

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 paragraphs 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

the same time as that of the members holding office on the date of accession.

2. The Commission shall make such changes to its Rules of Procedure as are rendered necessary by accession.

Article 157

1. Upon accession, four judges shall be appointed to the Court of Justice and four judges shall be appointed to the Court of First Instance.

2. (a) The term of office of two of the judges of the Court of Justice appointed in accordance with paragraph 1 shall expire on 6 October 1997. Those judges shall be chosen by lot. The term of office of the other judges shall expire on 6 October 2000.

(b) The term of office of two of the judges of the Court of First Instance appointed in accordance with paragraph 1 shall expire on 31 August 1995. Those judges shall be chosen by lot. The term of office of the other judges shall expire on 31 August 1998.

3. Upon accession, a seventh and an eighth advocate-general shall be appointed.

4. The term of office of one of the advocates-general appointed in accordance with paragraph 3 shall expire on 6 October 1997. The term of office of the other advocate-general shall expire on 6 October 2000.

5. (a) The Court of Justice shall make such adaptations to its Rules of Procedure as are rendered necessary by accession.

(b) The Court of First Instance, in agreement with the Court of Justice, shall make such adaptations to its Rules of Procedure as are rendered necessary by accession.

(c) The Rules of Procedure as adapted shall require the unanimous approval of the Council.

6. For the purpose of judging cases pending before the Courts on 1 January 1995 in respect of which oral proceedings have started before that date, the full Courts or the Chambers shall be composed as before accession and shall apply the Rules of Procedure in force on 31 December 1994.

Article 158

Upon accession, the Court of Auditors shall be enlarged by the appointment of four additional members. The term of office of two of the members thus appointed shall expire on 20 December 1995. Those members shall be chosen by lot. The term of office of the other members shall expire on 9 February 2000.

Article 159

Upon accession, the Economic and Social Committee shall be enlarged by the appointment of 42 members representing the various categories of economic and social activity in the new Member States. The terms of office of the members thus appointed shall expire at the same time as those of the members in office at the time of accession.

Article 160

Upon accession, the Committee of the Regions shall be enlarged by the appointment of 42 members representing regional and local bodies in the new Member States. The terms of office of the members thus appointed shall expire at the same time as those of the members in office at the time of accession.

Article 161

Upon accession, the Consultative Committee of the European Coal and Steel Community shall be enlarged by the appointment of fifteen additional members. Four members shall be appointed each for Austria, Finland and Sweden, and three members shall be appointed for Norway. The terms of office of the members thus appointed shall expire at the same time as those of the members in office at the time of accession.

Article 162

Upon accession, the Scientific and Technical Committee shall be enlarged by the appointment of six additional members. Two members shall be appointed each for Austria and Sweden, and one member each for Finland and Norway. The terms of office of the members thus appointed shall expire at the same time as those of the members in office at the time of accession.

Article 163

Upon accession, the Monetary Committee shall be enlarged by the appointment of two members for each of the new Member States. Their terms of office shall expire at the same time as those of the members in office at the time of accession.

Article 164

Adaptations to the rules of the Committees established by the original Treaties and to their rules of procedure, necessitated by the accession, shall be made as soon as possible after accession.

Article 165

1. The terms of office of the new members of the Committees listed in Annex XVI shall expire at the same time as those of the members in office at the time of accession.

2. Upon accession, the membership of the Committees listed in Annex XVII shall be completely renewed.

TITLE II

APPLICABILITY OF THE ACTS OF THE INSTITUTIONS

Article 166

Upon accession, the new Member States shall be considered as being addressees of directives and decisions within the meaning of Article 189 of the EC Treaty and of Article 161 of the Euratom Treaty, and of recommendations and decisions within the meaning of Article 14 of the ECSC Treaty, provided that those directives, recommendations and decisions have been addressed to all the present Member States. Except with regard to directives and decisions which enter into force pursuant to Article 191 (1) and 191 (2) of the EC Treaty, the new Member States shall be considered as having received notification of such directives, recommendations and decisions upon accession.

Article 167

The application in each of the new Member States of the acts listed in Annex XVIII to this Act may be postponed until the dates specified in that list and under the conditions specified therein.

Article 168

The new Member States shall put into effect the measures necessary for them to comply, from the date of accession, with the provisions of directives and decisions within the meaning of Article 189 of the EC Treaty and of Article 161 of the Euratom Treaty, and with recommendations and decisions within the meaning of Article 14 of the ECSC Treaty, unless a time-limit is provided for in the list of Annex XIX or in any other provisions of this Act.

Article 169

1. Where acts of the institutions prior to accession require adaptation by reason of accession, and the necessary adaptations have not been provided for in this Act or its Annexes, those adaptations shall be made in accordance with the procedure laid down by paragraph 2. Those adaptations shall enter into force as from accession.

2. The Council, acting by a qualified majority on a proposal from the Commission, or the Commission, according to which of these two institutions adopted the original acts, shall to this end draw up the necessary texts.

Article 170

The texts of the acts of the institutions adopted before accession and drawn up by the Council or the Commission in the Finnish, Norwegian and Swedish languages shall, from the date of accession, be authentic under the same conditions as the texts drawn up in the

present nine languages. They shall be published in the Official Journal of the European Communities if the texts in the present languages were so published.

Article 171

Agreements, decisions and concerted practices in existence at the time of accession which come within the scope of Article 65 of the ECSC Treaty by reason of the accession must be notified to the Commission within three months of accession. Only agreements and decisions which have been notified shall remain provisionally in force until a decision has been taken by the Commission. However, this Article shall not apply to agreements, decisions and concerted practices which at the date of accession already fall under Articles 1 and 2 of Protocol 25 to the EEA Agreement.

Article 172

1. From the date of accession, the new Member States shall ensure that any relevant notification or information transmitted to the EFTA Surveillance Authority or to the Standing Committee of the EFTA States under the EEA Agreement before accession is transmitted without delay to the Commission. Such transmission shall be deemed to be notification or information to the Commission for the purposes of the corresponding Community provisions.

2. From the date of accession, the new Member States shall ensure that cases which are pending before the EFTA Surveillance Authority immediately prior to accession under Articles 53, 54, 57, 61 and 62 or 65 of the EEA Agreement or Articles 1 or 2 of Protocol 25 to that Agreement and which fall under the Commission's competence as a result of accession, including cases in which the facts came to an end before the date of accession, are transmitted without delay to the Commission, which shall continue to deal with them under the relevant Community provisions while ensuring that the right of defence continues to be observed.

3. Cases which are pending before the Commission under Articles 53 or 54 of the EEA Agreement or Articles 1 or 2 of Protocol 25 to that Agreement and which fall under Articles 85 or 86 of the EC Treaty or Articles 65 or 66 of the ECSC Treaty as a result of accession, including cases in which the facts came to an end before the date of accession, shall continue to be dealt with by the Commission under the relevant Community provisions.

4. Any individual exemption decisions taken and negative clearance decisions taken before the date of accession under Article 53 of the EEA Agreement or Article 1 of Protocol 25 to that Agreement, whether by the EFTA Surveillance Authority or the Commission, and which concern cases which fall under Article 85 of the EC Treaty or Article 65 of the ECSC Treaty as a result of accession shall, on accession, remain valid for

the purposes of Article 85 of the EC Treaty or, as the case may be, Article 65 of the ECSC Treaty until the time limit specified therein expires or until the Commission takes a duly motivated decision to the contrary, in accordance with the basic principles of Community law.

5. All decisions taken by the EFTA Surveillance Authority before the date of accession pursuant to Article 61 of the EEA Agreement and which fall under Article 92 of the EC Treaty as a result of accession shall, on accession, remain valid with respect to Article 92 of the EC Treaty unless the Commission decides otherwise pursuant to Article 93 of the EC Treaty. This paragraph shall not apply to decisions subject to the proceedings provided for in Article 64 of the EEA Agreement. Without prejudice to paragraph 2 above, state aids granted by new Member States during 1994 but which, in contravention of the EEA Agreement or arrangements made thereunder, either have not been notified to the EFTA Surveillance Authority or have been notified but granted before the EFTA Surveillance Authority took a decision, shall not as a consequence be considered as existing state aids under Article 93 (1) of the EC Treaty.

6. From the date of accession, the new Member States shall ensure that all other cases, where the EFTA Surveillance Authority has been seized in the framework of the surveillance procedure under the EEA Agreement before accession, are transmitted without delay to the Commission which shall continue to deal with them under the relevant Community provisions while ensuring that the right of defence continues to be observed.

7. Without prejudice to paragraphs 4 and 5, the decisions taken by the EFTA Surveillance Authority remain valid after accession unless the Commission takes a duly motivated decision to the contrary in accordance with the basic principles of Community law.

Article 173

Provisions laid down by law, regulation or administrative action designed to ensure the protection of the health of workers and the general public in the territory of the Member States against the dangers arising from ionizing radiations shall, in accordance with Article 33 of the Euratom Treaty, be communicated by those States to the Commission within three months of accession.

TITLE III

FINAL PROVISIONS

Article 174

Annexes I to XIX and Protocols 1 to 10 attached to this Act shall form an integral part thereof.

Article 175

The Government of the French Republic shall remit to the Governments of the new Member States a certified copy of the Treaty establishing the European Coal and Steel Community and those Treaties amending that Treaty, which are deposited with the Government of the French Republic.

Article 176

The Government of the Italian Republic shall remit to the Governments of the new Member States a certified copy of the Treaty establishing the European Community, the Treaty establishing the European Atomic Energy Community and the Treaties amending or supplementing them, including the Treaties concerning the accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland, of the Hellenic Republic and of the Kingdom of Spain and the Portuguese Republic to the European Economic Community and the European Atomic Energy Community, and the Treaty on European Union, in the Danish, Dutch, English, French, German, Greek, Irish, Italian, Portuguese and Spanish languages.

The texts of those Treaties, drawn up in the Finnish, Norwegian and Swedish languages, shall be annexed to this Act. Those texts shall be authentic under the same conditions as the texts of the Treaties referred to in the first paragraph, drawn up in the present languages.

Article 177

A certified copy of the international agreements deposited in the archives of the General Secretariat of the Council of the European Union shall be remitted to the Governments of the new Member States by the Secretary-General.