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

I

1. In order to ensure that the Kingdom of Spain and the Portuguese Republic, hereinafter referred to as the 'acceding States', are kept adequately informed, any proposal or communication from the Commission of the European Communities which might lead to decisions by the Council of these Communities shall be brought to the knowledge of the acceding States after being transmitted to the Council.

2. Consultations shall take place pursuant to a reasoned request by an acceding State, which shall set out expressly therein its interests as a future member of the Communities and its observations.

3. Administrative decisions shall not, as a general rule, give rise to consultations.

4. Consultations shall take place within an Interim Committee composed of representatives of the Communities and of the acceding States.

5. On the Community side, the members of the Interim Committee shall be the members of the Permanent Representatives Committee or persons designated by them for this purpose. The Commission shall be invited to be represented in this work.

6. The Interim Committee shall be assisted by a Secretariat which shall be that of the Conference, continued for this purpose.

7. Consultations shall normally take place as soon as the preparatory work carried out at Community level with a view to the adoption of decisions by the Council has produced common guidelines enabling such consultations to be usefully arranged.

8. If serious difficulties remain after consultations, the matter may be raised at ministerial level at the request of an acceding State.

9. The above provisions shall apply *mutatis mutandis* to the decisions of the Board of Governors of the European Investment Bank.

10. The procedure laid down in the above paragraphs shall also apply to any decision to be taken by the acceding States which might affect the commitments resulting from their position as future members of the Communities.

II

The Kingdom of Spain and the Portuguese Republic shall take the necessary measures to ensure that their accession to the agreements or conventions referred to in Articles 3 (2) and 4 (2) of the Act concerning the conditions of accession and the adjustments to the Treaties coincides so far as possible, and under the conditions laid down in that Act, with the entry into force of the Treaty of Accession.

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

III

With regard to the negotiation of the Protocols of transition and of adjustment with the co-contracting countries referred to in Articles 179 and 366 of the Act concerning the conditions of accession, the representatives of the acceding States shall be associated with the work as observers, side by side with the representatives of the present Member States.

Certain non-preferential agreements concluded by the Community, which remain in force after 1 January 1986, may be the subject of adaptations or adjustments in order to take account of the enlargement of the Community. These adaptations or adjustments will be negotiated by the Community in association with the representatives of the acceding States in accordance with the procedure referred to in the preceding paragraph.

IV

The consultations between the acceding States and the Commission provided for in Articles 61 (2) and 223 (2) of the Act concerning the conditions of accession and the adjustments to the Treaties shall take place before accession.

V

The acceding States undertake that the granting of the licences referred to in Article 2 of Protocols 13 and 22 on the exchange of information in the field of nuclear energy shall not be deliberately accelerated before accession with a view to reducing the scope of the commitments contained in these Protocols.

VI

The institutions of the Community shall, in due course, draw up the texts referred to in Article 397 of the Act concerning the conditions of accession and the adjustments to the Treaties.