PART FOUR

TRANSITIONAL MEASURES

TITLE I

INSTITUTIONAL PROVISIONS

Article 31

1. During the first two years following accession, each of the new Member States shall hold an election to the European Parliament, by direct universal suffrage of their people, of the number of representatives fixed in Article 11 of this Act, in accordance with the provisions of the Act of 20 September 1976 concerning the election of representatives of the European Parliament by direct universal suffrage.

2. From accession and for the period running until each of the elections referred to in paragraph 1, the representatives of the European Parliament of the people of the new Member States shall be appointed by the Parliaments of these States within themselves in accordance with the procedure laid down by each of those States.

3. However, any of the new Member States which so decides may hold elections to the European Parliament during the period between the signature and the entry into force of the Accession Treaty in accordance with Protocol No 8 annexed to this Act.

4. The term of office of the representatives elected under the terms of paragraphs 1 or 3 shall end at the same time as that of the representatives elected in the present Member States for the five-year term 1994-1999.

TITLE II

TRANSITIONAL MEASURES CONCERNING NORWAY

CHAPTER 1

Free movement of goods

Section I

Standards and environment

Article 32

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

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

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

Section II

Miscellaneous

Article 33

During a period of three years from the date of accession, the Kingdom of Norway may continue to apply its present national system for the classification of wood in the rough to the extent that its national legislation and administrative arrangements pertaining thereto do not contravene Community legislation relating to the internal market or trade with third countries, and in particular Article 6 of Directive 68/89/EEC on the approximation of the laws of the Member States concerning the classification of wood in the rough.

During the same period, and in accordance with the procedures laid down in the EC Treaty, Directive 68/89/EEC shall be reviewed.

CHAPTER 2

Free movement of persons, services and capital

Article 34

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

Article 35

The Kingdom of Norway may, for three years from the date of accession, continue to apply restrictions on ownership by non-nationals of Norwegian fishing vessels.

CHAPTER 3

Fisheries

Section I

General provisions

Article 36

1. Unless any provision of this Chapter stipulates otherwise, the rules laid down by this Act shall apply to the fisheries sector.

2. Articles 148 and 149 shall apply to fishery products.

Section II

Access to waters and resources

Article 37

Unless any provision of this Chapter stipulates otherwise, the arrangements for access to waters laid down in this Section shall apply during a transitional period the end of which shall be marked by the date of implementation of the Community fishing permit system and which will not in any event be later than the date of expiry of the period laid down in Article 14 (2) of Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture.

Subsection I

Norwegian vessels

Article 38

For the purposes of their integration into the Community system for fisheries and aquaculture set up by Regulation (EEC) No 3760/92, access to the waters falling under the sovereignty or within the jurisdiction of the present Member States by vessels flying the flag of Norway and recorded and/or registered in a Norwegian port, hereinafter referred to as 'Norwegian vessels', shall be subject to the system defined in this Subsection.

From the date of Accession, that access regime will ensure that Norway will maintain the fishing possibilities as set out in Article 44.

Article 39

1. Until the date of integration of the specific arrangements laid down in Articles 156 to 165 and 347 to 352 of the Act of Accession of Spain and Portugal into the general rules of the Common Fisheries Policy as established by Regulation (EEC) No 3760/92, only 441 Norwegian vessels, given in Annex IV, hereinafter referred to as 'the basic list', may be authorized to fish in ICES Divisions V b, VI and VII. During the period from the date of accession to 31 December 1995, the zone situated to the south of latitude 56° 30'N, to the east of longitude 12°W and to the north of latitude 50° 30'N is closed for fisheries other than by longliners.

2. Only 165 standard vessels for fishing for demersal species, taken from the basic list, shall be authorized to fish at the same time, provided that they appear on a periodical list adopted by the Commission.

3. 'Standard vessel' means a vessel having a break horse-power equal to 511 kilowatts (kW). The conversion rates for vessels having a different engine power shall be as follows:

— less than 219 kW:0,57,

— equal to or more than 219 kW, but less than 292 kW:0,76,

— equal to or more than 292 kW, but less than 365 kW:0,85,

— equal to or more than 365 kW, but less than 438 kW:0,90,

— equal to or more than 438 kW, but less than 511 kW:0,96,

— equal to or more than 511 kW, but less than 584 kW:1,00,

— equal to or more than 584 kW, but less than 730 kW:1,07,

— equal to or more than 730 kW, but not more than 876 kW:1,11,

— more than 876 kW:2,25,

— longliners: 1,00,

— longliners equipped with gear allowing the automatic baiting or mechanical lifting of long lines: 2,00.

4. Only 60 vessels shall be authorized for fishing for pelagic species at the same time for the period

1 December to 31 May, and 30 vessels for the period 1 June to 30 November.

5. Any adjustments to the basic list resulting from the laying-up, before accession, of a vessel for reasons of *'force majeure'* shall be adopted at the latest by 1 January 1995 according to the procedure of Article 18 of Regulation (EEC) No 3760/92. These adjustments may not affect the number of vessels and their allocation between each of the categories, nor bring about an increase in overall tonnage or total power for each category. Further, Norwegian vessels designated as replacements may be chosen only from among those listed in Annex V.

6. The number of standard vessels referred to in paragraph 2 may be increased on the basis of the development of fishing possibilities allocated to Norway for stocks subject to limitations on the rate of exploitation within the meaning of Article 8 of Regulation (EEC) No 3760/92 in accordance with the procedure laid down in Article 8 (4) of that Regulation.

7. As and when vessels referred to in the basic list are laid up or scrapped and deleted from the basic list after accession, they may be replaced by vessels of the same category having an engine power not exceeding that of the vessels thus deleted.

The conditions of replacement referred to in the preceding subparagraph shall apply only insofar as the capacity of the fleet of the present Member States is not increased in the Community waters of the Atlantic.

8. Provisions aimed at ensuring that operators comply with rules, including those aimed at the possibility of not authorizing the vessel concerned to fish for a certain period, shall be adopted before 1 January 1995 under the procedure provided for in Article 8 (4) of Regulation (EEC) No 3760/92.

Article 40

1. After the date of integration of the specific arrangements laid down in Articles 156 to 165 and 347 to 352 of the Act of Accession of Spain and Portugal into the general rules of the Common Fisheries Policy as established by Regulation (EEC) No 3760/92 and until the date of application of the Community fishing permit system, Norwegian vessels shall be authorized to fish in the waters covered by Article 39, under the conditions adopted by the Council and in accordance with the procedure laid down in Article 8 (4) of Regulation (EEC) No 3760/92.

2. The access laid down in paragraph 1 shall be regulated in the same way as that applicable to vessels flying the flag of a Member State of the Union as at present constituted, hereinafter referred to as 'vessels of the Union as at present constituted', in Community waters north of 62° N.

Article 41

Upon the date of accession and until the date of application of the Community fishing permit system, Norwegian vessels shall be authorized to fish in waters falling under the sovereignty or within the jurisdiction of the Member States of the Union as at present constituted, in ICES Divisions II a, III a (Skagerrak) (1) and IV, under conditions identical to those applicable immediately prior to the entry into force of the Accession Treaty and as laid down by the relevant provisions of Council Regulation (EC) No 3691/93.

Article 42

The technical procedures which prove necessary in order to ensure the application of Articles 39, 40 and 41 shall be adopted before 1 January 1995, according to the procedure provided for in Article 18 of Regulation (EEC) No 3760/92.

Article 43

Upon the date of accession and until the date of application of the Community fishing permit system, Norwegian vessels shall be authorized to fish in waters falling under the sovereignty or within the jurisdiction of Sweden in ICES Division IIIa (Skagerrak), under conditions identical to those applicable immediately prior to the entry into force of the Accession Treaty.

Detailed rules for implementing this Article shall be adopted by 1 January 1995 under the procedure laid down under Article 18 of Regulation (EEC) No 3760/92.

Article 44

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

(1) The Skagerrak is defined as the area bounded on the west by a line drawn from the Hanstholm lighthouse to the Lindesnes lighthouse and on the south by a line drawn from the Skagen lighthouse to the Tistlarna lighthouse and from this point to the nearest point on the Swedish coast.

Species	ICES (1) or NAFO (2) Division Reference zones for fixing the TACs	Shares for Norway (%)
Herring	III a	13,375
Herring (3)	II a (4), IV, VII d	29,520
Herring	V b (5), VI a north of 56°N, VI b	10,082
Sprat	III a	7,303
Capelin	NAFO 3NO	92,308
Cod	I (6), II (6) (12)	(7)
Cod	I (8), II a (8)	100,000
Cod	III a Skagerrak (9)	3,202
Cod	III a (10)	100,000
Cod	II a (4), IV	6,425
Cod	NAFO 3M	15,663 (11)
Haddock	I, II (6) (12)	94,838
Haddock	II a (8)	100,000
Haddock	III a, III b, c, d (5)	4,172
Haddock	II a (4), IV	13,878
Saithe	I, II (12)	95,768
Saithe	II a (4), III (5), IV	45,895
Whiting	III a	1,824
Whiting	II a (4), IV	9,906
Hake	III (5)	5,642
Hake	II a (4), IV	14,896
Mackerel	II a (4), III (5), IV	65,395 (13)
Mackerel	II a (14)	88,543 (13) (19)
Mackerel	V b (5), VI, VII, VIII a, b, d, e, XII, XIV	3,911
Plaice	III a Skagerrak	2,000
Plaice	II a (4), IV	2,348
Sole	III (5)	2,001
Prawns	III a	46,609
Prawns	IV (14)	80,000
Norway lobster	III a (15), III b, c, d (5)	1,668
Norway lobster	III a (16)	100,000
Norway lobster	II a (4), IV (6)	0,765
Norway lobster	IV (8)	100,000
Capelin	I (14), II a (14), II b (14) (17)	100,000
Capelin	Jan Mayen (18)	100,000
Herring	I, II, XIV	100,000 (20)
Herring	Trondheim Fjord (10)	100,000

(1) International Council for the Exploration of the Sea.

(2) Convention on Future Multilateral Cooperation in the North-West Atlantic Fisheries ('NAFO Convention').

(3) Excluding Norwegian spring-spawning herring.

(4) Waters of the Community as at present constituted.

(5) Community waters.

(6) Except waters within 12 nautical miles of Norwegian baselines.

(7) Until 31 December 1997 the Norwegian quota shall be the quantity at the disposal of the Union minus 2,9 % of the TAC and 11 000 t. From 1 January 1998 the Norwegian share will be the quantity at the disposal of the Union minus 4,470 % of the TAC. When the Union takes over the responsibility for the fixing of the TAC, the share for Norway will be fixed as a percentage of the quota available to the Union, on the basis of the year 1994.

(8) In waters within 12 nautical miles of Norwegian baselines.

(9) Excluding waters within Norwegian baselines.

(10) Waters within Norwegian baselines.

(11) This allocation, does not take account of the agreed transfer of 1 000 t from Norway to specific Member States of the Union as at present constituted.

(12) Excluding waters of the Community as at present constituted.

(13) Until the date of the implementation of the Community fishing permit system, up to one third of the quota allocated in this management area may be caught from either or both of the two other management areas for mackerel as defined in this table. Similarly, up to one third of the quotas of western mackerel allocated to the Union as at present constituted may be fished in either or both of the other two management areas. The foregoing is without prejudice to the flexibility provided for under existing arrangements between the Union as at present constituted and Norway.

(14) In waters under the sovereignty or jurisdiction of Norway.

(15) Except waters within 4 nautical miles of Norwegian baselines.

(16) In waters within 4 nautical miles of Norwegian baselines.

(17) Excluding the Jan Mayen zone.

(18) Waters around Jan Mayen, under the sovereignty or jurisdiction of Norway.

(19) Including catches in international waters of ICES Division II. Similarly, the catches by Member States of the Union as at present constituted in international waters of ICES Division II shall be counted against quotas allocated for Divisions Vb (Community waters), VI, VII, VIII a, b, d, e, XII, XIV.

(20) This percentage applies only to the portion of the TAC to be fished in waters under the sovereignty or jurisdiction of Norway within the reference area. It also includes catches of Norwegian spring-spawning herring in waters of ICES Division IVa within 12 nautical miles off the Norwegian baselines.

2. The Community fishing opportunities allocated to Norway shall be set in accordance with Article 8 (4) of Regulation (EEC) No 3760/92, for the first time before 1 January 1995.

3. The quantities allocated to Norway of species not subject to limits on rates of exploitation in the form of catch limits, or subject to TACs, but not allocated in quotas between Member States of the Union as constituted at present, shall be set on a flat-rate basis as follows, by species and by zone:

Species	ICES Division Reference zones	Shares for Norway (tonnes)
Sand eel	IV (1)	34 000
Blue ling	II a (1), IV (1), V b (2), VI (1), VII (1)	1 000
Ling	II a (1), IV (1), V b (2), VI (1), VII (1)	13 400
Tusk	II a (1), IV (1), V b (2), VI (1), VII (1)	6 600
Dogfish	IV (1), VI (1), VII (1)	2 660
Basking shark (liver)	IV (1), VI (1), VII (1)	160
Porbeagle	IV (1), VI (1), VII (1)	200
Deep-water prawn	IV (1)	100
Combined quota (3)	V b (2), VI (1), VII (1)	2 000
Other species	II a (1), IV (1)	7 460
Greenland halibut	II a (1), VI (1)	1 700
Sprat	II a (1), IV (1)	6 800
Norway pout	II a (1), IV (1)	20 000
Horse mackerel	II a (1), IV (1)	5 000
Blue whiting	II (1), IV (1), V b (1), VI (1), VII (1)	186 700

(1) Waters of the Community as at present constituted.
(2) Community waters.
(3) Long-lining for grenadiers, rat-tails, *Mora mora* and greater forkbeard.

4. Until the date of application of the Community fishing permit system, in waters of the Community as at present constituted the fishing effort of Norwegian vessels in relation to non-regulated and non-allocated species may not exceed levels reached immediately prior to the entry into force of the Accession Treaty.

Subsection II

Vessels of the Union as at present constituted

Article 45

As from the date of accession and until the date of application of the Community fishing permit system, all provisions concerning fishing by vessels of the Union as at present constituted in waters falling under the sovereignty or within the jurisdiction of Norway north of 62°N, shall be identical to those applicable immediately prior to entry into force of the Accession Treaty.

The implementing rules to this Article shall be adopted by 1 January 1995 in accordance with the procedure laid down in Article 18 of Regulation (EEC) No 3760/92.

Article 46

As from the date of accession and until the date of application of the Community fishing permit system, vessels of the Union as at present constituted shall be authorized to fish, in waters falling under the sovereignty or within the jurisdiction of Norway, in ICES Divisions IIIa and IV, under conditions identical to those applicable immediately prior to entry into force of the Accession Treaty.

The implementing rules to this Article shall be adopted by 1 January 1995 in accordance with the procedure laid down in Article 18 of Regulation (EEC) No 3760/92.

Article 47

1. The share of Community fishing opportunities in waters falling under the sovereignty or within the jurisdiction of Norway on stocks other than those at present managed jointly by the Union and Norway, and subject to catch limits, to be allocated to the Union as at present constituted, shall be fixed as follows by species and zone:

Species	ICES Division Reference zones for fixing the TACs	Shares for the Union as constituted at present (%)
Cod	I (2), II (2) (4)	4,470 (3) (7)
Mackerel	II a (1)	11,457
Haddock	I (2), II (2) (4)	5,162 (7)
Saithe	I, II (4)	4,232 (7)
Redfish	I, II (4)	7,947 (5) (6) (7)
Greenland halibut	I, II (4)	2,585 (5) (7)
Deep-sea prawn	IV (1)	20,000

(1) Waters under the sovereignty or jurisdiction of Norway.
(2) Except in waters within 12 nautical miles of Norwegian baselines.
(3) Expressed as a percentage of the TAC. Until 31 December 1997, the share shall be 2,9 % plus the cohesion cod quota of 11 000 t. As from 1 January 1998 the 1,57 % of the TAC corresponds to the cohesion cod quota. An additional by-catch quota of 10 % expressed in cod equivalent will apply to the cohesion cod quota. When the Union takes over the responsibility for the fixing of the TAC, the share of the Union as at present constituted will be fixed as a percentage of the quota available to the Union, on the basis of the year 1994.
(4) Excluding waters of the Community as at present constituted.
(5) Expressed as a percentage of the TAC for the stock. If the TAC has not been set, the reference shall be the TAC recommended by the ACFM.
(6) This allocation does not take into account the transfer of the 1500 t from Norway to the Community as at present constituted, resulting from the 1992 arrangements.
(7) Without prejudice to the Community rights and commitments with other States and under international agreements.

2. The fishing opportunities allocated to the Union as at present constituted shall be set in accordance with Article 8 (4) of Regulation (EEC) No 3760/92, for the first time before 1 January 1995.

3. The quantities allocated to the Union as at present constituted in waters falling under the sovereignty or within the jurisdiction of Norway of species not subject to limits on exploitation rates in the form of catch limits shall be set on a flat-rate basis as follows, by species and by zone:

Species	ICES Division Reference zones	Shares for the Union as at present constituted (tonnes)
Norway pout	IV (1)	52 000
Sand eel	IV (1)	159 000
Blue whiting	II (1)	1 000
Other species	IV (1)	7 950 (2)
Other species	I (1), II a, b (1)	520 (3)

(1) Waters under the sovereignty or jurisdiction of Norway.
(2) This quantity may be adjusted in the light of the development of fisheries along with adjustments for Norwegian fishing possibilities.
(3) As by-catches

4. Until the date of application of the Community fishing permit system, in the waters falling under the sovereignty or within the jurisdiction of Norway the levels of fishing effort by vessels of the Union as at present constituted for non-regulated and non-allocated species may not exceed the levels reached immediately before the entry into force of the Accession Treaty.

Subsection III

Other provisions

Article 48

1. Except where otherwise specified in the present Act, the conditions, including the geographical framework and the traditional fishing patterns, under which the allocations made in Articles 44 and 47 can be fished by Norway in the waters of the Community as at present constituted and by the Union as at present constituted in Norwegian waters, will remain identical to those applicable immediately prior to the entry in force of the Accession Treaty.

2. These conditions shall be fixed for the first time before 1 January 1995, in accordance with Article 8 (4) of Regulation (EEC) No 3760/92.

Article 49

Until 30 June 1998 Norway shall be authorized to set the levels of the rates of exploitation in the form of catch limitations for resources located in the waters falling under its sovereignty or within its jurisdiction north of 62°N, with the exception of mackerel.

The full integration of the management of those resources into the Common Fisheries Policy after that date shall be based on the existing management regime as reflected in the Joint Declaration on the management of fisheries resources in waters north of 62°N.

Article 50

1. During a period of one year from the date of accession, in the waters falling under the sovereignty or within the jurisdiction of Norway, the technical measures applicable immediately before the entry into force of the Accession Treaty shall be maintained with regard to all vessels of the Union.

2. During a period of three years from the date of accession, in waters under the sovereignty or within the jurisdiction of Norway situated north of 62°N, the competent Norwegian authorities shall be authorized to adopt measures temporarily prohibiting certain types of fishing in biologically sensitive zones for reasons of stock conservation, to apply to all vessels concerned.

3. During a period of three years, for vessels of the Union fishing in waters under the sovereignty or jurisdiction of Norway all catches shall be maintained on board in Norwegian waters.

4. During a period of three years, for vessels of the Union fishing in waters under the sovereignty or jurisdiction of Norway, catches of species subject to catch limitations for which fishing is closed shall be maintained on board in Norwegian waters.

5. Before the end of the transitional periods mentioned in paragraphs 1, 2, 3 and 4, in accordance with the procedure provided for in Article 4 (1) of Regulation (EEC) No 3760/92, the Council shall take a decision on the technical measures applicable in the waters falling under the sovereignty or within the jurisdiction of Norway for all vessels of the Union with a view to maintaining or developing existing measures.

Article 51

Without prejudice to the provisions of Council Regulation (EEC) 2847/93, Norway may maintain national control measures existing immediately before the entry into force of the Accession Treaty and apply them to all vessels of the Union:

— for a period of three years from the date of accession, in the waters falling under its sovereignty or within its jurisdiction which are situated north of 62°N;

— for a period of one year from the date of accession, in the waters falling under its sovereignty or within its jurisdiction which are situated south of 62° N.

Before the end of these transitional periods, in accordance with the procedure provided for in Article 43 of the EC Treaty, the Council shall take a decision on the control measures applicable in the waters falling under the sovereignty or within the jurisdiction of Norway for all vessels of the Union with a view to maintaining or developing existing measures.

Section III

External resources

Article 52

1. As from accession, the fisheries agreements concluded by the Kingdom of Norway with third countries shall be managed by the Community .

However, until 30 June 1998, the agreement with Russia of 15 October 1976 on mutual fishing relations shall be managed by the Kingdom of Norway in close association with the Commission.

2. The rights and obligations resulting for the Kingdom of Norway from the agreements referred to in paragraph 1 shall not be affected during the period in which the provisions of these agreements are provisionally maintained.

3. As soon as possible, and in any event before the expiry of the agreements referred to in paragraph 1, the appropriate decisions for the continuation of fishing possibilities shall be adopted in each case by the Council, acting by a qualified majority on a proposal from the Commission, including the possibility of extending certain agreements for periods not exceeding one year.

4. Where, by virtue of existing agreements concluded by the Community with third countries, in particular with Greenland, Norway has derived fishing possibilities prior to the date of accession, these will be maintained on the basis of Community principles, including the principle of relative stability.

Section IV

Arrangements applicable to trade

Article 53

1. For a period of four years from the date of accession, the following fishery products, namely, salmon, herring, mackerel, shrimps, scallops, Norway lobster, redfish and trout, coming from Norway and for consignment to the other Member States, shall be subject to a trade monitoring system.

2. This system, managed by the Commission, shall stipulate indicative ceilings allowing for unhampered trade up to the ceilings. It will be based on dispatch documents issued by the country of origin. In the event of the ceilings being exceeded or of serious market disturbances, the Commission may take the appropriate measures in accordance with established Community practice. Such measures shall under no circumstances be more stringent than those applied to imports from third countries.

3. The Council acting by a qualified majority on a proposal from the Commission shall adopt, before 1 January 1995, the procedure for applying this Article.

CHAPTER 4

External relations including customs union

Article 54

The acts listed in Annex VI to this Act shall apply in respect of Norway under the conditions laid down in that Annex.

Article 55

The basic duty used for the moves towards alignment on the Common Customs Tariff provided for in Article 56 shall, for each product, be the duty actually applied by the Kingdom of Norway on 1 January 1994.

Article 56

The Kingdom of Norway may maintain, for a period of three years after accession, its customs tariff applicable to third countries for the products referred to in Annex VII.

During this period, the Kingdom of Norway shall reduce the difference between its basic duty and the duty in the Common Customs Tariff in accordance with the following timetable:

— on 1 January 1996, each difference between the basic duty and the CCT duty shall be reduced to 75 %;

— on 1 January 1997, each difference between the basic duty and the CCT duty shall be reduced to 40 %.

The Kingdom of Norway shall apply in full the Common Customs Tariff from 1 January 1998.

Article 57

1. As from 1 January 1995, the Kingdom of Norway shall apply:

(a) the Arrangement of 20 December 1973 regarding International Trade in Textiles as amended or extended by the Protocols of 31 July 1986, 31 July 1991, 9 December 1992 and 9 December 1993 or the Agreement on Textiles and Clothing resulting from the Uruguay Round GATT trade negotiations, if the latter is in force at the date of accession;

(b) the bilateral textile agreements and arrangements concluded by the Community with third countries.

2. Protocols to the bilateral agreements and arrangements referred to in paragraph 1 shall be negotiated by the Community with the third countries concerned in order to provide for an appropriate adjustment of the quantitative restrictions on exports of textile and clothing products to the Community.

3. Should the protocols referred to in paragraph 2 not have been concluded by 1 January 1995, the Community shall take measures designed to deal with this situation and concerning the necessary transitional adjustments to ensure that the agreements are implemented by the Community.

Article 58

1. The Kingdom of Norway may open a yearly duty free tariff quota for styrene (CN code 2902 50 00) of 21 000 tonnes until 31 December 1999, provided that the goods in question:

— are released for free circulation in the territory of Norway and are consumed there or undergo processing conferring Community origin there, and

— remain under customs supervision pursuant to the relevant Community provisions on end-use (Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code, Articles 21 and 82).

2. The provisions of paragraph 1 shall be applicable only if a licence issued by the relevant Norwegian authorities stating that the goods in question fall within the scope of the provisions contained in paragraph 1 is submitted in support of the declaration of entry for release for free circulation.

3. The Commission and the competent Norwegian authorities shall take whatever measures are needed to ensure that the final consumption of the product in question, or the processing by which it acquires Community origin, takes place in the territory of Norway.

Article 59

1. As from 1 January 1995, the Kingdom of Norway shall apply the provisions of the Agreements referred to in Article 60.

2. Any adjustments shall be the subject of protocols concluded with the co-contracting countries and annexed to those Agreements.

3. Should the protocols referred to in paragraph 2 not have been concluded by 1 January 1995, the Community shall take the necessary measures to deal with that situation on accession.

Article 60

Article 59 shall apply to:

— the Agreements concluded with Andorra, Algeria, Bulgaria, the former Czech and Slovak Federal Republic and its successor states (the Czech Republic and the Slovak Republic), Cyprus, Egypt, Hungary, Iceland, Israel, Jordan, Lebanon, Malta, Morocco, Poland, Romania, Slovenia, Switzerland, Syria, Tunisia and Turkey and to other Agreements concluded with third countries and concerning exclusively trade in the products listed in Annex II to the EC Treaty;

— the fourth ACP/EEC Convention, signed on 15 December 1989;

— other similar agreements which might be concluded before accession.

Article 61

With effect from 1 January 1995, the Kingdom of Norway shall withdraw, *inter alia*, from the Convention establishing the European Free-Trade Association signed on 4 January 1960 and from the Free-Trade Agreements signed with Estonia, Latvia and Lithuania in 1992.

Article 62

If the new trade agreements to be concluded between the Community and Estonia, Latvia and Lithuania have not entered into force by the date of accession, the Community shall take the necessary measures to allow on accession the continuation of the prevailing level of access to the Norwegian market, of products originating in those Baltic States.

CHAPTER 5

Financial and budgetary provisions

Article 63

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

Article 64

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

Article 65

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

Article 66

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

— ECU 201 million in 1995,

— ECU 128 million in 1996,

— ECU 52 million in 1997,

— ECU 26 million in 1998.

Article 67

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

Article 68

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

TITLE III

TRANSITIONAL MEASURES CONCERNING AUSTRIA

CHAPTER 1

Free movement of goods

Sole section

Standards and environment

Article 69

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

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

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

CHAPTER 2

Free movement of persons, services and capital

Article 70

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

CHAPTER 3

Competition policy

Article 71

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

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

from Member States. At the beginning of each of the three years under consideration, the Republic of Austria shall open a quota calculated on the basis of the following percentages of national consumption: 15 % for the first year, 40 % for the second year, 70 % for the third year. The volumes corresponding to the percentages for the three years are given in the list in Annex IX.

The quotas referred to in the preceding subparagraph shall be open to all operators, without restriction, and products imported under those quotas may not, in the Republic of Austria, be subject to an exclusive marketing right at wholesale trade level; as regards retail sale of products imported under quotas, disposal of such products to consumers must be carried out in a non-discriminatory manner.

3. At the latest one year after its accession, the Republic of Austria shall set up an independent authority with responsibility for granting authorizations for conducting retail trade, in accordance with the EC Treaty.

Article 72

Until 1 January 1996, the Republic of Austria may maintain, in respect of other Member States, the customs duties and licensing arrangements which it applied on the date of its accession to spirituous beverages and undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol falling within heading 22.08 of the HS. Any such licensing arrangements must be applied in a non-discriminatory manner.

CHAPTER 4

External relations including Customs Union

Article 73

The acts listed in Annex VI to this Act shall apply in respect of Austria under the conditions laid down in that Annex.

Article 74

The Republic of Austria may, until 31 December 1996, maintain with respect to the Republic of Hungary, the Republic of Poland, the Slovak Republic, the Czech Republic, Romania and Bulgaria, the import restrictions which it applied on 1 January 1994 in respect of lignite falling under code 27 02 10 00 of the Combined Nomenclature.

The necessary adaptations will be made to the Europe Agreements and, where applicable, to the Interim Agreements concluded with those countries in accordance with Article 76.

Article 75

1. As from 1 January 1995, the Republic of Austria shall apply:

(a) the Arrangement of 20 December 1973 regarding International Trade in Textiles as amended or extended by the Protocols of 31 July 1986, 31 July 1991, 9 December 1992 and 9 December 1993 or the Agreement on Textiles and Clothing resulting from the Uruguay Round GATT trade negotiations, if the latter is in force at the date of accession;

(b) the bilateral textile agreements and arrangements concluded by the Community with third countries.

2. Protocols to the bilateral agreements and arrangements referred to in paragraph 1 shall be negotiated by the Community with the third countries concerned in order to provide for an appropriate adjustment of the quantitative restrictions on exports of textile and clothing products to the Community.

3. Should the protocols referred to in paragraph 2 not have been concluded by 1 January 1995, the Community shall take measures designed to deal with this situation and concerning the necessary transitional adjustments to ensure that the agreements are implemented by the Community.

Article 76

1. As from 1 January 1995, the Republic of Austria shall apply the provisions of the Agreements referred to in Article 77.

2. Any adjustments shall be the subject of protocols concluded with the co-contracting countries and annexed to those Agreements.

3. Should the protocols referred to in paragraph 2 not have been concluded by 1 January 1995, the Community shall take the necessary measures to deal with that situation on accession.

Article 77

Article 76 shall apply to:

— the Agreements concluded with Andorra, Algeria, Bulgaria, the former Czech and Slovak Federal Republic and its successor states (the Czech Republic and the Slovak Republic), Cyprus, Egypt, Hungary, Iceland, Israel, Jordan, Lebanon, Malta, Morocco, Poland, Romania, Slovenia, Switzerland, Syria, Tunisia and Turkey and to other Agreements concluded with third countries and concerning exclusively trade in the products listed in Annex II to the EC Treaty;

— the fourth ACP/EEC Convention, signed on 15 December 1989;

— other similar agreements which might be concluded before accession.

Article 78

With effect from 1 January 1995, the Republic of Austria shall withdraw, *inter alia*, from the Convention establishing the European Free-Trade Association signed on 4 January 1960.

CHAPTER 5

Financial and budgetary provisions

Article 79

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

Article 80

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

Article 81

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

— ECU 583 million in 1995,
— ECU 106 million in 1996,
— ECU 71 million in 1997,
— ECU 35 million in 1998.

Article 82

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

Article 83

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

TITLE IV

TRANSITIONAL MEASURES CONCERNING FINLAND

CHAPTER 1

Free movement of goods

Section 1

Standards and environment

Article 84

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

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

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

Section 2

Miscellaneous

Article 85

During a period of three years from the date of accession, the Republic of Finland may continue to apply its present national system for the classification of wood in the rough to the extent that its national legislation and administrative arrangements pertaining thereto do not contravene Community legislation relating to the internal market or trade with third countries, and in particular Article 6 of Directive 68/89/EEC on the approximation of the laws of the Member States concerning the classification of wood in the rough.

During the same period, and in accordance with the procedures laid down in the EC Treaty, Directive 68/89/EEC shall be reviewed.

CHAPTER 2

Free movement of persons, services and capital

Article 86

In derogation from Article 73b of the EC Treaty, the Republic of Finland may apply until 31 December 1995 the provisions of Law No 1612 of 30 December 1992 concerning the acquisition of Finnish undertakings by foreigners.

Article 87

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

CHAPTER 3

Fisheries

Section I

General provisions

Article 88

1. Unless any provision of this chapter stipulates otherwise, the rules laid down by this Act shall apply to the fisheries sector.

2. Articles 148 and 149 shall be applicable to fishery products.

Section II

Access to waters and resources

Article 89

Unless any provision of this Chapter stipulates otherwise, the arrangements for access laid down in this section shall apply during a transitional period the end of which shall be marked by the date of implementation of the Community fishing permit system and which will in not in any event be later than the date of expiry of the period laid down in Article 14 (2) of Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture.

Subsection I

Finnish vessels

Article 90

For the purposes of their integration into the Community system for fisheries and aquaculture set up by Regulation (EEC) No 3760/92, access to the waters falling under the sovereignty or within the jurisdiction of the Member States of the Union as at present constituted by fishing vessels flying the flag of Finland and recorded and/or registered in a Finnish port, hereinafter called 'Finnish vessels', shall be subject to the system laid down in this Subsection.

Article 91

As from the date of accession and until the date of application of the Community fishing permit system, Finnish vessels shall be authorized to fish in waters falling under the sovereignty or within the jurisdiction of the Member States of the Union as at present constituted, in ICES Division IIId under conditions identical to those applicable immediately before the entry into force of the Accession Treaty.

Article 92

The technical procedures which prove necessary with a view to ensuring the application of Article 91 shall be adopted before 1 January 1995, in accordance with the procedure provided for in Article 18 of Regulation (EEC) No 3760/92.

Article 93

As from the date of accession and until the date of application of the Community fishing permit system, Finnish vessels shall be authorized to fish in the waters falling under the sovereignty or within the jurisdiction of Sweden, under conditions identical to those applicable immediately before the entry into force of the Accession Treaty.

The detailed rules for implementing this Article shall be adopted before 1 January 1995 under the procedure laid down in Article 18 of Regulation (EEC) No 3760/92.

Article 94

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

Species	ICES or IBSFC Division Reference zones for fixing the TACs	Shares for Finland (%)
Herring	III b, c, d except 'Management Unit 3' of the IBSFC (1)	11,840
Herring	'Management Unit 3' of the IBSFC	81,986
Sprat	III b, c, d (2)	12,798
Salmon	III b, c, d except the Gulf of Finland (3)	33,611
Salmon	Gulf of Finland (3)	100,000
Cod	III b, c, d (2)	2,339 (4)

(1) As defined by IBSFC.
(2) Community waters.
(3) Subdivision 32 of the IBSFC.
(4) This percentage shall be applicable to the first 50 000 tonnes of Community fishing opportunities. For Community fishing opportunities in excess of 50 000 tonnes, the Finnish share shall be 2,161%.

2. The shares allocated to Finland shall be set in accordance with Article 8 (4) of Regulation (EEC) No 3760/92, for the first time before 31 December 1994.

3. Until the date of application of the Community fishing permit system and by 31 December 1997 at the latest, in the waters of the Community as at present constituted, covered by Article 91, the levels of fishing activity by Finnish vessels for non-regulated and non-allocated species may not exceed the levels attained immediately before the entry into force of the Accession Treaty.

Subsection II

Vessels of the Union as at present constituted

Article 95

As from the date of accession and until the date of application of the Community fishing permit system, vessels flying the flag of a Member State of the Union as at present constituted shall be authorized to fish, in the waters falling under the sovereignty or within the jurisdiction of Finland, under conditions identical to those applicable immediately before the entry into force of the Accession Treaty.

The detailed rules for applying this Article shall be adopted before 1 January 1995 according to the procedure provided for in Article 18 of Regulation (EEC) No 3760/92.

Section III

External resources

Article 96

1. As from the date of accession, fisheries agreements concluded by the Republic of Finland with third countries shall be managed by the Community.

2. The rights and obligations resulting for the Republic of Finland from the agreements referred to in paragraph 1 shall not be affected during the period in which the provisions of these agreements are provisionally maintained.

3. As soon as possible, and in any event before the agreements referred to in paragraph 1 expire, appropriate decisions for the continuation of fishing activities resulting therefrom shall be adopted in each case by the Council acting by a qualified majority on a proposal from the Commission, including the possibility of extending certain agreements for periods not exceeding one year.

CHAPTER 4

External relations including customs union

Article 97

The acts listed in Annex VI to this Act shall apply in respect of Finland under the conditions laid down in that Annex.

Article 98

The basic duty used for the moves towards alignment on the Common Customs Tariff provided for in Article 99 shall, for each product, be the duty actually applied by the Republic of Finland on 1 January 1994.

Article 99

The Republic of Finland may maintain, for a period of three years after accession, its customs tariff applicable to third countries for the products referred to in Annex XI.

During this period, the Republic of Finland shall reduce the difference between its basic duty and the duty in the Common Customs Tariff in accordance with the following timetable:

— on 1 January 1996, each difference between the basic duty and the CCT duty shall be reduced to 75 %;

— on 1 January 1997, each difference between the basic duty and the CCT duty shall be reduced to 40 %;

The Republic of Finland shall apply in full the Common Customs Tariff from 1 January 1998.

Article 100

1. As from 1 January 1995, the Republic of Finland shall apply:

(a) the Arrangement of 20 December 1973 regarding International Trade in Textiles as amended or extended by the Protocols of 31 July 1986, 31 July 1991, 9 December 1992 and 9 December 1993 or the Agreement on Textiles and Clothing resulting from the Uruguay Round GATT trade negotiations, if the latter is in force on the date of accession;

(b) the bilateral textile agreements and arrangements concluded by the Community with third countries.

2. Protocols to the bilateral agreements and arrangements referred to in paragraph 1 shall be negotiated by the Community with the third countries concerned in order to provide for an appropriate adjustment of the quantitative restrictions on exports of textile and clothing products to the Community.

3. Should the protocols referred to in paragraph 2 not have been concluded by 1 January 1995, the Community shall take measures designed to deal with this situation and concerning the necessary transitional adjustments to ensure that the agreements are implemented by the Community.

Article 101

1. The Republic of Finland may open a yearly duty free tariff quota for styrene (CN code 2902 50 00) of 21 000 tonnes until 31 December 1999, provided that the goods in question:

— are released for free circulation in the territory of Finland and are consumed there or undergo processing conferring Community origin there, and

— remain under customs supervision pursuant to the relevant Community provisions on end-use (Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code, Articles 21 and 82).

2. The provisions of paragraph 1 shall be applicable only if a licence issued by the relevant Finnish authorities stating that the goods in question fall within the scope of the provisions contained in paragraph 1 is submitted in support of the declaration of entry for release for free circulation.

3. The Commission and the competent Finnish authorities shall take whatever measures are needed to ensure that the final consumption of the product in question, or the processing by which it acquires Community origin, takes place in the territory of Finland.

Article 102

1. As from 1 January 1995, the Republic of Finland shall apply the provisions of the Agreements referred to in Article 103.

2. Any adjustments shall be the subject of protocols concluded with the co-contracting countries and annexed to those Agreements.

3. Should the protocols referred to in paragraph two not have been concluded by 1 January 1995, the Community shall take the necessary measures to deal with that situation on accession.

Article 103

Article 102 shall apply to:

— the Agreements concluded with Andorra, Algeria, Bulgaria, the former Czech and Slovak Federal Republic and its successor states (the Czech Republic and the Slovak Republic), Cyprus, Egypt, Hungary, Iceland, Israel, Jordan, Lebanon, Malta, Morocco, Poland, Romania, Slovenia, Switzerland, Syria, Tunisia and Turkey and to other Agreements concluded with third countries and concerning exclusively trade in the products listed in Annex II to the EC Treaty;

— the fourth ACP/EEC Convention, signed on 15 December 1989;

— other similar agreements which might be concluded before accession.

Article 104

With effect from 1 January 1995, the Republic of Finland shall withdraw, *inter alia*, from the Convention establishing the European Free-Trade Association signed on 4 January 1960 and from the Free-Trade Agreements signed with Estonia, Latvia and Lithuania in 1992.

Article 105

If the new trade agreements to be concluded between the Community and Estonia, Latvia and Lithuania have not entered into force by the date of accession, the Community shall take the necesary measures to allow on accession the continuation of the prevailing level of access to the Finnish market of products originating in those Baltic States.

CHAPTER 5

Financial and budgetary provisions

Article 106

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

Article 107

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

Article 108

Own resources accruing from VAT shall be calculated and checked as though the Åland Islands were included in the territorial scope of the Sixth Council Directive, 77/388/EEC, of 17 May 1977 on the harmonization of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment.

Article 109

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

— ECU 476 million in 1995,

— ECU 163 million in 1996,

— ECU 65 million in 1997,

— ECU 33 million in 1998.

Article 110

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

Article 111

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

TITLE V

TRANSITIONAL MEASURES CONCERNING SWEDEN

CHAPTER 1

Free movement of goods

Section I

Standards and environment

Article 112

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

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

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

Section II

Miscellaneous

Article 113

During a period of three years from the date of accession, the Kingdom of Sweden may continue to apply its present national system for the classification of wood in the rough to the extent that its national legislation and administrative arrangements pertaining thereto do not contravene Community legislation relating to the internal market or trade with third countries, and in particular Article 6 of Directive 68/89/EEC on the approximation of the laws of the Member States concerning the classification of wood in the rough.

During the same period, and in accordance with the procedures laid down in the EC Treaty, Directive 68/89/EEC shall be reviewed.

CHAPTER 2

Free movement of persons, services and capital

Article 114

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

CHAPTER 3

Fisheries

Section I

General provisions

Article 115

1. Unless any provision of this Chapter stipulates otherwise, the rules laid down by this Act shall apply to the fisheries sector.

2. Articles 148 and 149 shall be applicable to fishery products.

Section II

Access to waters and resources

Article 116

Unless any provision of this Chapter stipulates otherwise, the arrangements for access laid down in this Section shall apply during a transitional period the end of which shall be marked by the date of implementation of the Community fishing permit system and which will not in

any event be later than the date of expiry of the period laid down in Article 14 (2) of Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture.

Subsection I

Swedish vessels

Article 117

For the purposes of their integration into the Community system for fisheries and aquaculture set up by Regulation (EEC) No 3760/92, access to the waters under the sovereignty or jurisdiction of the Member States of the Union as at present constituted by fishing vessels flying the flag of Sweden and recorded or registered in a Swedish port, hereinafter called 'Swedish vessels', shall be subject to the regime laid down in this Subsection.

Article 118

As from the date of accession and until the date of application of the Community fishing permit system, Swedish vessels shall be authorized to fish in waters falling under the sovereignty or within the jurisdiction of the Member States of the Union as at present constituted, in ICES Divisions III and IV, under conditions identical to those applicable immediately before the entry into force of the Accession Treaty and laid down by the relevant provisions of Regulation (EC) No 3682/93.

Article 119

The technical procedures which prove necessary with a view to ensuring the application of Article 118 shall be adopted before 1 January 1995, in accordance with the procedure provided for in Article 18 of Regulation (EEC) No 3760/92.

Article 120

As from the date of accession and until the date of application of the Community fishing permit system, Swedish vessels shall be authorized to fish in the waters falling under the sovereignty or within the jurisdiction of Finland and Norway in ICES Divisions III and IV under conditions identical to those applicable immediately before the entry into force of the Accession Treaty.

The detailed rules for applying this Article shall be adopted before 1 January 1995 according to the procedure provided for in Article 18 of Regulation (EEC) No 3760/92.

Article 121

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

Species	ICES or IBSFC Division (1) Reference zones for fixing the TACs	Shares for Sweden (%)
Herring	III a	43,944
Herring	III b, c, d (2) except 'Management Unit 3' of the IBSFC (3)	46,044
Herring	'Management Unit 3' of the IBSFC	18,014
Herring (4)	II a (5), IV, VII d	1,010
Sprat	III a	25,407
Sprat	III b, c, d (2)	47,264
Salmon	III b, c, d (2) except the Gulf of Finland (6)	36,435
Cod	III a Skagerrak (7)	14,006
Cod	III a Kattegat (8)	37,027
Cod	III b, c, d (2)	35,037 (9)
Cod	II a (5), IV	0,127
Haddock	III a, III b, c, d (2)	9,527
Haddock	II a (5), IV	0,443
Saithe	II a (5), III (2), IV	0,642
Whiting	III a	9,471
Whiting	II a (5), IV	0,016
Hake	III (2)	7,401
Mackerel	II a (5), III (2), IV	6,632
Plaice	III a Skagerrak	4,171
Plaice	III a Kattegat	10,000
Plaice	III b, c, d (2)	6,356
Sole	III a, III b, c, d (2)	3,099
Deep-water prawn	III a	18,690
Norway lobster	III a (10), III b, c, d (2)	25,856

(1) IBSFC: International Baltic Sea Fisheries Commission.
(2) Community waters.
(3) As defined by IBSFC.
(4) Excluding Norwegian spring-spawning herring.
(5) Waters of the Community as at present constituted.
(6) Subdivision 32 of the IBSFC.
(7) Except waters inside the Norwegian baselines.
(8) Defined as the part of III a not covered by the definition of III a Skagerrak given in Article 41.
(9) This percentage shall be applicable to the first 50 000 tonnes of Community fishing opportunities. For Community fishing opportunities in excess of 50 000 tonnes, the Swedish share shall be 40,000 %. These allocations do not take account of the continued transfers of quotas from Sweden to the present Member States of the Union, resulting from the 1992 EEA arrangements.
(10) Except waters within 4 nautical miles of Norwegian baselines.

2. The shares allocated to Sweden shall be set in accordance with Article 8 (4) of Regulation (EEC) No 3760/92, for the first time before 31 December 1994.

3. The shares allocated to Sweden of species not subject to limits on rate of exploitation in the form of catch limits, or subject to TACs, but not allocated in quotas between Member States of the Union as at present constituted, shall be set on a flat-rate basis as follows, by species and by zone:

Species	ICES Division Reference zones for fixing the TACs	Shares for Sweden (t)
Sprat (3)	II a (1), IV (1)	1 330
Others (2)	II a (1), IV (1)	1 000

(1) Community waters.
(2) Species other than those for which a specific quota or flat-rate quantity is allocated to Sweden.
(3) Including sand-eel

4. Until the date of application of the Community fishing permit system and by 31 December 1997 at the latest, in the Community waters, covered by Article 117, the levels of fishing activity by Swedish vessels for non-regulated and non-allocated species may not exceed the levels attained immediately before the entry into force of the Accession Treaty.

Article 122

1. Except where otherwise specified in this Act, the conditions under which the allocations made in Article 121 can be fished will remain identical to those applicable immediately prior to the entry in force of the Accession Treaty.

2. These conditions shall be fixed for the first time before 1 January 1995, in accordance with Article 8 (4) of Regulation (EEC) No 3760/92.

Subsection II

Vessels of the Union as at present constituted

Article 123

As from the date of accession and until the date of application of the Community fishing permit system, vessels flying the flag of a Member State of the Union as at present constituted shall be authorized to fish, in the waters falling within the sovereignty or under the jurisdiction of Sweden, in ICES Divisions III a, b and d under conditions identical to those applicable immediately before the entry into force of the Accession Treaty.

The detailed rules for applying this Article shall be adopted before 1 January 1995 according to the procedure provided for in Article 18 of Regulation (EEC) No 3760/92.

Section III

External resources

Article 124

1. As from the date of accession, fisheries agreements concluded by the Kingdom of Sweden with third countries shall be managed by the Community.

2. The rights and obligations resulting for the Kingdom of Sweden from the agreements referred to in paragraph 1 shall not be affected during the period in which the provisions of these agreements are provisionally maintained.

3. As soon as possible, and in any event before the expiry of the agreements referred to in paragraph 1, appropriate decisions for the continuation of fishing activities resulting therefrom shall be adopted in each case by the Council acting by a qualified majority on a proposal from the Commission, including the possibility of extending certain agreements for periods not exceeding one year.

Article 125

For a period of no longer than three years from the date of accession, the Council, acting by a qualified majority on a proposal from the Commission, shall fix annually the amount of the Union's financial contribution to the release of smolt carried out by the competent Swedish authorities.

This financial compensation will be assessed in the light of the balances existing immediately before accession.

CHAPTER 4

External relations including Customs Union

Article 126

The acts listed in Annex VI to this Act shall apply in respect of Sweden under the conditions laid down in that Annex.

Article 127

1. As from 1 January 1995, the Kingdom of Sweden shall apply:

(a) the Arrangement of 20 December 1973 regarding International Trade in Textiles as amended or extended by the Protocols of 31 July 1986, 31 July 1991, 9 December 1992 and 9 December 1993 or the Agreement on Textiles and Clothing resulting from the Uruguay Round GATT trade negotiations, if the latter is in force at the date of accession;

(b) the bilateral textile agreements and arrangements concluded by the Community with third countries.

2. Protocols to the bilateral agreements and arrangements referred to in paragraph 1 shall be negotiated by the Community with the third countries concerned in order to provide for an appropriate adjustment of the quantitative limits on imports of textile and clothing products into the Community in a way which takes into account the existing trade patterns between Sweden and its supplier countries.

3. Should the protocols referred to in paragraph 2 not have been concluded by 1 January 1995, the Community shall take measures designed to deal with this situation and concerning the necessary transitional adjustments to ensure that the agreements are implemented by the Community.

Article 128

1. As from 1 January 1995, the Kingdom of Sweden shall apply the provisions of the Agreements referred to in Article 129.

2. Any adjustments shall be the subject of protocols concluded with the co-contracting countries and annexed to those Agreements.

3. Should the protocols referred to in paragraph two not have been concluded by 1 January 1995, the Community shall take the necessary measures to deal with that situation on accession.

Article 129

Article 128 shall apply to:

— the Agreements concluded with Andorra, Algeria, Bulgaria, the former Czech and Slovak Federal Republic and its successor states (the Czech Republic and the Slovak Republic), Cyprus, Egypt, Hungary, Iceland, Israel, Jordan, Lebanon, Malta, Morocco, Poland, Romania, Slovenia, Switzerland, Syria, Tunisia and Turkey and to other Agreements concluded with third countries and concerning exclusively trade in the products listed in Annex II to the EC Treaty;

— the fourth ACP/EEC Convention, signed on 15 December 1989;

— other similar agreements which might be concluded before accession.

Article 130

With effect from 1 January 1995, the Kingdom of Sweden shall withdraw, *inter alia*, from the Convention establishing the European Free-Trade Association signed on 4 January 1960 and from the Free-Trade Agreements signed with Estonia, Latvia and Lithuania in 1992.

Article 131

If the new trade agreements to be concluded between the Community and Estonia, Latvia and Lithuania have not entered into force by the date of accession, the Community shall take the necesary measures to allow on accession the continuation of the prevailing level of access to the Swedish market of products originating in those Baltic States.

CHAPTER 5

Financial and budgetary provisions

Article 132

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

Article 133

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

Article 134

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

— ECU 488 million in 1995,

— ECU 432 million in 1996,

— ECU 76 million in 1997,

— ECU 31 million in 1998.

Article 135

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

Article 136

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

TITLE VI

AGRICULTURE

Article 137

1. This Title concerns agricultural products with the exception of products falling within Regulation (EEC) No 3759/92 on the common organization of the market in fishery and aquaculture products.

2. Except where this Act provides otherwise:

— trade by the new Member States between themselves, with third countries or with the present Member States shall be subject to the regime applicable to the latter Member States. The regime applicable in the Community as at present constituted with regard to import duties and charges having equivalent effect, quantitative restrictions and measures having equivalent effect shall be applicable to the new Member States;

— the rights and obligations resulting from the common agricultural policy shall be applicable in full in the new Member States.

3. Subject to the special provisions of this title with regard to different dates or time limits, transitional measures for the agricultural products referred to in paragraph 1 shall cease to apply by the end of the fifth year following the accession of Austria, Finland and Norway. These measures shall nevertheless take full account, for each product, of the total production during the year 1999.

CHAPTER 1

Provisions concerning national aids

Article 138

1. During the transitional period, subject to authorization by the Commission, Norway, Austria and Finland may grant, in an appropriate form, transitional and degressive national aids to producers of basic agricultural products subject to the common agricultural policy.

These aids may be the subject of differentiation in particular by region.

2. The Commission shall authorize the aids provided for in paragraph 1:

— in all cases where the factors introduced by a new Member State show that significant differences exist between the level of support granted by product to its producers before accession and that which may be granted under the common agricultural policy;

— up to an initial amount equal, at most, to this difference.

Initial differences of less than 10 % shall not be deemed significant.

However, the Commission's authorizations:

— shall be granted in conformity with the international commitments of the enlarged Community;

— shall, as far as pigmeat, eggs and poultry are concerned, take account of the price alignment of feed;

— shall not be granted for tobacco.

3. The amount of support provided for in paragraph 2 shall be calculated by basic agricultural product. This calculation shall take into consideration in particular the support measures of prices by intervention mechanisms or by other mechanisms as well as the grant of aids linked to surface area, to prices, to the quantity produced or to the production unit, and the grant of aids to holdings for specific products.

4. Authorizations by the Commission shall:

— define the maximum initial level of the aids, the rate at which they decrease and, where appropriate, the conditions for the granting thereof, taking account also of other aids resulting from Community legislation which are not covered by this Article;

— be granted subject to any adjustments which may be rendered necessary:

  — by developments in the common agricultural policy;

  — by developments in the level of prices in the Community.

Should such adjustments prove necessary, the amount of the aids or the conditions for the granting thereof shall be amended at the Commission's request or on the basis of a decision by the Commission.

5. Without prejudice to the provisions of paragraphs 1 to 4, the Commission shall authorize, under paragraph 1, in particular, the national aids provided for in Annex XIII, up to the limits and under the conditions provided for in the said Annex.

Article 139

1. The Commission shall authorize Austria, Finland and Norway to maintain aids which are not linked to a particular production and which, for this reason, are not taken into consideration for the purpose of calculating the amount of support under Article 138 (3). In

particular, aids to holdings shall be authorized under this heading.

2. The aids provided for in paragraph 1 shall be subject to the provisions of Article 138 (4).

Aids of the same kind provided for by the common agricultural policy or compatible with Community legislation shall be deducted from the amounts thereof.

3. Aids authorized under this Article shall be abolished at the latest at the end of the transitional period.

4. Paragraph 1 shall not apply to aids to investment.

Article 140

The Commission shall authorize Austria, Finland and Norway to grant the transitional national aids provided for in Annex XIV up to the limits and under the conditions provided for therein. In its authorization, the Commission shall lay down the initial level of the aids, to the extent that it does not result from the conditions provided for by the Annex, and the rate at which they decrease.

Article 141

Where there are serious difficulties resulting from accession which remain after full utilization of the provisions of Articles 138, 139, 140 and 142, and of the other measures resulting from the rules existing in the Community, the Commission may authorize Finland and Norway to grant national aids to producers so as to facilitate their full integration into the common agricultural policy.

Article 142

1. The Commission shall authorize Norway, Finland and Sweden to grant long-term national aids with a view to ensuring that agricultural activity is maintained in specific regions. These regions should cover the agricultural areas situated to the north of the 62nd Parallel and some adjacent areas south of that parallel affected by comparable climatic conditions rendering agricultural activity particularly difficult.

2. The regions referred to in paragraph 1 shall be determined by the Commission, taking into consideration in particular:

— the low population density;

— the portion of agricultural land in the overall surface area;

— the portion of agricultural land devoted to arable crops intended for human consumption, in the agricultural surface area used.

3. The aids provided for in paragraph 1 may be related to physical factors of production, such as hectares of agricultural land or heads of animal taking account of the relevant limits laid down in the common organizations of the market, as well as the historical production patterns of each farm, but must not:

— be linked to future production;

— or lead to an increase in production or in the level of overall support recorded during a pre-accession reference period to be determined by the Commission.

The aids may be differentiated by region.

These aids must be granted in particular in order to:

— maintain traditional primary production and processing naturally suited to the climatic conditions of the regions concerned;

— improve the structures for the production, marketing and processing of agricultural products;

— facilitate the disposal of the said products;

— ensure that the environment is protected and the countryside preserved.

Article 143

1. The aids provided for in Articles 138 to 142 and any other national aid subject to Commission authorization under this Act shall be notified to the Commission. They may not be applied until such authorization has been given.

Communication of existing or envisaged aid measures by the new Member States prior to accession shall be deemed to constitute notification on the date of accession.

2. As regards the aids provided for in Article 142, the Commission shall submit to the Council one year after accession and subsequently every five years a report on:

— the authorizations granted;

— the results of the aid granted under such authorizations.

In preparation for drawing up such reports, Member States in receipt of such authorizations shall supply the Commission in good time with information on the effects of the aids granted, illustrating the development noted in the agricultural economy of the regions in question.

Article 144

In the field of the aids provided for in Articles 92 and 93 of the EC Treaty:

(a) among the aids applied in the new Member States prior to accession only those communicated to the Commission by 30 April 1995 will be deemed to be 'existing' aids within the meaning of Article 93 (1) of the EC Treaty;

(b) existing aids and plans intended to grant or alter aids, communicated to the Commission prior to accession, shall be deemed to have been notified on the date of accession.

CHAPTER 2

Other provisions

Article 145

1. Public stocks held on 1 January 1995 by the new Member States on account of their market-support policy shall be borne by the Community at the value resulting from application of Article 8 of Council Regulation (EEC) No 1883/78 laying down general rules for the financing of interventions by the European Agricultural Guidance and Guarantee Fund, Guidance Section.

2. Any stock of products in free circulation within the territory of the new Member States on 1 January 1995 and exceeding the quantity which could be regarded as constituting a normal carryover of stock must be eliminated by these Member States at their cost under Community procedures to be specified and within deadlines to be determined in accordance with the procedure referred to in Article 149 (1). The concept of normal carryover stock shall be defined for each product on the basis of criteria and objectives particular to each common market organization.

3. The stocks referred to in paragraph 1 shall be deducted from the quantity exceeding the normal carryover of stock.

Article 146

The Kingdom of Norway is required to ensure that from 1 January 1995 all statutory and contractual provisions which give a monopoly to the Norwegian Grain Corporation (Statens Kornforretning) or any successor organization in relation to the import, export or the buying and selling of agricultural products shall be abolished.

However, Article 85 of the EC Treaty shall be applicable only as from 1 January 1997 to agreements, decisions and concerted practices implemented by the Norwegian Grain Corporation insofar as:

— they have objectives other than those stated in the first subparagraph;

— they do not involve fixing of prices, sharing of markets or control of production.

Article 147

In the agricultural sector where trade between one or more new Member States and the Community as constituted on 31 December 1994, or trade between the new Member States themselves, causes serious disturbances on the market of Austria, Finland or Norway before 1 January 2000, the Commission acting at the request of the Member State concerned, shall decide, within 24 hours of receiving such a request, on such protective measures as it considers necessary. The measures thus decided on shall be applicable forthwith, shall take account of the interest of all parties concerned and shall not entail frontier controls.

Article 148

1. Unless otherwise stipulated in specific cases, the Council, acting by a qualified majority on a proposal from the Commission, shall adopt the necessary provisions to implement this Title.

2. The Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, may make the adaptations to the provisions appearing in this Title which may prove necessary as a result of a modification in Community rules.

Article 149

1. If transitional measures are necessary to facilitate the transition from the existing regime in the new Member States to that resulting from application of the common organization of the markets under the conditions set out in this Title, such measures shall be adopted in accordance with the procedure laid down in Article 38 of Regulation No 136/66/EEC or, as appropriate, in the corresponding Articles of the other Regulations on the common organization of agricultural markets. These measures may be taken during a period expiring on 31 December 1997 and their application shall be limited to that date.

2. The Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, may extend the period referred to in paragraph 1.

Article 150

1. The transitional measures relating to implementation of the instruments concerning the common agricultural policy not specified in this Act, including in the field of structures, which are required as a result of accession shall be adopted prior to accession in accordance with the procedure laid down in paragraph 3 and shall enter into force on the date of accession at the earliest.

2. The transitional measures referred to in paragraph 1 shall include in particular adaptations to instruments making provision for present Member States for co-financing of certain actions in the field of statistics and control of expenditure.

They may also stipulate that, under certain conditions, national aid corresponding at most to the difference between the price recorded in a new Member State prior to accession and that resulting from application of this Act may be granted to private operators, whether natural or legal persons, holding stocks of products referred to in Article 138 (1) or resulting from processing thereof on 1 January 1995.

3. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt the transitional measures referred to in paragaphs 1 and 2. Nevertheless, the measures affecting instruments initially adopted by the Commission will be adopted by this institution following the procedure referred to in Article 149 (1).

TITLE VII

OTHER PROVISIONS

Article 151

1. The Acts listed in Annex XV to this Act shall apply in respect of the new Member States under the conditions laid down in that Annex.

2. At the duly substantiated request of one of the new Member States, the Council, acting unanimously on a proposal from the Commission, may, before 1 January 1995, take measures consisting of temporary derogations from acts of the institutions adopted between 1 January 1994 and the date of signature of the Accession Treaty.

Article 152

1. If, before 1 January 1996, difficulties arise which are serious and liable to persist in any sector of the economy or which could bring about serious deterioration in the economic situation of a given area, a new Member State may apply for authorization to take protective measures in order to rectify the situation and adjust the sector concerned to the economy of the common market.

In the same circumstances, any present Member State may apply for authorization to take protective measures with regard to one or more of the new Member States.

2. Upon request by the State concerned, the Commission shall, by emergency procedure, determine the protective measures which it considers necessary, specifying the conditions and modalities in which they are to be put into effect.

In the event of serious economic difficulties and at the express request of the Member State concerned, the Commission shall act within five working days of the receipt of the request accompanied by the relevant background information. The measures thus decided on shall be applicable forthwith, shall take account of the interest of all parties concerned and shall not entail frontier controls.

3. The measures authorized under paragraph 2 may involve derogations from the rules of the EC Treaty, the ECSC Treaty and this Act to such an extent and for such periods as are strictly necessary in order to attain the objectives referred to in paragraph 1. Priority shall be given to such measures as will least disturb the functioning of the common market.

Article 153

In order not to hamper the proper functioning of the internal market, the enforcement of the new Member States' national rules during the transitional periods referred to in this Act shall not lead to border controls between Member States.

PART FIVE

PROVISIONS RELATING TO THE IMPLEMENTATION OF THIS ACT

TITLE I

SETTING UP OF THE INSTITUTIONS AND BODIES

Article 154

The European Parliament shall meet no later than one month after accession. It shall make such adaptations to its Rules of Procedure as are rendered necessary by accession.

Article 155

The Council shall make such adaptations to its Rules of Procedure as are rendered necessary by accession.

Article 156

1. Upon accession, the Commission shall be enlarged by the appointment of four supplementary members. The term of office of the members appointed shall expire at