so far. The results already achieved in these negotiations will not be brought into question. Depending on further progress in complying with the membership criteria, the objective is to welcome Bulgaria and Romania as new members of the European Union in 2007. We also welcome the important decisions taken today concerning the next stage of Turkey's candidature for membership of the European Union.

Our common wish is to make Europe a continent of democracy, freedom, peace and progress. The Union will remain determined to avoid new dividing lines in Europe and to promote stability and prosperity within and beyond the new borders of the Union. We are looking forward to working together in our joint endeavour to accomplish these goals.

Our aim is One Europe.

Belgium	Czech Republic	Denmark
Germany	Estonia	Greece
Spain	France	Ireland
Italy	Cyprus	Latvia
Lithuania	Luxembourg	Hungary
Malta	Netherlands	Austria
Poland	Portugal	Slovenia
Slovakia	Finland	Sweden
United Kingdom		

2. JOINT DECLARATION ON THE COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES

Should the Court of Justice so request, the Council, acting unanimously, may increase the number of Advocates-General in accordance with Article 222 of the EC Treaty and Article 138 of the Euratom Treaty. Otherwise, the new Member States will be integrated into the existing system for their appointment.

III. OTHER DECLARATIONS

The Plenipotentiaries have taken note of the following Declarations which have been made and are annexed to this Final Act:

A. Joint Declarations: the present Member States/Estonia

3. Joint Declaration on the hunting of brown bears in Estonia

B. Joint Declarations: Various present Member States/various new Member States

4. Joint Declaration by the Czech Republic and the Republic of Austria concerning their bilateral agreement regarding the Temelin nuclear power plant

C. Joint Declarations by the present Member States

5. Declaration on rural development
6. Declaration on the free movement of workers: Czech Republic
7. Declaration on the free movement of workers: Estonia

8. Declaration on oil shale, the internal electricity market and Directive 96/92/EC of the European Parliament and of the Council of 19 December 1996 concerning common rules for the internal market in electricity (Electricity Directive): Estonia
9. Declaration with respect to Estonian and Lithuanian fishing activities in the Svalbard zone
10. Declaration on the free movement of workers: Latvia
11. Declaration on the free movement of workers: Lithuania
12. Declaration on the transit of persons by land between the region of Kaliningrad and other parts of the Russian Federation
13. Declaration on the free movement of workers: Hungary
14. Declaration on the free movement of workers: Malta
15. Declaration on the free movement of workers: Poland

16. Declaration on the free movement of workers: Slovenia

17. Declaration on the development of the trans-European network in Slovenia

18. Declaration on the free movement of workers: Slovakia

D. Joint Declarations by various present Member States

19. Joint Declaration by the Federal Republic of Germany and the Republic of Austria on the free movement of workers: Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovenia and Slovakia

20. Joint Declaration by the Federal Republic of Germany and the Republic of Austria on the monitoring of nuclear safety

E. General Joint Declaration by the present Member States

21. General Joint Declaration

F. Joint Declarations by various new Member States

22. Joint Declaration by the Czech Republic, the Republic of Estonia, the Republic of Lithuania, the Republic of Poland, the Republic of Slovenia and the Slovak Republic on Article 38 of the Act of Accession
23. Joint Declaration by the Republic of Hungary and the Republic of Slovenia on Annex X, Chapter 7, point 1(a)(ii), and Annex XIII, Chapter 6 point 1(a)(i), to the Act of Accession

G. Declarations by the Czech Republic

24. Declaration by the Czech Republic on transport policy
25. Declaration by the Czech Republic on workers.
26. Declaration by the Czech Republic on Article 35 of the EU Treaty.

H. Declarations by the Republic of Estonia

- 27. Declaration by the Republic of Estonia on steel
- 28. Declaration by the Republic of Estonia on fisheries
- 29. Declaration by the Republic of Estonia on the North-East Atlantic Fisheries Commission (NEAFC)
- 30. Declaration by the Republic of Estonia on food safety

I. Declarations by the Republic of Latvia

- 31. Declaration by the Republic of Latvia on the weighting of votes in the Council
- 32. Declaration by the Republic of Latvia on fisheries
- 33. Declaration by the Republic of Latvia on Article 142a of Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark

J. Declaration by the Republic of Lithuania

34. Declaration by the Republic of Lithuania with respect to Lithuanian fishery activities in the regulatory area of the North-East Atlantic Fisheries Commission (NEAFC)

K. Declarations by the Republic of Malta

35. Declaration by the Republic of Malta on neutrality
36. Declaration by the Republic of Malta on the island region of Gozo
37. Declaration by the Republic of Malta on the maintenance of VAT zero-rating

L. Declarations by the Republic of Poland

38. Declaration by the Republic of Poland concerning competitiveness of the Polish production of some fruit
39. Declaration by the Government of the Republic of Poland concerning public morality

40. Declaration by the Government of the Republic of Poland on interpretation of the derogation from the requirements laid down in Directive 2001/82/EC and in Directive 2001/83/EC.

M. Declarations by the Republic of Slovenia

41. Declaration by the Republic of Slovenia on the future regional division of the Republic of Slovenia
42. Declaration by the Republic of Slovenia on the Slovenian indigenous bee *Apis mellifera Carnica* (kranjska čebela)

N. Declarations by the Commission of the European Communities

43. Declaration by the Commission of the European Communities on the general economic safeguard clause, the internal market safeguard clause and the justice and home affairs safeguard clause
44. Declaration by the Commission of the European Communities to the conclusions of the Accession Conference with Latvia

A. JOINT DECLARATIONS: THE PRESENT MEMBER STATES/ESTONIA

3. JOINT DECLARATION
ON THE HUNTING OF BROWN BEARS IN ESTONIA

As regards brown bears, Estonia will comply fully with the requirements of Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (Habitats Directive). By the latest upon accession, Estonia will establish a system of strict protection that complies with Article 12 of the said Directive.

While general hunting of brown bears could not be allowed, the Conference notes that under Article 16(1) of the Habitats Directive, Estonia may allow hunting of brown bears under specified circumstances and subject to the procedures laid down in Article 16(2) and (3).

B. JOINT DECLARATIONS: VARIOUS PRESENT MEMBER STATES/VARIOUS
NEW MEMBER STATES

4. JOINT DECLARATION
BY THE CZECH REPUBLIC AND THE REPUBLIC OF AUSTRIA
CONCERNING THEIR BILATERAL AGREEMENT
REGARDING THE TEMELIN NUCLEAR POWER PLANT

The Czech Republic and the Republic of Austria shall fulfil their bilateral obligations under their mutually adopted "Conclusions of the Melk Process and Follow-up" of 29 November 2001.

C. JOINT DECLARATIONS BY THE PRESENT MEMBER STATES

5. DECLARATION ON RURAL DEVELOPMENT

With regard to the rural development policy for the new Member States under the temporary rural development instrument funded by the EAGGF Guarantee Section, the Union notes that the following initial allocations can be expected by each of the new Member States:

Initial allocation (EUR million)				
	2004	2005	2006	2004-2006
Czech Republic	147,9	161,6	172,0	481,5
Estonia	41,0	44,8	47,7	133,5
Cyprus	20,3	22,2	23,9	66,4
Latvia	89,4	97,7	103,9	291,0
Lithuania	133,4	145,7	155,1	434,2
Hungary	164,2	179,4	190,8	534,4
Malta	7,3	8,0	8,5	23,8
Poland	781,2	853,6	908,2	2 543,0
Slovenia	76,7	83,9	89,2	249,8
Slovakia	108,2	118,3	125,8	352,3
Total	1 570,0	1 715,0	1 825,0	5 110,0

6. DECLARATION
ON THE FREE MOVEMENT OF WORKERS: CZECH REPUBLIC

The EU stresses the strong elements of differentiation and flexibility in the arrangement for the free movement of workers. Member States shall endeavour to grant increased labour market access to Czech nationals under national law, with a view to speeding up the approximation to the acquis. As a consequence, the employment opportunities in the EU for Czech nationals should improve substantially upon the Czech Republic's accession. Moreover, the EU Member States will make best use of the proposed arrangement to move as quickly as possible to the full application of the acquis in the area of free movement of workers.

7. DECLARATION
ON THE FREE MOVEMENT OF WORKERS: ESTONIA

The EU stresses the strong elements of differentiation and flexibility in the arrangement for the free movement of workers. Member States shall endeavour to grant increased labour market access to Estonian nationals under national law, with a view to speeding up the approximation to the acquis. As a consequence, the employment opportunities in the EU for Estonian nationals should improve substantially upon Estonia's accession. Moreover, the EU Member States will make best use of the proposed arrangement to move as quickly as possible to the full application of the acquis in the area of free movement of workers.

8. DECLARATION
ON OIL SHALE, THE INTERNAL ELECTRICITY MARKET
AND DIRECTIVE 96/92/EC OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL OF 19 DECEMBER 1996
CONCERNING COMMON RULES
FOR THE INTERNAL MARKET IN ELECTRICITY
(ELECTRICITY DIRECTIVE): ESTONIA

The Union will closely monitor that Estonia fulfils its commitments notably with regard to the further preparation to the internal energy market (oil shale sector restructuring, electricity sector restructuring, legislation, strengthening Energy Market Inspectorate, etc).

The Union draws Estonia's attention to the conclusions of the Lisbon and Barcelona European Councils, related to accelerated market opening in – among others – the electricity and gas sectors, with the aim of achieving a fully operational internal market in these areas, and notes Estonia's earlier statements made in this regard on 27 May 2002 in the context of the accession negotiations. Notwithstanding the need for the early implementation of an operational internal electricity market, the Union takes note that Estonia reserves its position regarding future legislative developments in this area. The Union recognises in this respect the specific situation related to the restructuring of the oil shale sector which will require particular efforts until the end of 2012, and the need for gradual opening of the Estonian electricity market for non-household customers until that date.

The Union notes that, with a view to limiting the potential distortion of competition in the internal electricity market, safeguard mechanisms, such as the reciprocity clause of Directive 96/92/EC, may have to be applied.

The Commission will closely monitor the development of the electricity production and the possible changes in the electricity market in Estonia and in the neighbouring countries.

Without prejudice to the above, any Member State may from 2009 onwards request the Commission to assess the development of the electricity markets of the Baltic Sea area. Based on this assessment, with full consideration to the unique character of oil shale and social and economic considerations related to the extraction, production and consumption of oil shale in Estonia, and taking into account the objectives of the Community regarding the electricity market, the Commission shall report to the Council with appropriate recommendations.

9. DECLARATION
WITH RESPECT TO ESTONIAN AND LITHUANIAN FISHING ACTIVITIES
IN THE SVALBARD ZONE

The European Community is committed to maintain sound management based on sustainable conservation and optimal utilisation of fish stocks around Svalbard, and declares its willingness to continue the present management system applied by the European Community and by Estonia and Lithuania.

10. DECLARATION
ON THE FREE MOVEMENT OF WORKERS: LATVIA

The EU stresses the strong elements of differentiation and flexibility in the arrangement for the free movement of workers. Member States shall endeavour to grant increased labour market access to Latvian nationals under national law, with a view to speeding up the approximation to the *acquis*. As a consequence, the employment opportunities in the EU for Latvian nationals should improve substantially upon Latvia's accession. Moreover, the EU Member States will make best use of the proposed arrangement to move as quickly as possible to the full application of the *acquis* in the area of free movement of workers.

11. DECLARATION
ON THE FREE MOVEMENT OF WORKERS: LITHUANIA

The EU stresses the strong elements of differentiation and flexibility in the arrangement for the free movement of workers. Member States shall endeavour to grant increased labour market access to Lithuanian nationals under national law, with a view to speeding up the approximation to the acquis. As a consequence, the employment opportunities in the EU for Lithuanian nationals should improve substantially upon Lithuania's accession. Moreover, the EU Member States will make best use of the proposed arrangement to move as quickly as possible to the full application of the acquis in the area of free movement of workers.

12. DECLARATION
ON THE TRANSIT OF PERSONS BY LAND
BETWEEN THE REGION OF KALININGRAD
AND OTHER PARTS OF THE RUSSIAN FEDERATION

The Community shall assist Lithuania in fulfilling the conditions for full participation in the Schengen acquis as soon as possible in order to secure that Lithuania will be included in the first group of new Member States to participate fully in the Schengen acquis. Full participation will depend on an objective evaluation that all necessary conditions are fulfilled according to the Schengen acquis.

13. DECLARATION
ON THE FREE MOVEMENT OF WORKERS: HUNGARY

The EU stresses the strong elements of differentiation and flexibility in the arrangement for the free movement of workers. Member States shall endeavour to grant increased labour market access to Hungarian nationals under national law, with a view to speeding up the approximation to the acquis. As a consequence, the employment opportunities in the EU for Hungarian nationals should improve substantially upon Hungary's accession. Moreover, the EU Member States will make best use of the proposed arrangement to move as quickly as possible to the full application of the acquis in the area of free movement of workers.

14. DECLARATION
ON THE FREE MOVEMENT OF WORKERS: MALTA

Should the accession of Malta give rise to difficulties relating to the free movement of workers, the matter may be brought before the institutions of the Union in order to obtain a solution to this problem. This solution will be in strict accordance with the provisions of the Treaties (including those of the Treaty on European Union) and the provisions adopted in application thereof, in particular those relating to the free movement of workers.

15. DECLARATION
ON THE FREE MOVEMENT OF WORKERS: POLAND

The EU stresses the strong elements of differentiation and flexibility in the arrangement for the free movement of workers. Member States shall endeavour to grant increased labour market access to Polish nationals under national law, with a view to speeding up the approximation to the acquis. As a consequence, the employment opportunities in the EU for Polish nationals should improve substantially upon Poland's accession. Moreover, the EU Member States will make best use of the proposed arrangement to move as quickly as possible to the full application of the acquis in the area of free movement of workers.

16. DECLARATION
ON THE FREE MOVEMENT OF WORKERS: SLOVENIA

The EU stresses the strong elements of differentiation and flexibility in the arrangement for the free movement of workers. Member States shall endeavour to grant increased labour market access to Slovenian nationals under national law, with a view to speeding up the approximation to the acquis. As a consequence, the employment opportunities in the EU for Slovenian nationals should improve substantially upon Slovenia's accession. Moreover, the EU Member States will make best use of the proposed arrangement to move as quickly as possible to the full application of the acquis in the area of free movement of workers.

17. DECLARATION
ON THE DEVELOPMENT OF
THE TRANS-EUROPEAN NETWORK IN SLOVENIA

The Union recalls the importance of transport infrastructure in Slovenia for the development of a trans-European transport network and will take due account of this fact when identifying projects of common interest according to Article 155 of the EC Treaty.

18. DECLARATION
ON THE FREE MOVEMENT OF WORKERS: SLOVAKIA

The EU stresses the strong elements of differentiation and flexibility in the arrangement for the free movement of workers. Member States shall endeavour to grant increased labour market access to Slovak nationals under national law, with a view to speeding up the approximation to the *acquis*. As a consequence, the employment opportunities in the EU for Slovak nationals should improve substantially upon Slovakia's accession. Moreover, the EU Member States will make best use of the proposed arrangement to move as quickly as possible to the full application of the *acquis* in the area of free movement of workers.

D. JOINT DECLARATIONS BY VARIOUS PRESENT MEMBER STATES

19. JOINT DECLARATION

BY THE FEDERAL REPUBLIC OF GERMANY AND THE REPUBLIC OF AUSTRIA
ON THE FREE MOVEMENT OF WORKERS: CZECH REPUBLIC, ESTONIA, HUNGARY,
LATVIA, LITHUANIA, POLAND, SLOVENIA AND SLOVAKIA

The wording of point number 13 of the transitional measures on the free movement of workers under Directive 96/71/EC in Annexes V, VI, VIII, IX, X, XII, XIII and XIV is understood by the Federal Republic of Germany and the Republic of Austria in agreement with the Commission as meaning that "certain regions" may, where appropriate, also comprise the entire national territory.

20. JOINT DECLARATION

BY THE FEDERAL REPUBLIC OF GERMANY AND THE REPUBLIC OF AUSTRIA
ON THE MONITORING OF NUCLEAR SAFETY

The Federal Republic of Germany and the Republic of Austria stress the importance of continuing the monitoring process on the implementation of the recommendations for the improvement of nuclear safety in the accession countries, as raised at the Council on General Affairs and External Relations of 10 December 2002, until a result is available.

E. GENERAL JOINT DECLARATION BY THE PRESENT MEMBER STATES

21. GENERAL JOINT DECLARATION

The present Member States underline that the Declarations attached to this Final Act cannot be interpreted or applied in a way contrary to the obligations of the Member States arising from the Treaty and Act of Accession.

The present Member States note that the Commission subscribes fully to the above.

F. JOINT DECLARATIONS BY VARIOUS NEW MEMBER STATES

22. JOINT DECLARATION

BY THE CZECH REPUBLIC, THE REPUBLIC OF ESTONIA, THE REPUBLIC OF LITHUANIA, THE REPUBLIC OF POLAND, THE REPUBLIC OF SLOVENIA AND THE SLOVAK REPUBLIC ON ARTICLE 38 OF THE ACT OF ACCESSION

1. The Czech Republic, the Republic of Estonia, the Republic of Lithuania, the Republic of Poland, the Republic of Slovenia and the Slovak Republic understand that the notion "has failed to implement commitments undertaken in the context of the accession negotiations" only covers the obligations that are arising from the original Treaties applicable to the Czech Republic, the Republic of Estonia, the Republic of Lithuania, the Republic of Poland, the Republic of Slovenia and the Slovak Republic, under the conditions laid down in the Act of Accession, and the obligations defined in this Act.

Therefore the Czech Republic, the Republic of Estonia, the Republic of Lithuania, the Republic of Poland, the Republic of Slovenia and the Slovak Republic understand that the Commission will consider application of Article 38 only in cases of alleged violations of the obligations referred to in the preceding paragraph.

2. The Czech Republic, the Republic of Estonia, the Republic of Lithuania, the Republic of Poland, the Republic of Slovenia and the Slovak Republic understand that Article 38 is without prejudice to the jurisdiction of the Court of Justice as defined by Article 230 of the EC Treaty on actions taken by the Commission pursuant to Article 38.
3. The Czech Republic, the Republic of Estonia, the Republic of Lithuania, the Republic of Poland, the Republic of Slovenia and the Slovak Republic understand that the Commission shall, before deciding on whether to apply the measures provided for in Article 38 against them, give the Czech Republic, the Republic of Estonia, the Republic of Lithuania, the Republic of Poland, the Republic of Slovenia and the Slovak Republic an opportunity to express their view and position in accordance with the Declaration by the Commission of the European Communities on the general safeguard clause, the internal market safeguard clause and the justice and home affairs safeguard clause, annexed to this Final Act.

23. JOINT DECLARATION
BY THE REPUBLIC OF HUNGARY AND THE REPUBLIC OF SLOVENIA
ON ANNEX X, CHAPTER 7, point 1(a)(ii) and
ANNEX XIII, CHAPTER 6, point (1)(a)(i) TO THE ACT OF ACCESSION

If the transitional period referred to in Article 28(1) of the Sixth VAT Directive is not replaced by a definitive system by mid-2007 and the proposal for its replacement is not at such a stage as to allow the replacement by the end of 2007, the Republic of Hungary and the Republic of Slovenia will request a report from the Commission to the Council on the functioning of the transitional arrangement provided for in Annex X, Chapter 7, point 1(a)(ii) and Annex XIII, Chapter 6, point 1(a)(i) to the Act of Accession to be prepared in due time. This report shall take into account the proper functioning of the internal market and possible adverse consequences for restaurant sectors in the Republic of Hungary and the Republic of Slovenia, in particular job losses, an increase in undeclared employment, and the level of price increases of restaurant services for the final consumer.

G. DECLARATIONS BY THE CZECH REPUBLIC

24. DECLARATION BY THE CZECH REPUBLIC ON TRANSPORT POLICY

In accordance with the EU Common Position to the Chapter on Transport Policy the current and new Member States may progressively exchange cabotage authorisations on the basis of bilateral agreements, including the possibility for full liberalisation. In the light of the above the Czech Republic therefore expects the bilateral talks with the Member States will be continued in the course of year 2003 in order to reach either a bilateral agreement on full liberalisation of cabotage or an exchange of progressive cabotage authorisations in case the transitional period is required.

The Czech Republic welcomes that a mutual agreement with Germany has been reached on working out the analysis of a cost structure on the basis of which bilateral cabotage quotas could be established from the year 2004 onwards.

25. DECLARATION
BY THE CZECH REPUBLIC ON WORKERS

The Czech Republic declares that it expects that the intentions of a present Member State to liberalise the access of Czech workers to its labour market based on individual sectors and professions will be subject to bilateral consultations between the Member State concerned and the Czech Republic.

26. DECLARATION
BY THE CZECH REPUBLIC ON ARTICLE 35 OF THE EU TREATY

The Czech Republic accepts the jurisdiction of the Court of Justice of the European Communities in accordance with the arrangements laid down in Article 35(2) and (3)(b) of the Treaty on European Union. The Czech Republic reserves the right to make provision in its national law that when a question concerning the validity or interpretation of an act referred to in Article 35(1) of the Treaty on European Union is raised in a case pending before a national court or tribunal against whose decisions there is no judicial remedy under national law, that court or tribunal is obliged to bring the matter before the Court of Justice.

H. DECLARATIONS BY THE REPUBLIC OF ESTONIA

27. DECLARATION BY THE REPUBLIC OF ESTONIA ON STEEL

The Estonian steel processing industry is in a dynamic stage of development.

When negotiating the necessary adjustments to the quantitative restrictions provided for in the bilateral steel agreements between the Community and the Russian Federation, the Ukraine and Kazakhstan, or adopting any other arrangements to that effect, the import needs resulting from the foreseeable expansion of the Estonian steel industry in the near future will have to be taken into account. Estonia underlines that its anticipated import needs have been provided to the Accession Conference.

28. DECLARATION
BY THE REPUBLIC OF ESTONIA
ON FISHERIES

Estonia is aware that the management of the Agreement between the Government of the Republic of Estonia and the Government of the Russian Federation on cooperation in the conservation and management of fish stocks in Peipsi, Lämmi and Pihkva Lake area will be ensured by Estonia in close cooperation with the Commission, insofar as the Community does or will not have secondary legislation on the management of inland fishery resources.

29. DECLARATION
BY THE REPUBLIC OF ESTONIA
ON THE NORTH-EAST ATLANTIC FISHERIES COMMISSION (NEAFC)

According to the principle of exclusive Community competence, the interests of Estonia in the NEAFC will be represented by the Community as from the date of accession. In case Estonia is not a member of NEAFC by the date of accession, Estonia relies on the Community's effort to integrate into the Community's share the "non-contracting party cooperation quota" used by Estonia and as recorded by NEAFC.

30. DECLARATION
BY THE REPUBLIC OF ESTONIA
ON FOOD SAFETY

As regard third countries, Estonia will comply fully with the requirements of Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002, laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.

I. DECLARATIONS BY THE REPUBLIC OF LATVIA

31. DECLARATION BY THE REPUBLIC OF LATVIA ON THE WEIGHTING OF VOTES IN THE COUNCIL

Declaration No 20 to the Nice Treaty established that the Republic of Latvia will be allocated four votes out of a total of 345 votes in the Council as from 1 January 2005 on the assumption of a Union of 27 Member States.

Bearing in mind the need to ensure an adequate, comparable and equal representation of the Member States in the Council according to the number of their population, the Republic of Latvia declares that it reserves the rights to discuss the issue of the weighting of votes in the Council during the next Intergovernmental Conference.

32. DECLARATION
BY THE REPUBLIC OF LATVIA
ON FISHERIES

With respect to Regulation (EEC) No 3760/92 establishing the share of Community fishing opportunities to be allocated to Member States for stocks, which are regulated by a catch limit, Latvia understands that the specific provisions of this Act related to fishing opportunities to be allocated to Latvia in the Baltic Sea refer to the existing management system within the IBSFC as it is calculated for the EU-15 and Estonia, Latvia, Lithuania and Poland.

With regard to the fishing opportunities within the North East Atlantic Fisheries Commission (NEAFC), Latvia declares its interests for fishing in that area, although it has no significant catch record during the recent period. Latvia as a cooperative party to the NEAFC, respecting all the decisions and regulations set by this Commission, expects that its interests will be duly taken into account when allocating the fishing opportunities to Latvia and other new Member States.

33. DECLARATION
BY THE REPUBLIC OF LATVIA
ON ARTICLE 142a OF COUNCIL REGULATION (EC) No 40/94
OF 20 DECEMBER 1993 ON THE COMMUNITY TRADE MARK

The Republic of Latvia considers that application of Article 142a(5) of Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark shall not preclude prohibiting the use of a Community trade mark in the territory of the Republic of Latvia pursuant to Article 106(2) of the Regulation.

J. DECLARATION BY THE REPUBLIC OF LITHUANIA

34. DECLARATION
BY THE REPUBLIC OF LITHUANIA
WITH RESPECT TO LITHUANIAN FISHERY ACTIVITIES
IN THE REGULATORY AREA
OF THE NORTH-EAST ATLANTIC FISHERIES COMMISSION (NEAFC)

Lithuania declares its interest in continuing traditional fishery in the North-East Atlantic Fisheries Commission (NEAFC) Regulatory Area after the accession to the European Union. Lithuania relies on the EU support in its accession to the NEAFC. Lithuania expects that after accession to the EU, Lithuania's fishing activities in the NEAFC Regulatory Area will be continued and adequate quotas in this Area will be allocated in line with the principle of relative stability.

K. DECLARATIONS BY THE REPUBLIC OF MALTA

35. DECLARATION BY THE REPUBLIC OF MALTA ON NEUTRALITY

Malta affirms its commitment to the common foreign and security policy of the European Union as set out in the Treaty on European Union.

Malta confirms that its participation in the European Union's common foreign and security policy does not prejudice its neutrality. The Treaty on European Union specifies that any decision by the Union to move to a common defence would have to be taken by unanimous decision of the European Council adopted by the Member States in accordance with their respective constitutional requirements.

36. DECLARATION
BY THE REPUBLIC OF MALTA
ON THE ISLAND REGION OF GOZO

The Government of Malta,

Noting that the island region of Gozo has economic and social specificities as well as handicaps arising from the combined effects of its double insularity, its environmental fragility, its small population size coupled with a high population density as well as its inherent limited resources,

Noting that the Gross Domestic Product per capita of the island region of Gozo is significantly lower than that of Malta as a whole,

Noting that it is pursuing specific economic and social policies with regard to the island region of Gozo, the object of which is to overcome the permanent structural handicaps from which it suffers,

Recognising that, upon the accession of Malta to the European Union, as a result of the agreement regarding the eligibility of Malta for the Structural Funds Objectives and for Cohesion Fund assistance, as well as of the agreements regarding the VAT zero-rate for inter-island passenger transport and the transitional period for the inter-island transport of agricultural goods, Gozo will be benefiting from measures which specifically address its structural handicaps, in addition to participating in measures of more general economic and social benefit,

Recognising further that the NUTS 3 classification accorded to the island region of Gozo may not, on its own, ensure implementation of the European Union's stated commitment to take measures for the benefit of less-favoured regions,

Declares that, before the end of each Community budgetary period entailing a redefinition of the Community regional policy, Malta will request that the Commission report to the Council on the economic and social situation of Gozo and, in particular, on the disparities in the social and economic development levels between Gozo and Malta. The Commission would be asked to propose appropriate measures, as required, in the framework of the Community regional policy or other relevant Community policies, to ensure the continuation of the reduction of disparities between Gozo and Malta as well as the further integration of Gozo into the internal market on fair conditions. In particular, in the event that Malta, as a whole, would no longer be eligible to certain measures of the regional policy, the report would assess whether the specific economic situation of Gozo justifies a continued eligibility of Gozo to those measures, and under which conditions, during the reference period.

37. DECLARATION
BY THE REPUBLIC OF MALTA
ON THE MAINTENANCE OF VAT ZERO-RATING

Malta's acceptance of a transition period until 1 January 2010 for the maintenance of its VAT 0% rate instead of the standard rate of 5% on the supplies of foodstuffs and pharmaceuticals is based on the premise that the transitional period referred to in Article 28(1) of the Sixth VAT Directive would expire on that day.

L. DECLARATIONS BY THE REPUBLIC OF POLAND

38. DECLARATION BY THE REPUBLIC OF POLAND CONCERNING COMPETITIVENESS OF THE POLISH PRODUCTION OF SOME FRUIT

Poland takes note that covering Poland with the EU common customs tariff can result in an adverse and immediate outcome for the competitiveness of Polish producers of soft fruits, sour cherries and apples. If after the accession difficulties arise which are serious and liable to persist in those sectors, Poland will request urgent application of the general safeguard clause and will request adoption of instruments allowing for permanent removal of disturbances of the competitiveness in the sector of soft fruits, sour cherries and apples.

39. DECLARATION
BY THE GOVERNMENT OF THE REPUBLIC OF POLAND
CONCERNING PUBLIC MORALITY

The Government of the Republic of Poland understands that nothing in the provisions of the Treaty on European Union, of the Treaties establishing the European Communities and the provisions of treaties amending or supplementing those treaties prevents the Polish State in regulating questions of moral significance, as well as those related to the protection of human life.

40. DECLARATION
BY THE GOVERNMENT OF THE REPUBLIC OF POLAND
ON INTERPRETATION OF THE DEROGATION FROM THE REQUIREMENTS
LAID DOWN IN DIRECTIVE 2001/82/EC AND IN DIRECTIVE 2001/83/EC

Poland considers that the pharmaceutical products on the list in Appendix A to Annex XII of this Act with marketing authorisations can be marketed in Poland.

M. DECLARATIONS BY THE REPUBLIC OF SLOVENIA

41. DECLARATION BY THE REPUBLIC OF SLOVENIA ON THE FUTURE REGIONAL DIVISION OF THE REPUBLIC OF SLOVENIA

The Republic of Slovenia emphasises the importance it attaches to the balanced regional development and to the need to reduce socio-economic disparities between its regions.

The Republic of Slovenia notes that the competence for decisions on its regional division lies exclusively with the Republic of Slovenia. An exception to this is the regional division of Slovenia for the purposes of the common regional classification of the territorial units (NUTS).

In the context of the accession negotiations the issue of regional division of Slovenia at NUTS 2 level was provisionally settled at the nineteenth meeting of the Conference at Deputy level on 29 July 2002, under the terms set out in the Conclusions of the Conference. These Conclusions were confirmed at the Ministerial meeting of the Accession Conference on 1 October 2002.

A declaration by the Republic of Slovenia, to which none of the Member States objected at any stage, was included in the Conclusions of the Conference and the relevant part of it reads:

"Slovenia is pleased to note that the EU noted that the whole territory of Slovenia will be considered as one single region at NUTS 2 level for the period up to the end of 2006, that Slovenia intends to implement one Single Programming Document covering the whole territory of Slovenia for the programming period up to the end of 2006, and that Slovenia will continue discussions on the territorial division ensuring balanced regional development with the Commission in order to review, already being a Member State, its NUTS classification at the end of 2006 at the latest.

If the proposal for a Regulation of the European Parliament and of the Council on the establishment of a common classification of Territorial Units for statistics (NUTS) is adopted and enters into force before Slovenia's accession, Slovenia will, if necessary, negotiate with the EU its application to the territorial division of Slovenia.

On this basis Slovenia can accept the EU proposal and agree that at this stage this chapter does not require further negotiation."

42. DECLARATION
BY THE REPUBLIC OF SLOVENIA
ON THE SLOVENIAN INDIGENOUS BEE *Apis mellifera Carnica*
(kranjska čebela)

Having regard to the fact that the Slovenian honeybee subspecies *Apis mellifera Carnica* (known also under names "*kranjska čebela*", "*Carniolan bee*", "*Krainer Biene*", "*Carnica*", and "*Kärntner Biene*") is an indigenous animal population in the Republic of Slovenia,

Having regard to hundreds of years of continuous efforts to maintain and select the native bee on the territory of present Slovenia, aimed also at its preservation as indigenous genetic material, resulting in a honeybee population that is genetically stabilised and in balance,

Having regard to the compelling need to preserve this indigenous honeybee population with distinct characteristics and thus contribute to the maintenance of biodiversity,

The Republic of Slovenia declares that it intends to continue applying all appropriate measures necessary to ensure the preservation of the indigenous *Apis mellifera Carnica* on the territory of the Republic of Slovenia.

The Republic of Slovenia recalls that it raised this issue in the accession negotiations and that the European Union underlined that national measures can be taken on the basis of Article 30 of the Treaty, subject to the principle of proportionality, and that the inclusion of the issue in negotiations was not necessary.

N. DECLARATIONS
BY THE COMMISSION OF THE EUROPEAN COMMUNITIES

The High Contracting Parties took note of the following declarations by the Commission of the European Communities:

43. DECLARATION
BY THE COMMISSION OF THE EUROPEAN COMMUNITIES
ON THE GENERAL ECONOMIC SAFEGUARD CLAUSE,
THE INTERNAL MARKET SAFEGUARD CLAUSE
AND THE JUSTICE AND HOME AFFAIRS SAFEGUARD CLAUSE

Before deciding on whether to apply the internal market and justice and home affairs safeguard clauses, the Commission of the European Communities will hear the view(s) and positions of the Member State(s) which will be directly affected by such measures and will duly take into account these views and positions.

The general economic safeguard clause also covers agriculture. It may be triggered when in specific agricultural sectors difficulties arise, which are serious and liable to persist, or which could bring about serious deterioration in the economic situation of a given area. Taking into account the specific problems of the agricultural sector in Poland, the measures taken by the Commission to prevent market disturbances under the general economic safeguard clause may include systems of monitoring of trade flows between Poland and other Member States.

44. DECLARATION
BY THE COMMISSION OF THE EUROPEAN COMMUNITIES
TO THE CONCLUSIONS
OF THE ACCESSION CONFERENCE WITH LATVIA

The treatment of abandoned land, for example to return land to traditional environmental conditions and/or to prevent closed landscapes, can be supported as a measure under Article 33 of Regulation (EC) No 1257/1999 in the Single Programming Document under Objective I.

Article 33 offers different possibilities in this regard; e.g. under the eighth indent for agricultural water resources management, but in particular under the eleventh indent, which says that support can be provided for protection of the environment in connection with agriculture, forestry and landscape conservation as well as with the improvement of animal welfare. This support could be in the form of a single payment for environmentally-friendly treatment of abandoned land.

The proposed measure should not include as a specific aim the return of land to agricultural production covered by Common Market Organisations or to set-aside. However, land owned by farmers and treated as described above could be used by those farmers in combination with their existing farmland, in order to modify their current agricultural production methods in ways designed to protect the environment and to maintain the countryside. In this case further support may be possible under the agri-environment measure referred to in Article 22 of Regulation (EC) No 1257/1999.

IV. EXCHANGE OF LETTERS

The Plenipotentiaries have taken note of the Exchange of Letters between the European Union and the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic on an information and consultation procedure for the adoption of certain decisions and other measures to be taken during the period preceding accession and which is annexed to this Final Act.

Exchange of Letters

between the European Union and the Czech Republic,
the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia,
the Republic of Lithuania, the Republic of Hungary,
the Republic of Malta, the Republic of Poland,
the Republic of Slovenia and the Slovak Republic
on an information and consultation procedure
for the adoption of certain decisions and other measures
to be taken during the period preceding accession

Letter No 1

Sir,

I have the honour to refer to the question concerning an information and consultation procedure for the adoption of certain decisions and other measures to be taken during the period preceding the accession of your country to the European Union which was raised in the framework of the accession negotiations.

I hereby confirm that the European Union is able to agree to such a procedure, in the terms set out in the Annex to this letter, which could be applied as from the date on which our negotiating Conference declares that the enlargement negotiations have been finally concluded.

I should be obliged if you would confirm that your Government is in agreement with the contents of this letter.

Yours faithfully,

Letter No 2

Sir,

I have the honour to acknowledge receipt of your letter which reads as follows:

"I have the honour to refer to the question concerning an information and consultation procedure for the adoption of certain decisions and other measures to be taken during the period preceding the accession of your country to the European Union which was raised in the framework of the accession negotiations.

I hereby confirm that the European Union is able to agree to such a procedure, in the terms set out in the Annex to this letter, which could be applied as from the date on which our negotiating Conference declares that the enlargement negotiations have been finally concluded.

I should be obliged if you would confirm that your Government is in agreement with the contents of this letter."

I have the honour to confirm that my Government is in agreement with the contents of this letter.

Yours faithfully,

Annex

Information and consultation procedure for the adoption of certain decisions and other measures to be taken during the period preceding accession

I.

1. In order to ensure that the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic, hereinafter referred to as the "accessing States", are kept adequately informed, any proposal, communication, recommendation or initiative which might lead to decisions by the institutions or bodies of the European Union shall be brought to the knowledge of the accessing States after being transmitted to the Council.
2. Consultations shall take place pursuant to a reasoned request by an accessing State, which shall set out expressly therein its interests as a future member of the Union and its observations.
3. Administrative decisions shall not, as a general rule, give rise to consultations.
4. Consultations shall take place within an Interim Committee composed of representatives of the Union and of the accessing States.

5. On the Union side, the members of the Interim Committee shall be the members of the Permanent Representatives Committee or persons designated by them for this purpose.
The Commission shall be invited to be represented in this work.
6. The Interim Committee shall be assisted by a Secretariat, which shall be that of the Conference, continued for this purpose.
7. Consultations shall normally take place as soon as the preparatory work carried out at Union level with a view to the adoption of decisions by the Council has produced common guidelines enabling such consultations to be usefully arranged.
8. If serious difficulties remain after consultations, the matter may be raised at ministerial level at the request of an acceding State.
9. The above provisions shall apply *mutatis mutandis* to the decisions of the Board of Governors of the European Investment Bank.
10. The procedure laid down in the above paragraphs shall also apply to any decision to be taken by the acceding States which might affect the commitments resulting from their position as future members of the Union.

II.

1. The procedure provided for under I shall apply *mutatis mutandis* to draft Council common strategies within the meaning of Article 13 of the TEU, draft Council joint actions within the meaning of Article 14 of the TEU and draft Council common positions within the meaning of Article 15 of the TEU, subject to the following provisions.
2. It is for the Presidency to bring these drafts to the attention of the acceding States when the proposal or communication is issued by a Member State.
3. Save for a reasoned objection from an acceding State, consultations may take place in the form of the exchange of messages by electronic means.
4. Should consultations take place within the Interim Committee, the Members of that Committee belonging to the Union may, where appropriate, be the Members of the Political and Security Committee.

III.

1. The procedure provided for under I shall apply *mutatis mutandis* to draft Council common positions, framework decisions and decisions within the meaning of Article 34 of the TEU and also to the drawing up of conventions as provided for under that Article, subject to the following provisions.
2. It is for the Presidency to bring these drafts to the attention of the acceding States when the proposal or communication is issued by a Member State.
3. Should consultations take place within the Interim Committee, the Members of that Committee belonging to the Union may, where appropriate, be the Members of the Committee referred to in Article 36 of the TEU.

IV.

The Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic shall take the necessary measures to ensure that their accession to the agreements or conventions referred to in Article 3(4), the second sentence of Article 5(1), Article 5(2), the first subparagraph of Article 6(2) and Article 6(5) of the Act concerning the conditions of accession and the adjustments to the Treaties coincides so far as possible, and under the conditions laid down in that Act, with the entry into force of the Treaty of Accession.

Insofar as the agreements or conventions referred to in Article 3(4), the second sentence of Article 5(1) and in Article 5(2) exist only in draft, have not yet been signed and probably can no longer be signed in the period before accession, the acceding States will be invited to be associated, after the signature of the Treaty of Accession and in accordance with appropriate procedures, with the preparation of those drafts in a positive spirit and in such manner as to facilitate their conclusion.

V.

With regard to the negotiation of the Protocols of transition and of adjustment with the co-contracting countries referred to in Articles 6(2) and 6(6) of the Act concerning the conditions of accession, the representatives of the acceding States shall be associated with the work as observers, side by side with the representatives of the present Member States.

Certain non-preferential agreements concluded by the Community, which remain in force after the date of accession, may be the subject of adaptations or adjustments in order to take account of the enlargement of the Union. These adaptations or adjustments will be negotiated by the Community in association with the representatives of the acceding States in accordance with the procedure referred to in the preceding paragraph.

VI.

The institutions shall, in due course, draw up the texts referred to in Articles 58 and 61 of the Act concerning the conditions of accession and the adjustments to the Treaties.