COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 12.6.2007
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2007/0115 (AVC)

Proposal for a

COUNCIL DECISION

on the signing and the provisional application of the agreement on the participation of the Republic of Bulgaria and Romania in the European Economic Area and four related agreements

Proposal for a

COUNCIL DECISION

on the conclusion of an Agreement on the participation of the Republic of Bulgaria and Romania in the European Economic Area and four related agreements

(presented by the Commission)

EXPLANATORY MEMORANDUM

Following their accession to the European Union, Bulgaria and Romania also had to become contracting parties to the Agreement on the European Economic Area, EEA. The modalities for this have been negotiated by the Commission on behalf of the Community and the Member States with the new Member States Bulgaria and Romania and with the EEA EFTA States Iceland, Liechtenstein and Norway. The EEA enlargement negotiations were officially launched on 6 July 2006 and concluded on 29 March 2007.

The main Agreement on the participation of Bulgaria and Romania in the EEA defines the amendments to the EEA Agreement in the context of EEA enlargement. The bulk of the amendments originate from the Treaty of Accession. The arrangements for the application of Community acquis by the Acceding Countries upon accession to the EU, such as technical adaptations and transition periods, which have been agreed in the EU enlargement negotiations, are taken over from the Act of Accession in the EEA Agreement.

Aside from the technical adaptations, the EEA enlargement agreement for Bulgaria and Romania has been negotiated on the basis that any substantial modalities, notably concerning financial contributions and fish concessions, should be agreed only for the remainder of the 5 year period that was negotiated in the context of the 2004 EU/EEA enlargement, i.e. from 1 January 2007 to 30 April 2009.

On that basis, it has been agreed that the EEA EFTA States will provide 21.5 million euro for Bulgaria and 50.5 million euro for Romania through the EEA financial mechanism from 1 January 2007 to 30 April 2009, when the current financial mechanisms expire, and Norway will provide 20 million euro for Bulgaria and 48 million euro for Romania as additional bilateral financial contributions over the same period. In return, it is proposed that the Community grant Norway and Iceland a number of concessions in the field of fisheries, also limited in time until 30 April 2009.

The bilateral Norwegian financial contributions to Bulgaria and Romania, respectively, as well as the EC-Norway and EC-Iceland fish agreements are separate agreements, but integral parts of the EEA enlargement package, thus consisting of the EEA enlargement agreement and four related agreements.

As the negotiations suffered unfortunate delays and were not concluded until 29 March 2007, it is necessary for the good functioning of the EEA Agreement to ensure that the EEA enlargement agreement enters into force as soon as possible, and therefore a provisional application is proposed.

Among the various declarations included in the final act of the agreement it is worth noting that all parties declare not to have any claims in the fields of agriculture and processed agricultural products.

It is proposed that the Council adopt the attached draft Council decisions on the signing and the provisional application as well as the conclusion of the agreement on the participation of the Republic of Bulgaria and Romania in the European Economic Area and four related agreements.

Proposal for a

COUNCIL DECISION

on the signing and the provisional application of the agreement on the participation of the Republic of Bulgaria and Romania in the European Economic Area and four related agreements

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 310, in conjunction with the second sentence of the first subparagraph of Article 300 (2) thereof,

Having regard to the Act annexed to the Treaty of Accession, and in particular Article 6(2) thereof,

Having regard to the proposal from the Commission[1],

Whereas:

(1) Pursuant to Article 128 of the Agreement on the European Economic Area ("EEA") and in light of their accession to the EU, the Republic of Bulgaria and Romania ("EEA Applicant Countries") applied to become Contracting Parties to the EEA Agreement.

(2) To this end, the Commission has negotiated, on behalf of the European Community and its Member States, an Agreement with the Republic of Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the EEA Applicant Countries on the participation of the latter in the EEA and four related agreements, being:

(i) Agreement in the form of an Exchange of Letters between the European Community and Norway concerning a Cooperation Programme for Economic Growth and Sustainable Development in Bulgaria;

(ii) Agreement in the form of an Exchange of Letters between the European Community and Norway concerning a Cooperation Programme for Economic Growth and Sustainable Development in Romania;

(iii) Additional Protocol to the Agreement between the European Economic Community and the Republic of Iceland consequent on the accession of the Republic of Bulgaria and Romania to the European Union; and

[1] OJ C […], […], p. […].

(iv) Additional Protocol to the Agreement between the European Economic Community and the Kingdom of Norway consequent on the accession of the Republic of Bulgaria and Romania to the European Union.

(3) Subject to their possible conclusion at a later date, the five agreements should be signed.

(4) Pending the completion of the procedures required to bring them into force and in order to maintain the good functioning of the internal market within the European Economic Area, the five agreements should be applied on a provisional basis pursuant to an exchange of letters between the European Community, the Republic of Iceland, the Principality of Liechtenstein and the Kingdom of Norway, respectively.

HAS DECIDED AS FOLLOWS:

Article 1

The signing, on behalf of the European Community, of the following agreements is hereby approved, subject to the Council Decision concerning their conclusion:

– Agreement between the European Community, the Republic of Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the EEA Applicant Countries, on the participation of the latter in the European Economic Area,

– Agreement in the form of an Exchange of Letters between the European Community and Norway concerning a Cooperation Programme for Economic Growth and Sustainable Development in Bulgaria;

– Agreement in the form of an Exchange of Letters between the European Community and Norway concerning a Cooperation Programme for Economic Growth and Sustainable Development in Romania;

– Additional Protocol to the Agreement between the European Economic Community and the Republic of Iceland consequent on the accession of the Republic of Bulgaria and Romania to the European Union; and

– Additional Protocol to the Agreement between the European Economic Community and the Kingdom of Norway consequent on the accession of the Republic of Bulgaria and Romania to the European Union.

The President of the Council is hereby authorised to designate the person(s) empowered to sign these agreements on behalf of the European Community.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign, on behalf of the European Community, an exchange of letters between the European Community and the Republic of Iceland, the Principality of Liechtenstein and Norway, respectively, in order that, pending their entry into force, the above agreements are applied on

a provisional basis from the date of accession of the Republic of Bulgaria and Romania to the EU.

However, the provisions of the Additional Protocol to the Agreement between the European Economic Community and the Republic of Iceland consequent on the accession of Bulgaria and Romania to the European Union and of the Additional Protocol to the Agreement between the European Economic Community and the Kingdom of Norway consequent on the accession of the Republic of Bulgaria and Romania to the European Union in relation to new and modified tariff quotas applicable to imports into the Community of certain fish and fishery products originating in Iceland and Norway shall apply from the first day of the second month following the date on which the last of the exchanges of letters has been completed.

Article 3

The texts of the EEA Enlargement Agreement and the four related agreements as well as the exchange of letters are attached to this Decision.

Done at Brussels, […]

For the Council
The President
[...]

2007/0115 (AVC)

Proposal for a

COUNCIL DECISION

on the conclusion of an Agreement on the participation of the Republic of Bulgaria and Romania in the European Economic Area and four related agreements

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 310 in conjunction with the second sentence of the first subparagraph of Article 300(2) and the second subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission[2],

Having regard to the assent of the European Parliament[3],

Whereas:

(1) The following agreements were signed, on behalf of the European Community, on […] subject to their possible conclusion at a later date, in accordance with Decision …/…./EC of the Council of […][4]:

- Agreement between the European Community, the Republic of Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the Republic of Bulgaria and Romania ("EEA Applicant Countries"), on the participation of the Acceding Countries in the European Economic Area,

- Agreement in the form of an Exchange of Letters between the European Community and Norway concerning a Cooperation Programme for Economic Growth and Sustainable Development in Bulgaria;

- Agreement in the form of an Exchange of Letters between the European Community and Norway concerning a Cooperation Programme for Economic Growth and Sustainable Development in Romania;

- Additional Protocol to the Agreement between the European Economic Community and the Republic of Iceland consequent on the accession of the Republic of Bulgaria and Romania to the European Union; and

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2 OJ C […], […], p. […].
3 OJ C […], […], p. […].
4 OJ C […], […], p. […].

– Additional Protocol to the Agreement between the European Economic Community and the Kingdom of Norway consequent on the accession of the Republic of Bulgaria and Romania to the European Union.

(2) These agreements should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

1. The following agreements are hereby approved on behalf of the European Community:

– Agreement between the European Community, the Republic of Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the EEA Applicant Countries, on the participation of the latter in the European Economic Area,

– Agreement in the form of an Exchange of Letters between the European Community and Norway concerning a Cooperation Programme for Economic Growth and Sustainable Development in Bulgaria;

– Agreement in the form of an Exchange of Letters between the European Community and Norway concerning a Cooperation Programme for Economic Growth and Sustainable Development in Romania;

– Additional Protocol to the Agreement between the European Economic Community and the Republic of Iceland consequent on the accession of the Republic of Bulgaria and Romania to the European Union; and

– Additional Protocol to the Agreement between the European Economic Community and the Kingdom of Norway consequent on the accession of the Republic of Bulgaria and Romania to the European Union.

2. The texts of the agreements are attached to this decision.

Article 2

The President of the Council is hereby authorised to designate the person empowered to deposit on behalf of the European Community the act of approval provided for in each of the agreements, in order to express the consent of the Community to be bound.

Done at Brussels, […]

For the Council
The President
[...]

ANNEX 1:

Agreement on the participation of the Republic of Bulgaria and Romania in the European Economic Area four related agreements

ANNEX 2:

AGREEMENTS

in the form of an exchange of letters

concerning the provisional application of the Agreement on the participation of the Republic of Bulgaria and Romania in the European Economic Area and the provisional application of four related agreements

A: Letter of the European Community to the Republic of Iceland

Sir,

With reference to the Agreement on the participation of the Republic of Bulgaria and Romania in the European Economic Area ("EEA Enlargement Agreement") and four related agreements, I have the honour to inform you that the European Community is prepared to apply the EEA Enlargement Agreement and the Additional Protocol to the Agreement between the European Economic Community and the Republic of Iceland consequent on the accession of the Republic of Bulgaria and Romania to the European Union, on a provisional basis, from the date of accession, provided that the Republic of Iceland is disposed to do the same.

I should be obliged if you could confirm the Republic of Iceland's agreement to the content of this letter.

Please accept, Sir, the assurance of my highest consideration

For the European Community

B: Letter of the Republic of Iceland to the European Community

Sir,

I have the honour to acknowledge receipt of and confirm the Republic of Iceland's agreement with your letter of today's date, which reads as follows:

> "With reference to the Agreement on the participation of the Republic of Bulgaria and Romania in the European Economic Area ("EEA Enlargement Agreement") and four related agreements, I have the honour to inform you that the European Community is prepared to apply the EEA Enlargement Agreement and the Additional Protocol to the Agreement between the European Economic Community and the Republic of Iceland consequent on the accession of the Republic of Bulgaria and Romania to the European Union, on a provisional basis, from the date of accession, provided that the Republic of Iceland is disposed to do the same."

Please accept, Sir, the assurance of my highest consideration

For the Republic of Iceland

C: Letter of the European Community to Principality of Liechtenstein

Sir,

With reference to the Agreement on the participation of the Republic of Bulgaria and Romania in the European Economic Area ("EEA Enlargement Agreement"), I have the honour to inform you that the European Community is prepared to apply the EEA Enlargement Agreement and four related agreements on a provisional basis, from the date of accession, provided that the Principality of Liechtenstein is disposed to do the same.

I should be obliged if you could confirm the Principality of Liechtenstein's agreement to such provisional application.

Please accept, Sir, the assurance of my highest consideration

For the European Community

D: Letter of the Principality of Liechtenstein to the European Community

Sir,

I have the honour to acknowledge receipt of and confirm the Principality of Liechtenstein's agreement with your letter of today's date, which reads as follows:

> "With reference to the Agreement on the participation of the Republic of Bulgaria and Romania in the European Economic Area ("EEA Enlargement Agreement"), I have the honour to inform you that the European Community is prepared to apply the EEA Enlargement Agreement and four related agreements on a provisional basis, from the date of accession, provided that the Principality of Liechtenstein is disposed to do the same."

Please accept, Sir, the assurance of my highest consideration

For the Principality of Liechtenstein

E. Letter of the European Community to the Kingdom of Norway

Sir,

With reference to the Agreement on the participation of the Republic of Bulgaria and Romania in the European Economic Area ("EEA Enlargement Agreement") and four related agreements, I have the honour to inform you that the European Community is prepared to apply the EEA Enlargement Agreement and the following three related agreements:

- Agreement in the form of an Exchange of Letters between the European Community and Norway concerning a Cooperation Programme for Economic Growth and Sustainable Development in Bulgaria;

- Agreement in the form of an Exchange of Letters between the European Community and Norway concerning a Cooperation Programme for Economic Growth and Sustainable Development in Romania;

- Additional Protocol to the Agreement between the European Economic Community and the Kingdom of Norway consequent on the accession of the Republic of Bulgaria and Romania to the European Union.

on a provisional basis, from the date of accession, provided that the Kingdom of Norway is disposed to do the same.

I should be obliged if you could confirm the Kingdom of Norway's agreement to such provisional application.

Please accept, Sir, the assurance of my highest consideration

For the European Community

F: Letter of the Kingdom of Norway to the European Community

Sir,

I have the honour to acknowledge receipt of and confirm the Kingdom of Norway's agreement with your letter of today's date, which reads as follows:

> "With reference to the Agreement on the participation of the Republic of Bulgaria and Romania in the European Economic Area ("EEA Enlargement Agreement") and four related agreements, I have the honour to inform you that the European Community is prepared to apply the EEA Enlargement Agreement and the following three related agreements:
>
> - Agreement in the form of an Exchange of Letters between the European Community and Norway concerning a Cooperation Programme for Economic Growth and Sustainable Development in Bulgaria;
>
> - Agreement in the form of an Exchange of Letters between the European Community and Norway concerning a Cooperation Programme for Economic Growth and Sustainable Development in Romania;

– Additional Protocol to the Agreement between the European Economic Community and the Kingdom of Norway consequent on the accession of the Republic of Bulgaria and Romania to the European Union.

on a provisional basis, from the date of accession, provided that the Kingdom of Norway is disposed to do the same."

Please accept, Sir, the assurance of my highest consideration

For the Kingdom of Norway

AGREEMENT
ON THE PARTICIPATION OF THE REPUBLIC OF BULGARIA AND ROMANIA
IN THE EUROPEAN ECONOMIC AREA

THE EUROPEAN COMMUNITY

THE KINGDOM OF BELGIUM,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

IRELAND,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

THE REPUBLIC OF HUNGARY,

THE REPUBLIC OF MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

THE REPUBLIC OF SLOVENIA,

THE SLOVAK REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

hereinafter referred to as "EC Member States",

ICELAND,

THE PRINCIPALITY OF LIECHTENSTEIN,

THE KINGDOM OF NORWAY,

hereinafter referred to as "EFTA States",

together hereinafter referred to as "Present Contracting Parties",

and

THE REPUBLIC OF BULGARIA,

ROMANIA,

WHEREAS the Treaty concerning the accession of the Republic of Bulgaria and Romania to the European Union (hereinafter referred to as the "Treaty of Accession") was signed in Luxembourg on 25 April 2005;

WHEREAS, pursuant to Article 128 of the Agreement on the European Economic Area, signed at Oporto on 2 May 1992, any European State becoming a member of the Community shall apply to become a Party to the Agreement on the European Economic Area (hereinafter referred to as "EEA Agreement");

WHEREAS the Republic of Bulgaria and Romania have applied to become Contracting Parties to the EEA Agreement;

WHEREAS the terms and conditions for such participation are to be the subject of an Agreement between the Present Contracting Parties and the applicant States,

HAVE DECIDED to conclude the following Agreement:

Article 1

1. The Republic of Bulgaria and Romania hereby become Contracting Parties to the EEA Agreement and shall hereinafter be referred to as the "New Contracting Parties".

2. From the entry into force of this Agreement, the provisions of the EEA Agreement, as amended by the Decisions of the EEA Joint Committee adopted before 1 October 2004, shall be binding on the New Contracting Parties under the same conditions as on the Present Contracting Parties and under the terms and conditions laid down in this Agreement.

3. The Annexes to this Agreement form an integral part of this Agreement.

Article 2

1. ADJUSTMENTS TO THE MAIN TEXT OF THE EEA AGREEMENT

(a) Preamble:

The list of Contracting Parties shall be replaced with the following:

"THE EUROPEAN COMMUNITY,

THE KINGDOM OF BELGIUM,

THE REPUBLIC OF BULGARIA

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

IRELAND,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

THE REPUBLIC OF HUNGARY,

THE REPUBLIC OF MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

ROMANIA

THE REPUBLIC OF SLOVENIA,

THE SLOVAK REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

AND

ICELAND,

THE PRINCIPALITY OF LIECHTENSTEIN,

THE KINGDOM OF NORWAY,";

(b) Article 2:

(i) In paragraph (b), the words “Republic of” shall be deleted;

(ii) The following shall be added after paragraph (d):

"(e) the term "Act of Accession of 25 April 2005" shall mean the Act concerning the conditions of accession of the Republic of Bulgaria and Romania and the adjustments to the Treaties on which the European Union is founded, adopted in Luxembourg on 25 April 2005;

(f) the term "Protocol of Accession of 25 April 2005" shall mean the Protocol concerning the conditions and arrangements for admission of the Republic of Bulgaria and Romania to the European Union, adopted in Luxembourg on 25 April 2005.";

(c) Article 117:

The text of Article 117 shall be replaced by the following:

"Provisions governing the Financial Mechanisms are set out in Protocol 38, Protocol 38a and Addendum to Protocol 38a.";

(d) Article 126:

In paragraph 1, the words “Republic of” shall be deleted;

(e) Article 129:

(i) The second subparagraph of paragraph 1 shall be replaced by the following:

"Pursuant to the enlargements of the European Economic Area the versions of this Agreement in the Bulgarian, Czech, Estonian, Hungarian, Latvian, Lithuanian, Maltese, Polish, Romanian, Slovak and Slovenian languages shall be equally authentic.";

(ii) the third subparagraph of paragraph 1 shall be replaced by the following:

"The texts of the acts referred to in the Annexes are equally authentic in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages as published in the Official Journal of the European Union and shall for the authentication thereof be drawn up in the Icelandic and Norwegian languages and published in the EEA Supplement to the Official Journal of the European Union.".

2. ADJUSTMENTS TO PROTOCOLS TO THE EEA AGREEMENT

(a) Protocol 4 on rules of origin shall be amended as follows:

i. In Article 3(1), the reference to the New Contracting Parties shall be deleted.

ii. Annex IVa (Text of the invoice declaration) shall be amended as follows:

(aa) The following shall be inserted before the Spanish version of the text of the invoice declaration:

'Bulgarian version

Износителят на продуктите, обхванати от този документ (митническо разрешение № … (1)) декларира, че освен където е отбелязано друго, тези продукти са с преференциален произход … (2).';

(bb) The following shall be inserted before the Slovenian version of the text of the invoice declaration:

'Romanian version

Exportatorul produselor ce fac obiectul acestui document (autorizația vamală nr. …(1)) declară că, exceptând cazul în care în mod expres este indicat altfel, aceste produse sunt de origine preferențială … (2).';

iii. Annex IVb (Text of the invoice declaration EUR-MED) shall be amended as follows:

(aa) The following shall be inserted before the Spanish version of the text of the invoice declaration EUR-MED:

‘Bulgarian version

Износителят на продуктите, обхванати от този документ (митническоразрешение № … (1)) декларира, че освен където е отбелязано друго, тези продукти са с преференциален произход … (2).

– cumulation applied with ……..(name of the country/countries)

– no cumulation applied (3)’;

(bb) The following shall be inserted before the Slovenian version of the text of the invoice declaration EUR-MED:

‘Romanian version

Exportatorul produselor ce fac obiectul acestui document (autorizația vamală nr. …(1)) declară că, exceptând cazul în care în mod expres este indicat altfel, aceste produse sunt de origine preferențială … (2).

– cumulation applied with ……..(name of the country/countries)

– no cumulation applied (3)’;

(b) Protocol 38a shall be amended as follows:

In Article 4(3), the word “shall” shall be replaced by the word “may”.

(c) The following shall be added to Protocol 38a:

‘Addendum to Protocol 38A

ON THE EEA FINANCIAL MECHANISM FOR THE REPUBLIC OF BULGARIA AND ROMANIA

Article 1

1. Protocol 38a shall apply mutatis mutandis to the Republic of Bulgaria and Romania.

2. Notwithstanding paragraph 1, Article 6 of Protocol 38a shall not apply. No reallocation to any other Beneficiary State shall be applicable in case of available non-committed funds of Bulgaria and Romania.

3. Notwithstanding paragraph 1, Article 7 of Protocol 38a shall not apply.

4. Notwithstanding paragraph 1, contributions to non-governmental organisations and social partners may be up to 90 percent of project costs.

Article 2

The additional amounts of the financial contribution for the Republic of Bulgaria and Romania shall be EUR 21.5 million for the Republic of Bulgaria and EUR 50.5 million for Romania over the period running from 1 January 2007 to 30 April 2009, inclusive; they shall be made available as from the date of entry into force of the Agreement on the Participation of the Republic of Bulgaria and Romania in the European Economic Area or of an agreement to apply the Agreement provisionally and be provided for commitment in a single tranche in 2007 .'

(a) the text of Protocol 44 shall be replaced by the following:

"ON SAFEGUARD MECHANISMS PURSUANT TO ENLARGEMENTS OF THE EUROPEAN ECONOMIC AREA

1. Application of Article 112 of the Agreement to the General Economic Safeguard Clause and the safeguard mechanisms contained in certain transitional arrangements in the Field of Free Movement of Persons and Road Transport

Article 112 of the Agreement shall be applicable also to the situations specified or referred to

(a) in the provisions of Article 37 of the Act of Accession of 16 April 2003, and of Article 36 of the Act of Accession of 25 April 2005 or, as the case may be, of the Protocol of Accession of 25 April 2005, and

(b) in the safeguard mechanisms contained in the transitional arrangements under the headings "Transition period" in Annex V (Free movement of workers) and Annex VIII (Right of establishment), in point 30 (Directive 96/71/EC of the European Parliament and of the Council) of Annex XVIII (Health and safety at work, labour law, and equal treatment for men and women) and in point 26c (Council Regulation (EEC) No 3118/93) of Annex XIII (Transport) with the same time limits, scope and effects as set out in those provisions.

2. Internal Market Safeguard Clause

The general decision making procedure provided for by the Agreement shall be applicable also to decisions taken by the Commission of the European Communities in application of Article 38 of the Act of Accession of 16 April 2003, and of Article 37 of the Act of Accession of 25 April 2005 or, as the case may be, of the Protocol of Accession of 25 April 2005.".

Article 3

1. All amendments to acts adopted by the Community institutions incorporated into the EEA Agreement, made by the Act concerning the conditions of accession of the Republic of Bulgaria and Romania and the adjustments to the Treaties on which the European Union is founded or, as the case may be, the Protocol concerning the conditions and arrangements

for admission of the Republic of Bulgaria and Romania to the European Union , are hereby incorporated into and made part of the EEA Agreement.

2. To this end, the following indent is introduced in the points of the Annexes and Protocols to the EEA Agreement containing the references to the acts adopted by the Community institutions concerned:

"– 1 2005 SA: Act concerning the conditions of accession of the Republic of Bulgaria and Romania and the adjustments to the Treaties on which the European Union is founded, adopted on 25 April 2005 (OJ L 157, 21.6.2005, p. 203).".

3. If and as soon as the Treaty establishing a Constitution for Europe has entered into force, the following indent shall replace the indent referred to in paragraph 2:

"– 1 2005 SP: Protocol concerning the conditions and arrangements for admission of the Republic of Bulgaria and Romania to the European Union, adopted on 25 April 2005 (OJ L 157, 21.6.2005, p. 29).".

4. If the indent referred to in paragraph 2 and 3 is the first indent in the point in question, it shall be preceded by the words ", as amended by:".

5. Annex A to this Agreement lists the points in the Annexes and Protocols to the EEA Agreement in which the text referred to in paragraphs 2, 3 and 4 shall be introduced.

6. Where acts incorporated into the EEA Agreement prior to the date of entry into force of this Agreement require adaptations by reason of the New Contracting Parties' participation, and the necessary adaptations have not been provided for in this Agreement, those adaptations will be addressed in accordance with the procedures laid down in the EEA Agreement.

Article 4

1. The arrangements contained in the Act concerning the conditions of accession of the Republic of Bulgaria and Romania and the adjustments to the Treaties on which the European Union is founded referred to in Annex B to this Agreement are hereby incorporated into and made part of the EEA Agreement.

2. If and as soon as the Treaty establishing a Constitution for Europe has entered into force, the arrangements referred to in Annex B shall be understood to have been made by the Protocol concerning the conditions and arrangements for admission of the Republic of Bulgaria and Romania to the European Union.

3. Any of the arrangements of relevance for the EEA Agreement referred to in or adopted on the basis of the Act concerning the conditions of accession of the Republic of Bulgaria and Romania and the adjustments to the Treaties on which the European Union is founded or, as the case may be, the Protocol concerning the conditions and arrangements for admission of the Republic of Bulgaria and Romania to the European Union, which is not reflected in

Annex B to this Agreement, will be addressed in accordance with the procedures laid down in the EEA Agreement.

Article 5

Any Party to this Agreement may bring any matter concerning its interpretation or application before the EEA Joint Committee. The EEA Joint Committee shall examine the matter with a view to finding an acceptable solution in order to maintain the good functioning of the EEA Agreement.

Article 6

1. This Agreement shall be ratified or approved by the Present Contracting Parties and the New Contracting Parties in accordance with their own procedures. The instruments of ratification or approval shall be deposited with the General Secretariat of the Council of the European Union.

2. It shall enter into force on the day following the deposit of the last instrument of ratification or approval of a Present Contracting Party or a New Contracting Party, provided that the following related agreements and protocols enter into force on the same day:

   (a) Agreement in the form of an Exchange of Letters between the European Community and Kingdom of Norway concerning a Cooperation Programme for Economic Growth and Sustainable Development in Bulgaria;

   (b) Agreement in the form of an Exchange of Letters between the European Community and Kingdom of Norway concerning a Cooperation Programme for Economic Growth and Sustainable Development in Romania;

   (c) Additional Protocol to the Agreement between the European Economic Community and the Republic of Iceland consequent on the accession of the Republic of Bulgaria and Romania to the European Union; and

   (d) Additional Protocol to the Agreement between the European Economic Community and the Kingdom of Norway consequent on the accession of the Republic of Bulgaria and Romania to the European Union.

Article 7

This Agreement, drawn up in a single original in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Icelandic, Italian, Latvian, Lithuanian, Maltese, Norwegian, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, the text in each of these languages being equally authentic, shall be deposited with the General Secretariat of the Council of the European Union, which will remit a certified copy to each of the Governments of the Parties to this Agreement.

ANNEX A

List referred to in Article 3 of the Agreement

PART I

ACTS REFERRED TO IN THE EEA AGREEMENT AMENDED

by the Act concerning the conditions of accession of the Republic of Bulgaria and Romania and the adjustments to the treaties on which the European Union is founded or, as the case may be, the Protocol concerning the conditions and arrangements for admission of the Republic of Bulgaria and Romania to the european union

The indents referred to in Article 3(2) and 3(3) shall be inserted in the following locations in the Annexes and Protocols to the EEA Agreement:

In Chapter XXVII (Spirit Drinks) of Annex II (Technical regulations, standards, testing and certification):

– Point 1 (Council Regulation (EEC) No 1576/89),

– Point 3 (Council Regulation (EEC) No 1601/91;

In Annex XIII (Transport):

– Point 19 (Council Directive 96/26/EC),

In Annex XVII (Intellectual Property):

– Point 6 (Council Regulation (EEC) No 1768/92),

– Point 6a (Regulation (EC) No 1610/96 of the European Parliament and of the Council);

PART II

OTHER AMENDMENTS TO THE ANNEXES TO THE EEA AGREEMENT

The following amendments shall be made to the Annexes to the EEA Agreement:

In Annex V (Free movement of workers):

1) In point 3 (Council Directive 68/360/EC), adaptation (e)(ii) shall be replaced by the following:

"(ii) the footnote shall be replaced by the following:

"Belgian, Bulgarian, Czech, Danish, German, Estonian, Greek, Icelandic, Spanish, French, Irish, Italian, Cypriot, Latvian, Liechtenstein, Lithuanian, Luxembourg, Hungarian, Maltese, Netherlands, Norwegian, Austrian, Polish, Portuguese, Romanian, Slovenian, Slovakian, Finnish, Swedish and British according to the country issuing the permit.".

ANNEX B

List referred to in Article 4 of the Agreement

The Annexes to the EEA Agreement shall be amended as follows:

Annex II (Technical regulations, standards, testing and certification):

1. In Chapter XV, Point 12a (Council Directive 91/414/EEC), the following paragraph shall be inserted after the paragraph regarding the transitional arrangements:

   "The transitional arrangements set out in the Annexes to the Act of Accession of 25 April 2005 or, as the case may be, to the Protocol of Accession of 25 April 2005 for Romania (Annex VII, Chapter 5, Section B, Part II), shall apply.";

2. In Chapter XVII, Point 7 (Directive 94/62/EC of the European Parliament and of the Council), the following paragraph shall be inserted between the paragraph regarding the transitional arrangements and the adaptation text:

   "The transitional arrangements set out in the Annexes to the Act of Accession of 25 April 2005 or, as the case may be, to the Protocol of Accession of 25 April 2005 for Bulgaria (Annex VI, Chapter 10, Section B, point 2) and Romania (Annex VII, Chapter 9, Section B, point 2), shall apply.";

3. In Chapter XVII, Point 8 (Directive 94/63/EC of the European Parliament and of the Council), the following paragraph shall be inserted between the paragraph regarding the transitional arrangements and the adaptation text:

   "The transitional arrangements set out in the Annexes to the Act of Accession of 25 April 2005 or, as the case may be, to the Protocol of Accession of 25 April 2005 for Bulgaria (Annex VI, Chapter 10, Section A, point 1) and Romania (Annex VII, Chapter 9, Section A), shall apply.";

4. In Chapter XXV, Point 3 (Directive 2001/37/EC of the European Parliament and of the Council), the following paragraph shall be inserted before the adaptation text:

   "The transitional arrangements set out in the Annexes to the Act of Accession of 25 April 2005 or, as the case may be, to the Protocol of Accession of 25 April 2005 for Bulgaria (Annex VI, Chapter 7), shall apply.".

Annex V (Free movement of workers):

The text of the second paragraph under the heading "Transition Period" shall be replaced by the following:

"The transitional arrangements set out in the Annexes to the Act of Accession of 25 April 2005 or, as the case may be, to the Protocol of Accession of 25 April 2005 for Bulgaria (Annex VI, Chapter 1) and Romania (Annex VII, Chapter 1), shall apply.

With regard to the safeguard mechanisms contained in the transitional arrangements referred to in the previous paragraphs, with the exception of the arrangements for Malta, PROTOCOL 44 ON SAFEGUARD MECHANISMS PURSUANT TO ENLARGEMENTS OF THE EUROPEAN ECONOMIC AREA shall apply."

Annex VIII (Right of establishment):

The text of the second paragraph under the heading "Transition Period" shall be replaced by the following:

"The transitional arrangements set out in the Annexes to the Act of Accession of 25 April 2005 or, as the case may be, to the Protocol of Accession of 25 April 2005 for Bulgaria (Annex VI, Chapter 1) and Romania (Annex VII, Chapter 1), shall apply.

With regard to the safeguard mechanisms contained in the transitional arrangements referred to in the previous paragraphs, with the exception of the arrangements for Malta, PROTOCOL 44 ON SAFEGUARD MECHANISMS PURSUANT TO ENLARGEMENTS OF THE EUROPEAN ECONOMIC AREA shall apply."

Annex IX (Financial services):

In point 30c (Directive 97/9/EC of the European Parliament and of the Council), the following paragraph shall be added:

"The transitional arrangements set out in the Annexes to the Act of Accession of 25 April 2005 or, as the case may be, to the Protocol of Accession of 25 April 2005 for Bulgaria (Annex VI, Chapter 2) and Romania (Annex VII, Chapter 2), shall apply.".

Annex XI (Telecommunication services):

In point 5cm (Directive 2002/22/EC of the European Parliament and of the Council), the following paragraph shall be inserted before the adaptation text:

"The transitional arrangements set out in the Annexes to the Act of Accession of 25 April 2005 or, as the case may be, to the Protocol of Accession of 25 April 2005 for Bulgaria (Annex VI, Chapter 9), shall apply.".

Annex XII (Free movement of capital):

The following paragraph shall be inserted after the paragraph under the heading "TRANSITION PERIOD":

"The transitional arrangements set out in the Annexes to the Act of Accession of 25 April 2005 or, as the case may be, to the Protocol of Accession of 25 April 2005 for Bulgaria (Annex VI, Chapter 3) and Romania (Annex VII, Chapter 3), shall apply.";

Annex XIII (Transport):

1. In point 15a (Council Directive 96/53/EC), the following paragraph shall be added:

   "The transitional arrangements set out in the Annexes to the Act of Accession of 25 April 2005 or, as the case may be, to the Protocol of Accession of 25 April 2005 for Bulgaria (Annex VI, Chapter 5, point 3) and Romania (Annex VII, Chapter 6, point 2), shall apply.";

2. In point 18a (Council Directive 1999/62/EC of the European Parliament and of the Council), the following paragraph shall be inserted between the paragraph regarding the transitional arrangements and the adaptation text:

"The transitional arrangements set out in the Annexes to the Act of Accession of 25 April 2005 or, as the case may be, to the Protocol of Accession of 25 April 2005 for Romania (Annex VII, Chapter 6, point 3), shall apply.";

3. In point 19 (Council Directive 96/26/EC), the following paragraph shall be inserted between the paragraph regarding the transitional arrangements and the adaptation text:

"The transitional arrangements set out in the Annexes to the Act of Accession of 25 April 2005 or, as the case may be, to the Protocol of Accession of 25 April 2005 for Bulgaria (Annex VI, Chapter 5, point 2), shall apply.";

4. In point 26c (Council Regulation (EEC) No 3118/93), the text of the second paragraph regarding the transitional arrangements shall be replaced by the following:

The transitional arrangements set out in the Annexes to the Act of Accession of 25 April 2005 or, as the case may be, to the Protocol of Accession of 25 April 2005 for Bulgaria (Annex VI, Chapter 5, point 1) and Romania (Annex VII, Chapter 6, point 1), shall apply.

With regard to the safeguard mechanisms contained in the transitional arrangements referred to in the previous paragraphs, PROTOCOL 44 ON SAFEGUARD MECHANISMS PURSUANT TO ENLARGEMENTS OF THE EUROPEAN ECONOMIC AREA shall apply.";

Annex XV (State aid):

1. The following paragraph shall be added at the end of the "SECTORAL ADAPTATIONS":

"The arrangements regarding the existing aid schemes set out in Chapter 2 (Competition policy) of Annex V to the Act of Accession of 25 April 2005 or, as the case may be, to the Protocol of Accession of 25 April 2005 shall apply between the Contracting Parties.";

2. The following shall be inserted before the heading "ACTS REFERRED TO":

"TRANSITION PERIOD

The transitional arrangements set out in the Annexes to the Act of Accession of 25 April 2005 or, as the case may be, to the Protocol of Accession of 25 April 2005 for Romania (Annex VII, Chapter 4), shall apply.";

Annex XVII (Intellectual property):

The following shall be added under the heading “SECTORAL ADAPTATIONS”:

“The specific mechanisms set out in Chapter 1 (Company law) of Annex V to the Act of Accession of 25 April 2005 or, as the case may be, to the Protocol of Accession of 25 April 2005 shall apply between the Contracting Parties.”

Annex XVIII (Health and safety at work, labour law, and equal treatment for men and women):

In point 30 (Directive 96/71/EC of the European Parliament and of the Council), the text of the second paragraph regarding the transitional arrangements shall be replaced by the following:

"The transitional arrangements set out in the Annexes to the Act of Accession of 25 April 2005 or, as the case may be, to the Protocol of Accession of 25 April 2005 for Bulgaria (Annex VI, Chapter 1) and Romania (Annex VII, Chapter 1), shall apply.

With regard to the safeguard mechanisms contained in the transitional arrangements referred to in the previous paragraphs, PROTOCOL 44 ON SAFEGUARD MECHANISMS PURSUANT TO ENLARGEMENTS OF THE EUROPEAN ECONOMIC AREA shall apply."

Annex XX (Environment):

1. In point 1f (Council Directive 96/61/EC), the following paragraph shall be added:

   "The transitional arrangements set out in the Annexes to the Act of Accession of 25 April 2005 or, as the case may be, to the Protocol of Accession of 25 April 2005 for Bulgaria (Annex VI, Chapter 10, Section D, point 1) and Romania (Annex VII, Chapter 9, Section D, point 1), shall apply.";

2. In point 7a (Council Directive 98/83/EC), the following paragraph shall be added:

   "The transitional arrangements set out in the Annexes to the Act of Accession of 25 April 2005 or, as the case may be, to the Protocol of Accession of 25 April 2005 for Romania (Annex VII, Chapter 9, Section C, point 5), shall apply.";

3. In point 9 (Council Directive 83/513/EEC), the following paragraph shall be inserted between the paragraph regarding the transitional arrangements and the adaptation text:

   "The transitional arrangements set out in the Annexes to the Act of Accession of 25 April 2005 or, as the case may be, to the Protocol of Accession of 25 April 2005 for Romania (Annex VII, Chapter 9, Section C, point 1), shall apply.";

4. In point 10 (Council Directive 84/156/EEC), the following paragraph shall be inserted between the paragraph regarding the transitional arrangements and the adaptation text:

   "The transitional arrangements set out in the Annexes to the Act of Accession of 25 April 2005 or, as the case may be, to the Protocol of Accession of 25 April 2005 for Romania (Annex VII, Chapter 9, Section C, point 1), shall apply.";

5. In point 11 (Council Directive 84/491/EEC), the following paragraph shall be inserted before the adaptation text:

   "The transitional arrangements set out in the Annexes to the Act of Accession of 25 April 2005 or, as the case may be, to the Protocol of Accession of 25 April 2005 for Romania (Annex VII, Chapter 9, Section C, point 2), shall apply.";

6. In point 12 (Council Directive 86/280/EEC), the following paragraph shall be inserted between the paragraph regarding the transitional arrangements and the adaptation text:

   "The transitional arrangements set out in the Annexes to the Act of Accession of 25 April 2005 or, as the case may be, to the Protocol of Accession of 25 April 2005 for Romania (Annex VII, Chapter 9, Section C, point 3), shall apply.";

7. In point 13 (Council Directive 91/271/EEC), the following paragraph shall be inserted between the paragraph regarding the transitional arrangements and the adaptation text:

"The transitional arrangements set out in the Annexes to the Act of Accession of 25 April 2005 or, as the case may be, to the Protocol of Accession of 25 April 2005 for Bulgaria (Annex VI, Chapter 10, Section C) and Romania (Annex VII, Chapter 9, Section C, point 4), shall apply.";

8. In point 19a (Directive 2001/80/EC of the European Parliament and of the Council), the following paragraph shall be inserted between the paragraph regarding the transitional arrangements and the adaptation text:

"The transitional arrangements set out in the Annexes to the Act of Accession of 25 April 2005 or, as the case may be, to the Protocol of Accession of 25 April 2005 for Bulgaria (Annex VI, Chapter 10, Section D, point 2) and Romania (Annex VII, Chapter 9, Section D, point 3), shall apply.";

9. In point 21ad (Council Directive 1999/32/EC), the following paragraph shall be inserted between the paragraph regarding the transitional arrangements and the adaptation text:

"The transitional arrangements set out in the Annexes to the Act of Accession of 25 April 2005 or, as the case may be, to the Protocol of Accession of 25 April 2005 for Bulgaria (Annex VI, Chapter 10, Section A, point 2), shall apply.";

10. In point 32c (Council Regulation (EEC) No 259/93), the following paragraph shall be inserted between the paragraph regarding the transitional arrangements and the adaptation text:

"The transitional arrangements set out in the Annexes to the Act of Accession of 25 April 2005 or, as the case may be, to the Protocol of Accession of 25 April 2005 for Bulgaria (Annex VI, Chapter 10, Section B, point 1) and Romania (Annex VII, Chapter 9, Section B, point 1) shall apply.";

11. In point 32d (Council Directive 1999/31/EC), the following paragraph shall be added:

"The transitional arrangements set out in the Annexes to the Act of Accession of 25 April 2005 or, as the case may be, to the Protocol of Accession of 25 April 2005 for Bulgaria (Annex VI, Chapter 10, Section B, point 3) and Romania (Annex VII, Chapter 9, Section B, point 3) shall apply.";

12. In point 32f (Directive 2000/76/EC of the European Parliament and of the Council), the following paragraph shall be inserted before the adaptation text:

"The transitional arrangements set out in the Annexes to the Act of Accession of 25 April 2005 or, as the case may be, to the Protocol of Accession of 25 April 2005 for Romania (Annex VII, Chapter 9, Section D, point 2) shall apply.";

13. In point 32fa (Directive 2002/96/EC of the European Parliament and of the Council), the following paragraph shall be inserted between the paragraph regarding the transitional arrangements and the adaptation text:

"The transitional arrangements set out in the Annexes to the Act of Accession of 25 April 2005 or, as the case may be, to the Protocol of Accession of 25 April 2005 for Bulgaria (Annex VI, Chapter 10, Section B, point 4) and Romania (Annex VII, Chapter 9, Section B, point 4) shall apply.";

FINAL ACT

The plenipotentiaries of:

THE EUROPEAN COMMUNITY,

hereinafter referred to as "the Community", and of:

THE KINGDOM OF BELGIUM,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

IRELAND,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

THE REPUBLIC OF HUNGARY,

THE REPUBLIC OF MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

THE REPUBLIC OF SLOVENIA,

THE SLOVAK REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

Contracting Parties to the Treaty establishing the EUROPEAN COMMUNITY, hereinafter referred to as the "EC Member States",

the plenipotentiaries of:

ICELAND,

THE PRINCIPALITY OF LIECHTENSTEIN,

THE KINGDOM OF NORWAY,

hereinafter referred to as the "EFTA States",

all together Contracting Parties to the Agreement on the European Economic Area done at Oporto on 2 May 1992, hereinafter referred to as the "EEA Agreement", together hereinafter referred to as the "Present Contracting Parties",

and

the plenipotentiaries of:

THE REPUBLIC OF BULGARIA,

ROMANIA,

hereinafter referred to as the "New Contracting Parties",

meeting at […], this […] day of […] in the year two thousand and […] for the signature of the Agreement on the Participation of the Republic of Bulgaria and Romania in the European Economic Area, have adopted the following texts:

I. Agreement on the Participation of the Republic of Bulgaria and Romania in the European Economic Area (hereinafter referred to as the "Agreement");

II. The texts listed below which are annexed to the Agreement:

Annex A: List referred to in Article 3 of the Agreement;

Annex B: List referred to in Article 4 of the Agreement.

The plenipotentiaries of the Present Contracting Parties and the plenipotentiaries of the New Contracting Parties have adopted the Joint Declarations and Statements listed below and annexed to this Final Act:

1. Joint Declaration on the timely ratification of the Agreement on the Participation of the Republic of Bulgaria and Romania in the European Economic Area;

2. Joint Declaration on the expiry date of the transitional arrangements;

3. Joint Declaration concerning the application of the rules of origin after entry into force of the Agreement on the Participation of the Republic of Bulgaria and Romania in the European Economic Area;

4. Joint Declaration on trade in agricultural products and processed agricultural products;

5. Joint Declaration on Liechtenstein’s sectoral adaptation in the field of free movement of persons;

6. Joint Statement on the priority sectors mentioned in Protocol 38a;

7. Joint Statement on the financial contributions.

The plenipotentiaries of the Present Contracting Parties and the plenipotentiaries of the New Contracting Parties have taken note of the Declarations listed below and annexed to this Final Act:

1. General Joint Declaration of the EFTA States;

2. Joint Declaration by the EFTA States on free movement of workers;

3. Unilateral Declaration by the Government of Liechtenstein on the Addendum to Protocol 38a.

They have further agreed that, at the latest by the entry into force of the Agreement, the EEA Agreement, as amended by the Protocol adjusting the Agreement on the European Economic Area and the full texts of each of the Decisions of the EEA Joint Committee, have to be drawn up and authenticated by the representatives of the Present Contracting Parties and the New Contracting Parties in the Bulgarian and Romanian languages.

They take note of the Agreement in the form of an Exchange of Letters between the European Community and the Kingdom of Norway concerning a Cooperation Programme for Economic Growth and Sustainable Development in Bulgaria, which is also annexed to this Final Act.

They also take note of the Agreement in the form of an Exchange of Letters between the European Community and the Kingdom of Norway concerning a Cooperation Programme for Economic Growth and Sustainable Development in Romania, which is annexed to this Final Act.

They then take note of the Additional Protocol to the Agreement between the European Economic Community and the Republic of Iceland consequent on the accession of the Republic of Bulgaria and Romania to the European Union, which is annexed to this Final Act.

They furthermore take note of the Additional Protocol to the Agreement between the European Economic Community and the Kingdom of Norway consequent on the accession of the Republic of Bulgaria and Romania to the European Union, which is also annexed to this Final Act.

They underline that the abovementioned agreements and protocols have been agreed upon under the assumption that participation in the European Economic Area remains unchanged.

Done at […] on […].

For the European Community

JOINT DECLARATIONS AND STATEMENTS

BY THE PRESENT CONTRACTING PARTIES AND THE NEW CONTRACTING PARTIES TO THE AGREEMENT

JOINT DECLARATION

ON THE TIMELY RATIFICATION OF

THE AGREEMENT ON THE PARTICIPATION OF

THE REPUBLIC OF BULGARIA AND ROMANIA

IN THE EUROPEAN ECONOMIC AREA

The Present Contracting Parties and New Contracting Parties stress the importance of timely ratification or approval of the Agreement on the Participation of the Republic of Bulgaria and Romania in the European Economic Area by the Present Contracting Parties and the New Contracting Parties in accordance with their respective constitutional requirements in order to ensure the good functioning of the European Economic Area.

JOINT DECLARATION

ON THE EXPIRY DATE

OF THE TRANSITIONAL ARRANGEMENTS

The transitional arrangements from the Treaty of Accession shall be taken over into the EEA Agreement and shall expire on the same date as they would have if the enlargement of the European Union and the EEA had taken place simultaneously on 1 January 2007.

JOINT DECLARATION

CONCERNING THE APPLICATION OF THE

RULES OF ORIGIN AFTER ENTRY INTO FORCE

OF THE AGREEMENT ON THE PARTICIPATION OF

THE REPUBLIC OF BULGARIA AND ROMANIA

IN THE EUROPEAN ECONOMIC AREA

1. Proof of origin properly issued by an EFTA State or a New Contracting Party in the framework of a preferential agreement concluded between the EFTA States and the New Contracting Party or in the framework of unilateral national legislation of an EFTA State or a New Contracting Party shall be considered being proof of EEA preferential origin, provided that:

   (a) the proof of origin and the transport documents were issued no later than the day before the accession of the New Contracting Party to the European Union;

   (b) the proof of origin is submitted to the customs authorities within the period of four months from the entry into force of the Agreement.

   Where goods were declared for importation from an EFTA State or a New Contracting Party in, respectively, a New Contracting Party or an EFTA State prior to the date of accession of the New Contracting Party to the European Union, under preferential arrangements in force between an EFTA State and a New Contracting Party at that time, proof of origin issued retrospectively under those arrangements may also be accepted in the EFTA States or the New Contracting Parties provided that it is submitted to the customs authorities within the period of four months from the date of entry into force of the Agreement.

2. The EFTA States, on the one hand, and the Republic of Bulgaria and Romania, on the other hand, are authorised to retain the authorisations with which the status of "approved exporters" has been granted in the framework of agreements concluded between the EFTA States, on the one hand, and the Republic of Bulgaria or Romania, on the other hand, provided that the approved exporters apply the EEA rules of origin.

   These authorisations shall be replaced by the EFTA States and the Republic of Bulgaria and Romania, no later than one year after the date of entry into force of the Agreement, by new authorisations issued under the conditions laid down in Protocol 4 to the Agreement on the European Economic Area.

3. Requests for subsequent verification of proof of origin issued under the preferential agreements and arrangements referred to in paragraphs 1 and 2 above shall be accepted by the competent authorities of the EFTA States and the New Contracting Parties for a period of three years after the issue of the proof of origin concerned and may be made by those authorities for a period of three years after acceptance of the proof of origin.

JOINT DECLARATION

ON TRADE IN AGRICULTURAL PRODUCTS AND

PROCESSED AGRICULTURAL PRODUCTS.

1. In the context of the EEA enlargement negotiations, consultations were undertaken between the Present Contracting Parties and the New Contracting Parties to examine the need to adjust the bilateral trade concessions in agricultural products and processed agricultural products in the relevant parts of the EEA Agreement or the relevant bilateral agreements between the European Community and Iceland, Liechtenstein and Norway, respectively, in light of the enlargement of the European Union.

2. The Present Contracting Parties and the New Contracting Parties have examined product by product market access conditions and agreed that no additional trade concessions regarding agricultural or processed agricultural products will be added to any existing agreements in the context of enlargement.

3. The Present Contracting Parties and the New Contracting Parties have agreed that Iceland, Liechtenstein and Norway shall not make any claim, request or referral nor modify or withdraw any concession pursuant to GATT 1994 Articles XXIV.6 and XXVIII regarding agricultural products in relation to this enlargement of the European Union.

JOINT DECLARATION ON

LIECHTENSTEIN'S SECTORAL ADAPTATION

IN THE FIELD OF FREE MOVEMENT OF PERSONS

The Present Contracting Parties and the New Contracting Parties,

– Referring to the sectoral adaptations for Liechtenstein in the field of free movement of persons as introduced by Decision of the EEA Joint Committee No 191/1999 and amended by the Agreement on the Participation of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the European Economic Area of 14 October 2003,

– Observing an ongoing high demand from nationals of EC and EFTA States to reside in Liechtenstein, surpassing the net immigration rate set out in the above mentioned regime,

– Considering that the participation of Bulgaria and Romania in the EEA results in a higher number of nationals having the right of invoking the free movement of persons as enshrined in the EEA Agreement,

Agree to duly take into account this factual situation as well as the unchanged absorption capacity of Liechtenstein when reviewing the sectoral adaptations in Annex V and VIII to the EEA Agreement.

JOINT STATEMENT

ON THE PRIORITY SECTORS MENTIONED

IN PROTOCOL 38A

The Present Contracting Parties and the New Contracting Parties recall that not all priority sectors as defined in Article 3 of Protocol 38a must be covered in each Beneficiary State.

JOINT STATEMENT

ON THE FINANCIAL CONTRIBUTIONS

The Present Contracting Parties and the New Contracting Parties agree that the various financial contribution arrangements agreed in the context of EEA enlargement shall not constitute a precedent for the period after they expire on 30 April 2009.

OTHER DECLARATIONS

BY ONE OR MORE OF THE CONTRACTING

PARTIES TO THE AGREEMENT

GENERAL JOINT DECLARATION OF THE EFTA STATES

The EFTA States take note of the Declarations, which are relevant for the EEA Agreement, attached to the Final Act to the Treaty between the Kingdom of Belgium, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland (Member States of the European Union) and the Republic of Bulgaria and Romania, concerning the accession of the Republic of Bulgaria and Romania to the European Union.

The EFTA States underline that the Declarations, which are relevant for the EEA Agreement, attached to the Final Act to the Treaty referred to in the previous paragraph cannot be interpreted or applied in a way contrary to the obligations of the Present Contracting Parties and New Contracting Parties arising from this Agreement or the EEA Agreement.

JOINT DECLARATION

BY THE EFTA STATES ON FREE

MOVEMENT OF WORKERS

The EFTA States stress the strong elements of differentiation and flexibility in the arrangements for the free movement of workers. They shall endeavour to grant increased labour market access to nationals of the Republic of Bulgaria and Romania under national law, with a view to speeding up the approximation to the acquis. As a consequence, the employment opportunities in the EFTA States for nationals of the Republic of Bulgaria and Romania should improve substantially upon these States' accession. Moreover, the EFTA States will make best use of the proposed arrangements to move as quickly as possible to the full application of the acquis in the area of free movement of workers. For Liechtenstein, this will be done in accordance with the specific arrangements as foreseen in the Sectoral Adaptations to Annex V (Free movement of workers) and Annex VIII (Right of establishment) to the EEA Agreement.

UNILATERAL DECLARATION

BY THE GOVERNMENT OF LIECHTENSTEIN

ON THE ADDENDUM TO PROTOCOL 38A

The Liechtenstein Government,

– Referring to the Addendum to Protocol 38a,

– Recalling the understanding that Bulgaria and Romania should benefit to the same extent from the contributions by the EFTA States to the reduction of economic and social disparities in the European Economic Area as the Beneficiary States mentioned in Article 5 of Protocol 38a and taking into account the distribution key provided in this article,

– Noting that the EFTA States made an extraordinary effort within the EEA Financial Mechanism to increase the funding in favour of Bulgaria and Romania,

States its understanding, that at the review foreseen in Article 9 of Protocol 38a any possibly agreed further financial arrangement will take into account the already achieved reductions of economic and social disparities so as to reduce contributions by the three EFTA States proportionately, if one or more of the current Beneficiary States do not further qualify for funding under such an arrangement.

AGREEMENT

in the form of an Exchange of Letters between the European Community and the Kingdom of Norway concerning a Cooperation Programme for Economic Growth and Sustainable Development in Bulgaria

A. Letter from the European Community

Sir…,

I have the honour to refer to the negotiations which have taken place between the European Community and the Kingdom of Norway ("Norway") in the context of Bulgaria becoming a contracting party to the EEA Agreement and the establishment of a Cooperation Programme for promoting economic growth and sustainable development in Bulgaria.

The results of the negotiations are as follows:

1. A Cooperation Programme for promoting social and economic development in Bulgaria through bilateral projects is to be established between Norway and Bulgaria, in accordance with a bilateral agreement between the two States. The text of the bilateral agreement is annexed as an integral part of this Exchange of Letters.

2. For the purpose of the Programme, Norway shall make available a total amount of EUR 20 million, for commitment in a single tranche in 2007. This amount shall be made available from the date of entry into force of the Agreement on the Participation of the Republic of Bulgaria and Romania in the European Economic Area or an agreement to apply that Agreement provisionally, to 30 April 2009.

3. This Exchange of Letters:

   a) is to be ratified or approved by the European Community and Norway in accordance with their respective procedures. The instruments of ratification or approval are to be deposited with the General Secretariat of the Council of the European Union.

   b) It shall enter into force on the day following the deposit of the last instrument of ratification or approval provided that the instruments of ratification or approval of the following related agreements have been deposited as well:

      (i) Agreement on the Participation of the Republic of Bulgaria and Romania in the European Economic Area;

      (ii) Agreement in the form of an Exchange of Letters between the European Community and Norway concerning a Cooperation Programme for Economic Growth and Sustainable Development in Romania;

      (iii) Additional Protocol to the Agreement between the European Economic Community and the Republic of Iceland consequent on the accession of the Republic of Bulgaria and Romania to the European Union; and

(iv) Additional Protocol to the Agreement between the European Economic Community and the Kingdom of Norway consequent on the accession of the Republic of Bulgaria and Romania to the European Union.

I should be obliged if you would confirm your agreement to the contents of this letter.

Please accept, Sir…, the assurance of my highest consideration.

For the European Community

Annex: 1

Annex

AGREEMENT ON A NORWEGIAN COOPERATION PROGRAMME
FOR ECONOMIC GROWTH AND SUSTAINABLE DEVELOPMENT IN BULGARIA

between

THE KINGDOM OF NORWAY

and

THE REPUBLIC OF BULGARIA

hereinafter referred to as "the Parties"

***

Article 1

Objective

A Norwegian Cooperation Programme shall be established for promoting social and economic development in Bulgaria through bilateral co-operation projects between the Parties within the sectors referred to in Article 4.

Article 2

Financial Scope

For the purpose of the Norwegian Cooperation Programme for the Republic of Bulgaria, the Kingdom of Norway shall make available a total amount of EUR 20 million, for commitment in a single tranche in 2007.

Article 3

Duration

The amount referred to in Article 2 shall be made available from the date of entry into force of the Agreement on the Participation of the Republic of Bulgaria and Romania in the European Economic Area, or as from the date of entry into force of an agreement to apply the Agreement provisionally, to 30 April 2009.

Article 4

Priority Sectors

The Norwegian Cooperation Programme for Bulgaria shall be available for bilateral co-operation projects between eligible applicants from the Parties to promote social and economic development in the Republic of Bulgaria within the following priority sectors:

– reduction of greenhouse gas emissions, including Joint Implementation projects under the Kyoto Protocol, and other emissions in air and water;

– energy efficiency and renewable energy;

– facilitating sustainable production, including certification and verification;

– implementation of Schengen acquis, support of National Schengen Plans as well as strenghtening the judiciary.

Possible activities are inter alia innovation, human resource–development, networking, capacity-building, technology transfer and research and development.

Article 5

Co-financing ceilings

The Norwegian contribution in the form of grants shall not exceed 60 % of the project cost except for projects otherwise financed by central, regional or local government budget allocations, where the contribution may not exceed 85 % of project cost. Community ceilings for co-financing shall not be exceeded in any case. Contributions to non-governmental organisations and social partners may be up to 90 % of project costs.

Article 6

Management

The Norwegian Cooperation Programme for Bulgaria shall be managed by the Norwegian Government or an entity appointed by it. The Management Entity shall consult with the Focal Point to be appointed by the Government of the Republic of Bulgaria. The Commission may screen the projects.

Further provisions for the implementation of this Agreement will be issued by the Norwegian Government as necessary.

The management costs of the Norwegian Cooperation Programme shall be covered by the amount referred to in Article 2.

Article 7

Entry into force

This Agreement shall be ratified by the Kingdom of Norway and the Republic of Bulgaria according to their national procedures. It shall enter into force thirty days after the date on which the last Party has deposited its instrument of ratification with the Norwegian Ministry for Foreign Affairs, but not earlier than the entry into force of the Agreement on the Participation of the Republic of Bulgaria and Romania in the European Economic Area, or as from the date of entry into force of an agreement to apply the latter agreement provisionally.

Done in Brussels on……2007,

For the Kingdom of Norway For the Republic of Bulgaria

B. Letter from the Kingdom of Norway

Sir…,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows:

> 'I have the honour to refer to the negotiations which have taken place between the European Community and the Kingdom of Norway ("Norway") in the context of Bulgaria becoming a contracting party to the EEA Agreement and the establishment of a Cooperation Programme for promoting economic growth and sustainable development in Bulgaria.
>
> The results of the negotiations are as follows:
>
> 1. A Cooperation Programme for promoting social and economic development in Bulgaria through bilateral projects is to be established between Norway and Bulgaria, in accordance with a bilateral agreement between the two States. The text of the bilateral agreement is annexed as an integral part of this Exchange of Letters.
>
> 2. For the purpose of the Programme, Norway shall make available a total amount of EUR 20 million, for commitment in a single tranche in 2007. This amount shall be made available from the date of entry into force of the Agreement on the Participation of the Republic of Bulgaria and Romania in the European Economic Area or an agreement to apply that Agreement provisionally, to 30 April 2009.
>
> 3. This Exchange of Letters:
>
> a) is to be ratified or approved by the European Community and Norway in accordance with their respective procedures. The instruments of ratification or approval are to be deposited with the General Secretariat of the Council of the European Union.
>
> b) It shall enter into force on the day following the deposit of the last instrument of ratification or approval provided that the instruments of ratification or approval of the following related agreements have been deposited as well:
>
> (i) Agreement on the Participation of the Republic of Bulgaria and Romania in the European Economic Area;
>
> (ii) Agreement in the form of an Exchange of Letters between the European Community and Norway concerning a Cooperation Programme for Economic Growth and Sustainable Development in Romania;
>
> (iii) Additional Protocol to the Agreement between the European Economic Community and the Republic of Iceland consequent on

the accession of the Republic of Bulgaria and Romania to the European Union; and

(iv) Additional Protocol to the Agreement between the European Economic Community and the Kingdom of Norway consequent on the accession of the Republic of Bulgaria and Romania to the European Union.

I should be obliged if you would confirm your agreement to the contents of this letter.

Please accept, Sir…, the assurance of my highest consideration.

For the European Community

Annex: 1

Annex

AGREEMENT ON A NORWEGIAN COOPERATION PROGRAMME
FOR ECONOMIC GROWTH AND SUSTAINABLE DEVELOPMENT IN BULGARIA

between

THE KINGDOM OF NORWAY

and

THE REPUBLIC OF BULGARIA

hereinafter referred to as "the Parties"

***

Article 1

Objective

A Norwegian Cooperation Programme shall be established for promoting social and economic development in Bulgaria through bilateral co-operation projects between the Parties within the sectors referred to in Article 4.

Article 2

Financial Scope

For the purpose of the Norwegian Cooperation Programme for the Republic of Bulgaria, the Kingdom of Norway shall make available a total amount of EUR 20 million, for commitment in a single tranche in 2007.

Article 3

Duration

The amount referred to in Article 2 shall be made available from the date of entry into force of the Agreement on the Participation of the Republic of Bulgaria and Romania in the European Economic Area, or as from the date of entry into force of an agreement to apply the Agreement provisionally, to 30 April 2009.

Article 4

Priority Sectors

The Norwegian Cooperation Programme for Bulgaria shall be available for bilateral co-operation projects between eligible applicants from the Parties to promote social and economic development in the Republic of Bulgaria within the following priority sectors:

– reduction of greenhouse gas emissions, including Joint Implementation projects under the Kyoto Protocol, and other emissions in air and water;

– energy efficiency and renewable energy;

– facilitating sustainable production, including certification and verification;

– implementation of Schengen acquis, support of National Schengen Plans as well as strenghtening the judiciary.

Possible activities are inter alia innovation, human resource–development, networking, capacity-building, technology transfer and research and development.

Article 5

Co-financing ceilings

The Norwegian contribution in the form of grants shall not exceed 60 % of the project cost except for projects otherwise financed by central, regional or local government budget allocations, where the contribution may not exceed 85 % of project cost. Community ceilings for co-financing shall not be exceeded in any case. Contributions to non-governmental organisations and social partners may be up to 90 % of project costs.

Article 6

Management

The Norwegian Cooperation Programme for Bulgaria shall be managed by the Norwegian Government or an entity appointed by it. The Management Entity shall consult with the Focal Point to be appointed by the Government of the Republic of Bulgaria. The Commission may screen the projects.

Further provisions for the implementation of this Agreement will be issued by the Norwegian Government as necessary.

The management costs of the Norwegian Cooperation Programme shall be covered by the amount referred to in Article 2.

Article 7

Entry into force

This Agreement shall be ratified by the Kingdom of Norway and the Republic of Bulgaria according to their national procedures. It shall enter into force thirty days after the date on which the last Party has deposited its instrument of ratification with the Norwegian Ministry for Foreign Affairs, but not earlier than the entry into force of the Agreement on the Participation of the Republic of Bulgaria and Romania in the European Economic Area, or as from the date of entry into force of an agreement to apply the latter agreement provisionally.

Done in Brussels on……2007,

For the Kingdom of Norway For the Republic of Bulgaria ’

I have the honour to confirm agreement with the contents of your letter.

Please accept, Sir …, the assurance of my highest consideration.

For the Kingdom of Norway

AGREEMENT

in the form of an Exchange of Letters between the European Community and the Kingdom of Norway concerning a Cooperation Programme for Economic Growth and Sustainable Development in Romania

A. Letter from the European Community

Sir…,

I have the honour to refer to the negotiations which have taken place between the European Community and the Kingdom of Norway ("Norway") in the context of Romania becoming a contracting party to the EEA Agreement and the establishment of a Cooperation Programme for promoting economic growth and sustainable development in Romania.

The results of the negotiations are as follows:

1. A Cooperation Programme for promoting economic growth and sustainable development in Romania through bilateral projects is to be established between Norway and Romania, in accordance with a bilateral agreement between the two States. The text of the bilateral agreement is annexed as an integral part of this Exchange of Letters.

2. For the purpose of the Programme, Norway shall make available a total amount of EUR 48 million, for commitment in a single tranche in 2007. This amount shall be made available from the date of entry into force of the Agreement on the Participation of the Republic of Bulgaria and Romania in the European Economic Area or an agreement to apply that Agreement provisionally, to 30 April 2009.

3. This Exchange of Letters:

   a) is to be ratified or approved by the European Community and Norway in accordance with their respective procedures. The instruments of ratification or approval are to be deposited with the General Secretariat of the Council of the European Union.

   b) It shall enter into force on the day following the deposit of the last instrument of ratification or approval provided that the instruments of ratification or approval of the following related agreements have been deposited as well:

      (i) Agreement on the Participation of the Republic of Bulgaria and Romania in the European Economic Area;

      (ii) Agreement in the form of an Exchange of Letters between the European Community and Norway concerning a Cooperation Programme for Economic Growth and Sustainable Development in Bulgaria;

      (iii) Additional Protocol to the Agreement between the European Economic Community and the Republic of Iceland consequent on the accession of the Republic of Bulgaria and Romania to the European Union; and

(iv) Additional Protocol to the Agreement between the European Economic Community and the Kingdom of Norway consequent on the accession of the Republic of Bulgaria and Romania to the European Union.

I should be obliged if you would confirm your agreement to the contents of this letter.

Please accept, Sir…, the assurance of my highest consideration.

For the European Community

Annex: 1

Annex

AGREEMENT ON A NORWEGIAN COOPERATION PROGRAMME

FOR ECONOMIC GROWTH AND SUSTAINABLE DEVELOPMENT IN ROMANIA

between

THE KINGDOM OF NORWAY

and

ROMANIA

hereinafter referred to as "the Parties"

***

Article 1

Objective

A Norwegian Cooperation Programme shall be established for promoting social and economic development in Romania through bilateral co-operation projects between the Parties within the sectors referred to in Article 4.

Article 2

Financial Scope

For the purpose of the Norwegian Cooperation Programme for Romania, the Kingdom of Norway shall make available a total amount of EUR 48 million, for commitment in a single tranche in 2007.

Article 3

Duration

The amount referred to in Article 2 shall be made available from the date of entry into force of the Agreement on the Participation of the Republic of Bulgaria and Romania in the European Economic Area, or as from the date of entry into force of an agreement to apply the Agreement provisionally, to 30 April 2009.

Article 4

Priority Sectors

The Norwegian Cooperation Programme for Romania shall be available for bilateral co-operation projects between eligible applicants from the Parties to promote social and economic development in Romania within the following priority sectors:

– reduction of greenhouse gas emissions, including Joint Implementation projects under the Kyoto Protocol, and other emissions in air and water;

– energy efficiency and renewable energy;

– facilitating sustainable production, including certification and verification;

– health.

Possible activities are inter alia innovation, human resource–development, networking, capacity-building, technology transfer and research and development

Article 5

Co-financing ceilings

The Norwegian contribution in the form of grants shall not exceed 60 % of the project cost except for projects otherwise financed by central, regional or local government budget allocations, where the contribution may not exceed 85 % of project cost. Community ceilings for co-financing shall not be exceeded in any case. Contributions to non-governmental organisations and social partners may be up to 90 % of project costs.

Article 6

Management

The Norwegian Cooperation Programme for Romania shall be managed by the Norwegian Government or an entity appointed by it. The Management Entity shall consult with the Focal Point to be appointed by the Government of Romania. The European Commission may screen the projects.

Further provisions for the implementation of this Agreement will be issued by the Norwegian Government as necessary.

The management costs of the Norwegian Cooperation Programme shall be covered by the amount referred to in Article 2.

Article 7

Entry into force

This Agreement shall be ratified by the Kingdom of Norway and Romania according to their national procedures. It shall enter into force thirty days after the date on which the last Party has deposited its instrument of ratification with the Norwegian Ministry for Foreign Affairs, but not earlier than the entry into force of the Agreement on the Participation of the Republic

of Bulgaria and Romania in the European Economic Area, or as from the date of entry into force of an agreement to apply the latter agreement provisionally.

Done in Brussels on……2007,

For the Kingdom of Norway For Romania

B. Letter from the Kingdom of Norway

Sir …,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows:

'I have the honour to refer to the negotiations which have taken place between the European Community and the Kingdom of Norway ("Norway") in the context of Romania becoming a contracting party to the EEA Agreement and the establishment of a Cooperation Programme for promoting economic growth and sustainable development in Romania.

The results of the negotiations are as follows:

1. A Cooperation Programme for promoting economic growth and sustainable development in Romania through bilateral projects is to be established between Norway and Romania, in accordance with a bilateral agreement between the two States. The text of the bilateral agreement is annexed as an integral part of this Exchange of Letters.

2. For the purpose of the Programme, Norway shall make available a total amount of EUR 48 million, for commitment in a single tranche in 2007. This amount shall be made available from the date of entry into force of the Agreement on the Participation of the Republic of Bulgaria and Romania in the European Economic Area or an agreement to apply that Agreement provisionally, to 30 April 2009.

3. This Exchange of Letters:

   a) is to be ratified or approved by the European Community and Norway in accordance with their respective procedures. The instruments of ratification or approval are to be deposited with the General Secretariat of the Council of the European Union.

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      (i) Agreement on the Participation of the Republic of Bulgaria and Romania in the European Economic Area;

      (ii) Agreement in the form of an Exchange of Letters between the European Community and Norway concerning a Cooperation Programme for Economic Growth and Sustainable Development in Bulgaria;

      (iii) Additional Protocol to the Agreement between the European Economic Community and the Republic of Iceland consequent on the accession of the Republic of Bulgaria and Romania to the European Union; and

      (iv) Additional Protocol to the Agreement between the European Economic Community and the Kingdom of Norway consequent on the accession of the Republic of Bulgaria and Romania to the European Union.

I should be obliged if you would confirm your agreement to the contents of this letter.

Please accept, Sir…, the assurance of my highest consideration.

For the European Community

Annex: 1

Annex

AGREEMENT ON A NORWEGIAN COOPERATION PROGRAMME

FOR ECONOMIC GROWTH AND SUSTAINABLE DEVELOPMENT IN ROMANIA

between

THE KINGDOM OF NORWAY

and

ROMANIA

hereinafter referred to as "the Parties"

***

Article 1

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A Norwegian Cooperation Programme shall be established for promoting social and economic development in Romania through bilateral co-operation projects between the Parties within the sectors referred to in Article 4.

Article 2

Financial Scope

For the purpose of the Norwegian Cooperation Programme for Romania, the Kingdom of Norway shall make available a total amount of EUR 48 million, for commitment in a single tranche in 2007.

Article 3

Duration

The amount referred to in Article 2 shall be made available from the date of entry into force of the Agreement on the Participation of the Republic of Bulgaria and Romania in the European Economic Area, or as from the date of entry into force of an agreement to apply the Agreement provisionally, to 30 April 2009.

Article 4

Priority Sectors

The Norwegian Cooperation Programme for Romania shall be available for bilateral co-operation projects between eligible applicants from the Parties to promote social and economic development in Romania within the following priority sectors:

– reduction of greenhouse gas emissions, including Joint Implementation projects under the Kyoto Protocol, and other emissions in air and water;

– energy efficiency and renewable energy;

– facilitating sustainable production, including certification and verification;

– health.

Possible activities are inter alia innovation, human resource–development, networking, capacity-building, technology transfer and research and development

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The Norwegian contribution in the form of grants shall not exceed 60 % of the project cost except for projects otherwise financed by central, regional or local government budget allocations, where the contribution may not exceed 85 % of project cost. Community ceilings for co-financing shall not be exceeded in any case. Contributions to non-governmental organisations and social partners may be up to 90 % of project costs.

Article 6

Management

The Norwegian Cooperation Programme for Romania shall be managed by the Norwegian Government or an entity appointed by it. The Management Entity shall consult with the Focal Point to be appointed by the Government of Romania. The European Commission may screen the projects.

Further provisions for the implementation of this Agreement will be issued by the Norwegian Government as necessary.

The management costs of the Norwegian Cooperation Programme shall be covered by the amount referred to in Article 2.

Article 7

Entry into force

This Agreement shall be ratified by the Kingdom of Norway and Romania according to their national procedures. It shall enter into force thirty days after the date on which the last Party has deposited its instrument of ratification with the Norwegian Ministry for Foreign Affairs, but not earlier than the entry into force of the Agreement on the Participation of the Republic

of Bulgaria and Romania in the European Economic Area, or as from the date of entry into force of an agreement to apply the latter agreement provisionally.

Done in Brussels on……2007,

For the Kingdom of Norway For Romania'

I have the honour to confirm agreement with the contents of your letter.

Please accept, Sir …, the assurance of my highest consideration.

For the Kingdom of Norway

ADDITIONAL PROTOCOL

to the Agreement between the European Economic Community and the Republic of Iceland consequent on the accession of the Republic of Bulgaria and Romania to the European Union

THE EUROPEAN COMMUNITY

and

ICELAND

HAVING REGARD to the Agreement between the European Economic Community and the Republic of Iceland signed in Brussels on 22 July 1972, hereinafter called the 'Agreement', and to the existing arrangements for trade in fish and fishery products between Iceland and the Community,

HAVING REGARD to the accession of the Republic of Bulgaria and Romania to the European Union,

HAVING REGARD to the Agreement on the Participation of the Republic of Bulgaria and Romania in the European Economic Area,

HAVING REGARD to the existing regime for trade in fish and fishery products between Iceland and the Republic of Bulgaria and Romania,

HAVE DECIDED to determine by common accord the adjustments to the Agreement consequent on the accession of the Republic of Bulgaria and Romania to the European Union,

AND TO CONCLUDE THIS PROTOCOL,

Article 1

The text of the Agreement, the Annexes and Protocols, which form an integral part thereof, the Final Act and the declarations annexed thereto shall be drawn up in Bulgarian and Romanian languages and those texts shall be authentic in the same way as the original texts. The Joint Committee shall approve the Bulgarian and Romanian texts.

Article 2

The special provisions applicable to imports into the Community of certain fish and fishery products originating in Iceland are laid down in this Protocol and the Annex thereto.

The annual duty free quotas provided for in the Annex to this Protocol shall be implemented for the period 1 January 2007 to 30 April 2009. The quota levels shall be reviewed by the end of that period taking into account all relevant interests. The quota levels for 2007 shall not be effectively reduced because the enlargement of the European Economic Area did not take place on 1 January 2007. The tariff quota volumes for 2009 shall be reduced according to their application until 30 April 2009.

Article 3

This Protocol shall be ratified or approved by the Contracting Parties in accordance with their own procedures. The instruments of ratification or approval shall be deposited with the General Secretariat of the Council of the European Union.

It shall enter into force on the day following the deposit of the last instrument of ratification or approval provided that the instruments of ratification or approval of the following related agreements have been deposited as well:

(i) Agreement on the Participation of the Republic of Bulgaria and Romania in the European Economic Area;

(ii) Agreement in the form of an Exchange of Letters between the European Community and the Kingdom of Norway concerning a Cooperation Programme for Economic Growth and Sustainable Development in Bulgaria;

(iii) Agreement in the form of an Exchange of Letters between the European Community and the Kingdom of Norway concerning a Cooperation Programme for Economic Growth and Sustainable Development in Romania; and

(iv) Additional Protocol to the Agreement between the European Economic Community and the Kingdom of Norway consequent on the accession of the Republic of Bulgaria and Romania to the European Union.

Article 4

This Protocol is drawn up in duplicate, in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Icelandic, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages each of these texts being equally authentic.

Done at Brussels, […].

For the European Community

For Iceland

ANNEX

SPECIAL PROVISIONS REFERRED TO IN ARTICLE 2

The Community shall open the following new annual duty free tariff quotas for products originating in Iceland:

CN code	Description of products	Annual quota volume
0306 19 30	Frozen Norway lobsters (Nephrops norvegicus)	520 tonnes[5]
0304 19 35	Fillets of redfish (Sebastes spp.), fresh or chilled	750 tonnes

[5] Additional duty free tariff quota. Should this particular quota not be fully exhausted by the end of 2007, the remaining volume shall be carried over to 2008. For this purpose drawings on this particular tariff quota applicable in 2007 shall be stopped on the second working day in the Commission following 1 April 2008. On the following working day, the unused balance of this 2007 tariff quota shall be made available under the corresponding tariff quota applicable in 2008. From that date onwards no retroactive drawings and no returns shall be possible on the particular tariff quota applicable in 2007.

ADDITIONAL PROTOCOL

to the Agreement between the European Economic Community and the Kingdom of Norway consequent on the accession of the Republic of Bulgaria and Romania to the European Union

THE EUROPEAN COMMUNITY

and

THE KINGDOM OF NORWAY

HAVING REGARD to the Agreement between the European Economic Community and the Kingdom of Norway signed on 14 May 1973, hereinafter called the "Agreement", and to the existing arrangements for trade in fish and fishery products between Norway and the Community,

HAVING REGARD to the accession of the Republic of Bulgaria and Romania to the European Union,

HAVING REGARD to the Agreement on the Participation of the Republic of Bulgaria and Romania in the European Economic Area,

HAVING REGARD to the existing regime for trade in fish and fishery products between Norway and Republic of Bulgaria and Romania,

HAVE DECIDED to determine by common accord the adjustments to the Agreement consequent Republic of Bulgaria and Romania on the accession of to the European Union,

AND TO CONCLUDE THIS PROTOCOL,

Article 1

The text of the Agreement, the Annexes and Protocols, which form an integral part thereof, the Final Act and the declarations annexed thereto shall be drawn up in Bulgarian and Romanian languages and those texts shall be authentic in the same way as the original texts. The Joint Committee shall approve the Bulgarian and Romanian texts.

Article 2

The special provisions applicable to imports into the Community of certain fish and fishery products originating in Norway are laid down in this Protocol.

The tariff quotas provided for in Article 3 of this Protocol shall be implemented for the period from 1 January 2007 to 30 April 2009. The quota levels referred to in Article 3 shall be reviewed by the end of that period taking into account all relevant interests. The quota levels for 2007 shall not be effectively reduced because the enlargement of the European Economic Area did not take place on 1 January 2007. The tariff quota volumes for 2009 shall be reduced according to their application until 30 April 2009.

The rules of origin applicable for the tariff quotas shall be those set out in Protocol No 3 to the Agreement.

Article 3

The Community shall open the following new additional annual duty free tariff quotas:

- Mackerel of the species Scomber scombrus or Scomber japonicus, frozen (CN Code 0303 74 30): 9 300 tonnes
- Herrings (Clupea harengus, Clupea pallasii), frozen (CN Code 0303 51 00): 1 800 tonnes
- Fillets and flaps of herring (Clupea harengus, Clupea pallasii), frozen (CN Codes 0304 29 75 and 0304 99 23): 600 tonnes
- Other fish, frozen (CN Code 0303 79 98): 2 200 tonnes
- Other salmonidae, frozen (CN Code 0303 29 00): 2 000 tonnes
- Shrimps and prawns, peeled and frozen (CN Codes ex1605 20 10, ex1605 20 91 and ex1605 20 99): 2 000 tonnes

Article 4

The Community shall lift the condition "for industrial manufacture", and thereby the end-user requirement, on the tariff quotas that were opened in 2004 for frozen mackerel (order Nos 09.0760, 09.0763 and 09.0778), frozen herrings (order No 09.0752) and frozen flaps of herring (order No 09.0756). Correspondingly, the requirement for human consumption of the products under the same tariff quotas shall be removed.

The existing duty free tariff quota for frozen peeled shrimps and prawns with order No 09.0758 shall be available for CN codes ex1605 20 10, ex1605 20 91 and ex1605 20 99.

For the period of 1 January 2008 to 31 December 2008, the Community shall merge the two existing duty free tariff quotas for frozen peeled shrimps and prawns (order Nos. 09.0745 and 09.0758) and the additional new duty free tariff quota of 2 000 tonnes for which provision is made under Article 3, and it shall make the merged tariff quota available for CN Codes ex1605 20 10, ex1605 20 91 and ex1605 20 99.

From 1 January 2009, the two existing tariff quotas for frozen peeled shrimps and prawns with order No 09.0758 (2 500 tonnes) and with order No 09.0745 (5 500 tonnes) and the new additional duty free tariff quota of 2 000 tonnes will apply as three separate tariff quotas and will be made available for CN codes ex1605 20 10, ex1605 20 91 and ex1605 20 99.

As of 15 June 2008, the Community shall merge the sub-periods related to the existing three tariff quotas for mackerel (order Nos 09.0760, 09.0763 and 09.0778) into one single period of 15 June to 14 February.

Article 5

Representatives from the European Community and Norway shall meet before the end of 2007 to explore the possibility to apply the rules of origin set out in Protocol No 3 to the Agreement also for products covered by the exchange of letters concerning trade in fish of 16 April 1973.

Article 6

This Protocol shall be ratified or approved by the European Community and Norway in accordance with their own procedures. The instruments of ratification or approval shall be deposited with the General Secretariat of the Council of the European Union.

It shall enter into force on the day following the deposit of the last instrument of ratification or approval provided that the instruments of ratification or approval of the following related agreements have been deposited as well:

(i) Agreement on the Participation of the Republic of Bulgaria and Romania in the European Economic Area;

(ii) Agreement in the form of an Exchange of Letters between the European Community and the Kingdom of Norway concerning a Cooperation Programme for Economic Growth and Sustainable Development in Bulgaria;

(iii) Agreement in the form of an Exchange of Letters between the European Community and the Kingdom of Norway concerning a Cooperation Programme for Economic Growth and Sustainable Development in Romania; and

(iv) Additional Protocol to the Agreement between the European Economic Community and the Republic of Iceland consequent on the accession of the Republic of Bulgaria and Romania to the European Union.

Article 7

This Protocol is drawn up in duplicate, in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Icelandic, Italian, Latvian, Lithuanian, Maltese, Norwegian, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages each of these texts being equally authentic.