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II

(Acts whose publication is not obligatory)

COUNCIL DECISION**of 22 November 2004**

concerning the signing of a Framework Agreement between the European Community and the Republic of Albania on the general principles for the participation of the Republic of Albania in Community programmes

(2005/517/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Articles 13, 71, 80, 95, 127, 137, 149, 150, 151, 152, 153, 157, 166, 175, 280 and 308 in conjunction with the second sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Commission has negotiated on behalf of the Community a Framework Agreement with the Republic of Albania on the general principles for its participation in Community programmes.
- (2) Subject to its conclusion at a later date, the Agreement initialled on 2 September 2004 should be signed,

Sole Article

Subject to its conclusion at a later date, the President of the Council is hereby authorised to designate the person empowered to sign, on behalf of the European Community, the Framework Agreement between the European Community and the Republic of Albania on the general principles for the participation of the Republic of Albania in Community programmes.

Done at Brussels, 22 November 2004.

For the Council
The President
B. R. BOT

FRAMEWORK AGREEMENT**between the European Community and the Republic of Albania on the general principles for the participation of the Republic of Albania in Community programmes**

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community',

on the one part, and

the REPUBLIC OF ALBANIA, hereinafter referred to as 'Albania',

on the other part,

both parties hereinafter referred to as 'the Contracting Parties',

WHEREAS:

- (1) The European Council in Copenhagen in December 2002 confirmed the European perspective of the countries of the western Balkans, as potential candidates, and underlined its determination to support their efforts to move closer to the European Union.
- (2) The European Council in Thessaloniki in June 2003 acknowledged that the Stabilisation and Association Process will remain the framework for the European course of the western Balkan countries all the way to their future accession and endorsed 'The Thessaloniki Agenda for the western Balkans: moving towards European integration', which aims to further strengthen the privileged relations between the EU and the western Balkans drawing on the enlargement experience.
- (3) The Thessaloniki Agenda invited the western Balkan countries to participate in Community programmes and agencies in line with the principles laid down for participation by the candidate countries, aiming to familiarise the countries concerned and their people with the policies and working methods of the EU, thus anchoring them more firmly to the EU and encouraging them on the path towards European integration.
- (4) Albania has expressed its wish to participate in a number of Community programmes.
- (5) The specific terms and conditions, including financial contribution, regarding the participation of Albania in each particular programme should be determined by agreement between the Commission of the European Communities, acting on behalf of the Community, and the Government of Albania,

HAVE AGREED AS FOLLOWS:

Article 1

Albania shall be allowed to participate in the following Community programmes:

1. The running Community programmes which are listed in the Annex, which are open to the participation of the Former Yugoslav Republic of Macedonia once the present agreement (hereinafter referred to as the Agreement) enters into force.
2. Community programmes established or renewed after the entry into force of the Agreement and which contain an opening clause which foresees the participation of Albania.

Article 2

Albania shall contribute financially to the general budget of the European Union corresponding to the specific programmes in which it participates.

Article 3

Albania's representatives shall be allowed to take part, as observers and for the points which concern Albania, in the management committees responsible for monitoring the programmes to which Albania contributes financially.

Article 4

Projects and initiatives submitted by participants from Albania shall, as far as possible, be subject to the same conditions, rules and procedures pertaining to the programmes concerned as are applied to Member States.

Article 5

The specific terms and conditions regarding the participation of Albania in each particular programme, in particular the financial contribution payable, will be determined by agreement, in the form of a Memorandum of Understanding, between the Commission, acting on behalf of the Community, and the Government of Albania.

If Albania applies for Community external assistance on the basis of Council Regulation (EC) No 2666/2000 of 5 December 2000, as amended by Regulation (EC) No 2415 of 10 December 2001 on assistance for Albania, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the Former Yugoslav Republic of Macedonia or pursuant to any similar Regulation providing for Community external assistance to Albania that may be adopted in future, the conditions governing the use by Albania of the Community assistance shall be determined in a financing agreement.

Article 6

The Memorandum of Understanding shall stipulate, in accordance with the Community's Financial Regulation, that financial control or audits will be carried out by, or under the authority of, the European Commission, OLAF and the Court of Auditors of the European Communities.

Detailed provisions shall be made on financial control and auditing, administrative measures, penalties and recovery enabling the European Commission, OLAF and the Court of Auditors to be granted powers equivalent to their powers with regard to beneficiaries or contractors established in the Community.

Article 7

The Agreement shall apply for an indeterminate period.

Either Contracting Party may denounce this Agreement by written notification to the other Contracting Party. This Agreement shall terminate six months after the date of such notification.

Article 8

No later than three years after the date of entry into force of this Agreement, and every three years thereafter, both Contracting Parties may review the implementation of this Agreement on the basis of the actual participation of Albania in one or more Community programmes.

Article 9

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of Albania.

Article 10

This Agreement shall enter into force on the date of receipt of the last written notification through diplomatic channels by which each Contracting Party informs the other that its procedure for the entry into force of this Agreement has been completed.

Article 11

1. The Agreement is drawn up in duplicate in the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Polish, Portuguese, Slovakian, Slovene, Spanish, Swedish and Albanian languages.
2. Once the institutions of the European Union will be bound to publish all official acts in Maltese in the *Official Journal of the European Union*, the Agreement will also be drawn up in duplicate in Maltese.
3. Each of the language texts is equally authentic.

Hecho en Bruselas, el veintidós de noviembre del dos mil cuatro.

V Bruselu dne dvacátého druhého listopadu dva tisíce čtyři.

Udfærdiget i Bruxelles den toogtyvende november to tusind og fire.

Geschehen zu Brüssel am zweiundzwanzigsten November zweitausendundvier.

Kahe tuhande neljanda aasta novembrikuu kahekümne teisel päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις είκοσι δύο Νοεμβρίου δύο χιλιάδες τέσσερα.

Done at Brussels on the twenty-second day of November in the year two thousand and four.

Fait à Bruxelles, le vingt-deux novembre deux mille quatre.

Fatto a Bruxelles, addì ventidue novembre duemilaquattro.

Briselē, divi tūkstoši ceturtdā gada divdesmit otrajā novembrī.

Priimta du tūkstančiai ketvirtų metų lapkričio dvidešimt antrą dieną Briuselyje.

Kelt Brüsszelben, a kétezer-negyedik év november havának huszonkettedik napján.

Magħmul fi Brussel fit-tieni u ghoxrin jum ta' Novembru tas-sena elfejn u erbgha.

Gedaan te Brussel, de tweeëntwintigste november tweeduizendvier.

Sporządzono w Brukseli dnia dwudziestego drugiego listopada roku dwutysięcznego czwartego.

Feito em Bruxelas, em vinte e dois de Novembro de dois mil e quatro.

V Bruseli dvadsiatehodruhého novembra dvetisícštyri.

V Bruslju, dvaindvajsetega novembra leta dva tisoč štiri.

Tehty Brysselissä kahdentenakymmenentenätoisena päivänä marraskuuta vuonna kaksituhattaneljä.

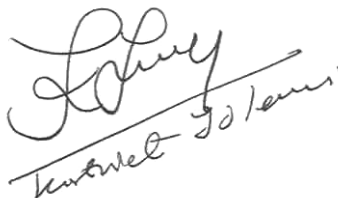
Som skedde i Bryssel den tjugoandra november tjugohundrafyra.

Bërë në Bruksel, në datë njëzet e dy nëntor të vitit dymijë e katër.

Por la Comunidad Europea
Za Evropské společenství
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Euroopa Ühenduse nimel
Τια την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Eiropas Kopienas vārdā
Europos bendrijos vardu
az Európai Közösség részéről
Għall-Komunità Ewropea
Voor de Europese Gemeenschap
W imieniu Wspólnoty Europejskiej
Pela Comunidade Europeia
Za Európske spoločenstvo
za Evropsko skupnost
Euroopan yhteisön puolesta
På Europeiska gemenskapens vägnar
Për Komitetin Evropian



Për Qeverinë e Republikës së Shqipërisë



ANNEX

LIST OF RUNNING COMMUNITY PROGRAMMES REFERRED TO IN ARTICLE 1

- Combating discrimination (2001 to 2006) ⁽¹⁾
- Combating social exclusion (2002 to 2006) ⁽²⁾
- Community actions in support of consumer policy (2004 to 2007) ⁽³⁾
- Community action programme to promote bodies active at European level and support specific activities in the field of education and training (2004 to 2006) ⁽⁴⁾
- Community action programme to promote active European citizenship (2004 to 2006) ⁽⁵⁾
- Community action in the field of public health (2003 to 2008) ⁽⁶⁾
- Culture 2000 (2000 to 2006) ⁽⁷⁾
- Customs (2003 to 2007) ⁽⁸⁾
- Daphne II (2004 to 2008) ⁽⁹⁾
- eContent Plus (2004 to 2008) ⁽¹⁰⁾
- eLearning (2004 to 2006) ⁽¹¹⁾
- Erasmus Mundus (2004 to 2008) ⁽¹²⁾

⁽¹⁾ See Council Decision 2000/750/EC of 27 November 2000 establishing a Community action programme to combat discrimination (2001 to 2006) (OJ L 303, 2.12.2000, p. 23).

⁽²⁾ See Decision No 50/2002/EC of the European Parliament and of the Council of 7 December 2001 establishing a programme of Community action to encourage cooperation between Member States to combat social exclusion (OJ L 10, 12.1.2002, p. 1).

⁽³⁾ See Decision No 20/2004/EC of the European Parliament and of the Council of 8 December 2003 establishing a general framework for financing Community actions in support of consumer policy for the years 2004 to 2007 (OJ L 5, 9.1.2004, p. 1).

⁽⁴⁾ See Decision No 791/2004/EC of the European Parliament and of the Council of 21 April 2004 establishing a Community action programme to promote bodies active at European level and support specific activities in the field of education and training (OJ L 138, 30.4.2004, p. 31).

⁽⁵⁾ See Council Decision 2004/100/EC of 26 January 2004 establishing a Community action programme to promote active European citizenship (civic participation) (OJ L 30, 4.2.2004, p. 6).

⁽⁶⁾ See Decision No 1786/2002/EC of the European Parliament and of the Council of 23 September 2002 adopting a programme of Community action in the field of public health (2003 to 2008) (OJ L 271, 9.10.2002, p. 1).

⁽⁷⁾ See Decision No 508/2000/EC of the European Parliament and of the Council of 14 February 2000 establishing the Culture 2000 programme (OJ L 63, 10.3.2000, p. 1) and Decision No 626/2004/EC of the European Parliament and of the Council of 31 March 2004 amending Decision No 508/2000/EC establishing the Culture 2000 programme (OJ L 99, 3.4.2004, p. 3).

⁽⁸⁾ See Decision No 253/2003/EC of the European Parliament and of the Council of 11 February 2003 adopting an action programme for customs in the Community (Customs 2007) (OJ L 36, 12.2.2003, p. 1).

⁽⁹⁾ See Decision No 803/2004/EC of the European Parliament and of the Council of 21 April 2004 adopting a programme of Community action (2004 to 2008) to prevent and combat violence against children, young people and women and to protect victims and groups at risk (the Daphne II programme) (OJ L 143, 30.4.2004, p. 1).

⁽¹⁰⁾ Not yet adopted. Cf. COM(2004) 96 final, 2004/0025 (COD).

⁽¹¹⁾ See Decision No 2318/2003/EC of the European Parliament and of the Council of 5 December 2003 adopting a multiannual programme (2004 to 2006) for the effective integration of information and communication technologies (ICT) in education and training systems in Europe (eLearning Programme) (OJ L 345, 31.12.2003, p. 9).

⁽¹²⁾ See Decision No 2317/2003/EC of the European Parliament and of the Council of 5 December 2003 establishing a programme for the enhancement of quality in higher education and the promotion of intercultural understanding through cooperation with third countries (Erasmus Mundus) (2004 to 2008) (OJ L 345, 31.12.2003, p. 1).

- Fiscalis (2003 to 2007) ⁽¹⁾
- Gender equality (2001 to 2006) ⁽²⁾
- Hercule (2004 to 2006) ⁽³⁾
- Intelligent Energy Europe (2003 to 2006) ⁽⁴⁾
- Life (2000 to 2006) ⁽⁵⁾
- Leonardo da Vinci II (2000 to 2006) ⁽⁶⁾
- Marco Polo (2003 to 2010) ⁽⁷⁾
- Media Plus ⁽⁸⁾ /Media Training ⁽⁹⁾ (2001 to 2006)
- Safer Internet plus (2005 to 2008) ⁽¹⁰⁾
- Sixth RTD Framework Programme (2002 to 2006) ⁽¹¹⁾
- Socrates II (2000 to 2006) ⁽¹²⁾
- Youth (2000 to 2006) ⁽¹³⁾

⁽¹⁾ See Decision No 2235/2002/EC of the European Parliament and of the Council of 3 December 2002 adopting a Community programme to improve the operation of taxation systems in the internal market (Fiscalis programme 2003 to 2007) (OJ L 341, 17.12.2002, p. 1).

⁽²⁾ See Council Decision No 2001/51/EC of 20 December 2000 establishing a Programme relating to the Community framework strategy on gender equality (2001 to 2005) (OJ L 17, 19.1.2001, p. 22).

⁽³⁾ See Decision No 804/2004/EC of the European Parliament and of the Council of 21 April 2004 establishing a Community action programme to promote activities in the field of the protection of the Community's financial interests (Hercule programme) (OJ L 143, 30.4.2004, p. 9).

⁽⁴⁾ See Decision No 1230/2003/EC of the European Parliament and of the Council of 26 June 2003 adopting a multiannual programme for action in the field of energy: 'Intelligent Energy — Europe' (2003 to 2006) (OJ L 176, 15.7.2003, p. 29).

⁽⁵⁾ See Regulation (EC) No 1655/2000 of the European Parliament and of the Council of 17 July 2000 concerning the Financial Instrument for the Environment (LIFE) (OJ L 192, 28.7.2000, p. 1) as amended by Regulation (EC) No 1682/2004 (OJ L 308, 5.10.2004, p. 1).

⁽⁶⁾ See Council Decision No 1999/382/EC of 26 April 1999 establishing the second phase of the Community vocational training action programme 'Leonardo da Vinci' (OJ L 146, 11.6.1999, p. 33).

⁽⁷⁾ See Regulation (EC) No 1382/2003 of the European Parliament and of the Council of 22 July 2003 on the granting of Community financial assistance to improve the environmental performance of the freight transport system (Marco Polo Programme) (OJ L 196, 2.8.2003, p. 1).

⁽⁸⁾ See Corrigendum to Council Decision 2000/821/EC of 20 December 2000 on the implementation of a programme to encourage the development, distribution and promotion of European audiovisual works (MEDIA Plus — Development, Distribution and Promotion) (2001 to 2005) (OJ L 336 of 30.12.2000, p. 82) (OJ L 13, 17.1.2001, p. 34) as amended by Decision No 846/2004/EC of the European Parliament and of the Council (OJ L 157, 30.4.2004, p. 4).

⁽⁹⁾ See Decision No 163/2001/EC of the European Parliament and of the Council of 19 January 2001 on the implementation of a training programme for professionals in the European audiovisual programme industry (MEDIA-Training) (2001 to 2005) (OJ L 26, 27.1.2001, p. 1) as amended by Decision No 845/2004 (OJ L 157, 30.4.2004, p. 1).

⁽¹⁰⁾ Not yet adopted — see COM(2004) 91 final, 2004/0023 (COD).

⁽¹¹⁾ See Decision No 1513/2002/EC of the European Parliament and of the Council of 27 June 2002 concerning the sixth framework programme of the European Community for research, technological development and demonstration activities, contributing to the creation of the European Research Area and to innovation (2002 to 2006) (OJ L 232, 29.8.2002, p. 1).

⁽¹²⁾ See Decision No 253/2000/EC of the European Parliament and of the Council of 24 January 2000 establishing the second phase of the Community action programme in the field of education 'Socrates' (OJ L 28, 3.2.2000, p. 1).

⁽¹³⁾ See Decision No 1031/2000/EC of the European Parliament and of the Council of 13 April 2000 establishing the 'Youth' Community action programme (OJ L 117, 18.5.2000, p. 1).

COUNCIL DECISION**of 22 November 2004****concerning the signing of a Framework Agreement between the European Community and Bosnia and Herzegovina on the general principles for the participation of Bosnia and Herzegovina in Community programmes**

(2005/518/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Articles 13, 71, 80, 95, 127, 137, 149, 150, 151, 152, 153, 157, 166, 175, 280 and 308 in conjunction with the second sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Commission has negotiated on behalf of the Community a Framework Agreement with Bosnia and Herzegovina on the general principles for its participation in Community programmes.
- (2) Subject to its conclusion at a later date, the Agreement initialled on 30 September 2004 should be signed,

Sole Article

Subject to its conclusion at a later date, the President of the Council is hereby authorised to designate the person empowered to sign, on behalf of the European Community, the Framework Agreement between the European Community and Bosnia and Herzegovina on the general principles for the participation of Bosnia and Herzegovina in Community programmes.

Done at Brussels, 22 November 2004.

*For the Council**The President*

B. R. BOT

FRAMEWORK AGREEMENT**between the European Community and Bosnia and Herzegovina on the general principles for the participation of Bosnia and Herzegovina in Community programmes**

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community',

on the one part, and

BOSNIA AND HERZEGOVINA,

on the other part,

hereinafter referred to as 'the Contracting Parties',

WHEREAS:

- (1) The European Council in Copenhagen in December 2002 confirmed the European perspective of the countries of the western Balkans, as potential candidates, and underlined its determination to support their efforts to move closer to the European Union.
- (2) The European Council in Thessaloniki in June 2003 acknowledged that the Stabilisation and Association Process will remain the framework for the European course of the western Balkan countries all the way to their future accession and endorsed 'The Thessaloniki Agenda for the western Balkans: moving towards European integration', which aims to further strengthen the privileged relations between the EU and the western Balkans drawing on the enlargement experience.
- (3) The Thessaloniki Agenda invited the western Balkan countries to participate in Community programmes and agencies in line with the principles laid down for participation by the candidate countries, aiming to familiarise the countries concerned and their people with the policies and working methods of the EU, thus anchoring them more firmly to the EU and encouraging them on the path towards European integration.
- (4) Bosnia and Herzegovina has expressed its wish to participate in a number of Community programmes.
- (5) The specific terms and conditions, including financial contribution, regarding the participation of Bosnia and Herzegovina in each particular programme should be determined by agreement between the Commission of the European Communities, acting on behalf of the Community, and Bosnia and Herzegovina,

HAVE AGREED AS FOLLOWS:

Article 1

Bosnia and Herzegovina shall be allowed to participate in the following Community programmes:

1. The running Community programmes which are listed in the Annex, which are open to the participation of Bosnia and Herzegovina once the present Agreement (hereinafter referred to as the Agreement) enters into force.
2. Community Programmes established or renewed after the entry into force of the Agreement and which contain an opening clause which foresees the participation of Bosnia and Herzegovina.

Article 2

Bosnia and Herzegovina shall contribute financially to the general budget of the European Union corresponding to the specific programmes in which it participates.

Article 3

Bosnia and Herzegovina's representatives shall be allowed to take part, as observers and for the points which concern Bosnia and Herzegovina, in the management committees responsible for monitoring the programmes to which Bosnia and Herzegovina contributes financially.

Article 4

Projects and initiatives submitted by participants from Bosnia and Herzegovina shall, as far as possible, be subject to the same conditions, rules and procedures pertaining to the programmes concerned as are applied to Member States.

Article 5

The specific terms and conditions regarding the participation of Bosnia and Herzegovina in each particular programme, in particular the financial contribution payable, will be determined by agreement, in the form of a Memorandum of Understanding, between the Commission, acting on behalf of the Community, and Bosnia and Herzegovina.

If Bosnia and Herzegovina apply for Community external assistance on the basis of Council Regulation (EC) No 2666/2000 of 5 December 2000 as amended by Regulation (EC) No 2415/2001 of 10 December 2001 on assistance for Albania, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the Former Yugoslav Republic of Macedonia or pursuant to any similar Regulation providing for Community external assistance to Bosnia and Herzegovina that may be adopted in future, the conditions governing the use by Bosnia and Herzegovina of the Community assistance shall be determined in a financing agreement.

Article 6

The Memorandum of Understanding shall stipulate, in accordance with the Community's Financial Regulation, that financial control or audits will be carried out by, or under the authority of, the European Commission, OLAF and the Court of Auditors of the European Communities.

Detailed provisions shall be made on financial control and auditing, administrative measures, penalties and recovery enabling the European Commission, OLAF and the Court of Auditors to be granted powers equivalent to their powers with regard to beneficiaries or contractors established in the Community.

Article 7

The Agreement shall apply for an indeterminate period.

Either Contracting Party may denounce this Agreement by written notification to the other Contracting Party. This Agreement shall terminate six months after the date of such notification.

Article 8

No later than three years after the date of entry into force of this Agreement, and every three years thereafter, both Contracting Parties may review the implementation of this Agreement on the basis of the actual participation of Bosnia and Herzegovina in one or more Community programmes.

Article 9

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of Bosnia and Herzegovina.

Article 10

This Agreement shall enter into force on the date of receipt of the last written notification through diplomatic channels by which each Contracting Party informs the other that its procedure for the entry into force of this Agreement has been completed.

Article 11

1. The Agreement is drawn up in duplicate in the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Polish, Portuguese, Slovakian, Slovene, Spanish, Swedish languages and the official languages of Bosnia and Herzegovina.

2. Once the institutions of the European Union will be bound to publish all official acts in Maltese in the *Official Journal of the European Union*, the Agreement will also be drawn up in duplicate in Maltese.

3. Each of the language texts is equally authentic.

Hecho en Bruselas, el veintidós de noviembre del dos mil cuatro.

V Bruselu dne dvacátého druhého listopadu dva tisíce čtyři.

Udfærdiget i Bruxelles den toogtyvende november to tusind og fire.

Geschehen zu Brüssel am zweiundzwanzigsten November zweitausendundvier.

Kahe tuhande neljanda aasta novembrikuu kahekümne teisel päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις είκοσι δύο Νοεμβρίου δύο χιλιάδες τέσσερα.

Done at Brussels on the twenty-second day of November in the year two thousand and four.

Fait à Bruxelles, le vingt-deux novembre deux mille quatre.

Fatto a Bruxelles, addì ventidue novembre duemilaquattro.

Briselē, divi tūkstoši ceturtdā gada divdesmit otrajā novembrī.

Priimta du tūkstančiai ketvirtų metų lapkričio dvidešimt antrą dieną Briuselyje.

Kelt Brüsszelben, a kétezer-negyedik év november havának huszonkettedik napján.

Magħmul fi Brussel fit-tieni u għoxrin jum ta' Novembru tas-sena elfejn u erbgha.

Gedaan te Brussel, de tweeëntwintigste november tweeduizendvier.

Sporządzono w Brukseli dnia dwudziestego drugiego listopada roku dwutysięcznego czwartego.

Feito em Bruxelas, em vinte e dois de Novembro de dois mil e quatro.

V Bruseli dvadsiatehodruhého novembra dvetisícštyri.

V Bruslju, dvaindvajsetega novembra leta dva tisoč štiri.

Tehty Brysselissä kahdentenakymmenentenätoisena päivänä marraskuuta vuonna kaksituhattaneljä.

Som skedde i Bryssel den tjugoandra november tjugohundrafyra.

Sastavljeno u Briselu, dana 22.11.2004.

Sačinjeno u Briselu, dana 22.11.2004.

Составлено у Бриселу, дана 22.11.2004.

Por la Comunidad Europea
Za Evropské společenství
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Euroopa Ühenduse nimel
Τια την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Eiropas Kopienas vārdā
Europos bendrijos vardu
az Európai Közösség részéről
Għall-Komunità Ewropea
Voor de Europese Gemeenschap
W imieniu Wspólnoty Europejskiej
Pela Comunidade Europeia
Za Európske spoločenstvo
za Evropsko skupnost
Euroopan yhteisön puolesta
På Europeiska gemenskapens vägnar
Za Europsku zajednicu
Za Europsku zajednicu
За Европску заједницу



Za Vijeće ministara Bosne i Hercegovine
Za Vijeće ministara Bosne i Hercegovine
За Савјет министара Босне и Херцеговине



ANNEX

LIST OF RUNNING COMMUNITY PROGRAMMES REFERRED TO IN ARTICLE 1

- Combating discrimination (2001 to 2006) ⁽¹⁾
- Combating social exclusion (2002 to 2006) ⁽²⁾
- Community actions in support of consumer policy (2004 to 2007) ⁽³⁾
- Community action programme to promote bodies active at European level and support specific activities in the field of education and training (2004 to 2006) ⁽⁴⁾
- Community action programme to promote active European citizenship (2004 to 2006) ⁽⁵⁾
- Community action in the field of public health (2003 to 2008) ⁽⁶⁾
- Culture 2000 (2000 to 2006) ⁽⁷⁾
- Customs (2003 to 2007) ⁽⁸⁾
- Daphne II (2004 to 2008) ⁽⁹⁾
- eContent Plus (2004 to 2008) ⁽¹⁰⁾
- eLearning (2004 to 2006) ⁽¹¹⁾
- Erasmus Mundus (2004 to 2008) ⁽¹²⁾

⁽¹⁾ See Council Decision 2000/750/EC of 27 November 2000 establishing a Community action programme to combat discrimination (2001 to 2006) (OJ L 303, 2.12.2000, p. 23).

⁽²⁾ See Decision No 50/2002/EC of the European Parliament and of the Council of 7 December 2001 establishing a programme of Community action to encourage cooperation between Member States to combat social exclusion (OJ L 10, 12.1.2002, p. 1).

⁽³⁾ See Decision No 20/2004/EC of the European Parliament and of the Council of 8 December 2003 establishing a general framework for financing Community actions in support of consumer policy for the years 2004 to 2007 (OJ L 5, 9.1.2004, p. 1).

⁽⁴⁾ See Decision No 791/2004/EC of the European Parliament and of the Council of 21 April 2004 establishing a Community action programme to promote bodies active at European level and support specific activities in the field of education and training (OJ L 138, 30.4.2004, p. 31).

⁽⁵⁾ See Council Decision 2004/100/EC of 26 January 2004 establishing a Community action programme to promote active European citizenship (civic participation) (OJ L 30, 4.2.2004, p. 6).

⁽⁶⁾ See Decision No 1786/2002/EC of the European Parliament and of the Council of 23 September 2002 adopting a programme of Community action in the field of public health (2003 to 2008) (OJ L 271, 9.10.2002, p. 1).

⁽⁷⁾ See Decision No 508/2000/EC of the European Parliament and of the Council of 14 February 2000 establishing the Culture 2000 programme (OJ L 63, 10.3.2000, p. 1) and Decision No 626/2004/EC of the European Parliament and of the Council of 31 March 2004 amending Decision No 508/2000/EC establishing the Culture 2000 programme (OJ L 99, 3.4.2004, p. 3).

⁽⁸⁾ See Decision No 253/2003/EC of the European Parliament and of the Council of 11 February 2003 adopting an action programme for customs in the Community (Customs 2007) (OJ L 36, 12.2.2003, p. 1).

⁽⁹⁾ See Decision No 803/2004/EC of the European Parliament and of the Council of 21 April 2004 adopting a programme of Community action (2004 to 2008) to prevent and combat violence against children, young people and women and to protect victims and groups at risk (the Daphne II programme) (OJ L 143, 30.4.2004, p. 1).

⁽¹⁰⁾ Not yet adopted — see COM(2004) 96 final, 2004/0025 (COD).

⁽¹¹⁾ See Decision No 2318/2003/EC of the European Parliament and of the Council of 5 December 2003 adopting a multiannual programme (2004 to 2006) for the effective integration of information and communication technologies (ICT) in education and training systems in Europe (eLearning Programme) (OJ L 345, 31.12.2003, p. 9).

⁽¹²⁾ See Decision No 2317/2003/EC of the European Parliament and of the Council of 5 December 2003 establishing a programme for the enhancement of quality in higher education and the promotion of intercultural understanding through cooperation with third countries (Erasmus Mundus) (2004 to 2008) (OJ L 345, 31.12.2003, p. 1).

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- Hercule (2004 to 2006) ⁽³⁾
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- Leonardo da Vinci II (2000 to 2006) ⁽⁶⁾
- Marco Polo (2003 to 2010) ⁽⁷⁾
- Media Plus ⁽⁸⁾ /Media Training ⁽⁹⁾ (2001 to 2006)
- Safer Internet plus (2005 to 2008) ⁽¹⁰⁾
- Sixth RTD framework programme (2002 to 2006) ⁽¹¹⁾
- Socrates II (2000 to 2006) ⁽¹²⁾
- Youth (2000 to 2006) ⁽¹³⁾

⁽¹⁾ See Decision No 2235/2002/EC of the European Parliament and of the Council of 3 December 2002 adopting a Community programme to improve the operation of taxation systems in the internal market (Fiscalis programme 2003 to 2007) (OJ L 341, 17.12.2002, p. 1).

⁽²⁾ See Council Decision No 2001/51/EC of 20 December 2000 establishing a Programme relating to the Community framework strategy on gender equality (2001 to 2005) (OJ L 17, 19.1.2001, p. 22).

⁽³⁾ See Decision No 804/2004/EC of the European Parliament and of the Council of 21 April 2004 establishing a Community action programme to promote activities in the field of the protection of the Community's financial interests (Hercule programme) (OJ L 143, 30.4.2004, p. 9).

⁽⁴⁾ See Decision No 1230/2003/EC of the European Parliament and of the Council of 26 June 2003 adopting a multiannual programme for action in the field of energy: 'Intelligent Energy — Europe' (2003 to 2006) (OJ L 176, 15.7.2003, p. 29).

⁽⁵⁾ See Regulation (EC) No 1655/2000 of the European Parliament and of the Council of 17 July 2000 concerning the Financial Instrument for the Environment (LIFE) (OJ L 192, 28.7.2000, p. 1) as amended by Regulation (EC) No 1682/2004 (OJ L 308, 5.10.2004, p. 1).

⁽⁶⁾ See Council Decision No 1999/382/EC of 26 April 1999 establishing the second phase of the Community vocational training action programme 'Leonardo da Vinci' (OJ L 146, 11.6.1999, p. 33).

⁽⁷⁾ See Regulation (EC) No 1382/2003 of the European Parliament and of the Council of 22 July 2003 on the granting of Community financial assistance to improve the environmental performance of the freight transport system (Marco Polo Programme) (OJ L 196, 2.8.2003, p. 1).

⁽⁸⁾ See Corrigendum to Council Decision 2000/821/EC of 20 December 2000 on the implementation of a programme to encourage the development, distribution and promotion of European audiovisual works (MEDIA Plus-Development, Distribution and Promotion) (2001 to 2005) (OJ L 336 of 30.12.2000, p. 82) (OJ L 13, 17.1.2001, p. 34) as amended by Decision No 846/2004/EC of the European Parliament and of the Council (OJ L 157, 30.4.2004, p. 4).

⁽⁹⁾ See Decision No 163/2001/EC of the European Parliament and of the Council of 19 January 2001 on the implementation of a training programme for professionals in the European audiovisual programme industry (MEDIA-Training) (2001 to 2005) (OJ L 26, 27.1.2001, p. 1) as amended by Decision No 845/2004 (OJ L 157, 30.4.2004, p. 1).

⁽¹⁰⁾ Not yet adopted — see COM(2004) 91 final, 2004/0023 (COD).

⁽¹¹⁾ See Decision No 1513/2002/EC of the European Parliament and of the Council of 27 June 2002 concerning the sixth framework programme of the European Community for research, technological development and demonstration activities, contributing to the creation of the European Research Area and to innovation (2002 to 2006) (OJ L 232, 29.8.2002, p. 1).

⁽¹²⁾ See Decision No 253/2000/EC of the European Parliament and of the Council of 24 January 2000 establishing the second phase of the Community action programme in the field of education 'Socrates' (OJ L 28, 3.2.2000, p. 1).

⁽¹³⁾ See Decision No 1031/2000/EC of the European Parliament and of the Council of 13 April 2000 establishing the 'Youth' Community action programme (OJ L 117, 18.5.2000, p. 1).

COUNCIL DECISION**of 22 November 2004****concerning the signing of a Framework Agreement between the European Community and the Republic of Croatia on the general principles for the participation of the Republic of Croatia in Community programmes**

(2005/519/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Articles 13, 71, 80, 95, 127, 137, 149, 150, 151, 152, 153, 157, 166, 175, 280 and 308 in conjunction with the second sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Commission has negotiated on behalf of the Community a Framework Agreement with the Republic of Croatia on the general principles for its participation in Community programmes.
- (2) Subject to its conclusion at a later date, the Agreement initialled on 30 July 2004 should be signed,

Sole Article

Subject to its conclusion at a later date, the President of the Council is hereby authorised to designate the person empowered to sign, on behalf of the European Community, the Framework Agreement between the European Community and the Republic of Croatia on the general principles for the participation of the Republic of Croatia in Community programmes.

Done at Brussels, 22 November 2004.

For the Council

The President

B. R. BOT

FRAMEWORK AGREEMENT**between the European Community and the Republic of Croatia on the general principles for the participation of the Republic of Croatia in Community programmes**

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community',

on the one part, and

the REPUBLIC OF CROATIA, hereinafter referred to as 'Croatia',

on the other part,

hereinafter referred to as 'the Contracting Parties'

WHEREAS:

- (1) The Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part, (hereinafter referred to as the SAA) was signed on 29 October 2001.
- (2) The European Council in Copenhagen in December 2002 confirmed the European perspective of the countries of the western Balkans, as potential candidates, and underlined its determination to support their efforts to move closer to the European Union.
- (3) The European Council in Thessaloniki in June 2003 acknowledged that the Stabilisation and Association Process will remain the framework for the European course of the western Balkan countries all the way to their future accession and endorsed 'The Thessaloniki Agenda for the western Balkans: moving towards European integration', which aims to further strengthen the privileged relations between the EU and the western Balkans drawing on the enlargement experience.
- (4) The Thessaloniki Agenda invited the western Balkan countries to participate in Community programmes and agencies in line with the principles laid down for participation by the candidate countries, aiming to familiarise the countries concerned and their people with the policies and working methods of the EU, thus anchoring them more firmly to the EU and encouraging them on the path towards European integration.
- (5) The European Council of 17 and 18 June 2004 decided that Croatia was a candidate country for membership and that the accession process should be launched. In this respect it decided to convene a bilateral intergovernmental conference with Croatia early in 2005 in order to begin negotiations.
- (6) Croatia has expressed its wish to participate in a number of Community programmes.
- (7) The specific terms and conditions, including financial contribution, regarding the participation of Croatia in each particular programme should be determined by agreement between the Commission of the European Communities, acting on behalf of the Community, and Croatia,

HAVE AGREED AS FOLLOWS:

Article 1

Croatia shall be allowed to participate in the following Community programmes:

1. The running Community programmes which are listed in the Annex, which are open to the participation of Croatia once the present agreement (hereinafter referred to as the Agreement) enters into force.
2. Community Programmes established or renewed after the entry into force of the Agreement and which contain an opening clause which foresees the participation of Croatia.

Article 2

Croatia shall contribute financially to the general budget of the European Union corresponding to the specific programmes in which it participates.

Article 3

Croatia's representatives shall be allowed to take part, as observers and for the points which concern Croatia, in the management committees responsible for monitoring the programmes to which Croatia contributes financially.

Article 4

Projects and initiatives submitted by participants from Croatia shall, as far as possible, be subject to the same conditions, rules and procedures pertaining to the programmes concerned as are applied to Member States.

Article 5

The specific terms and conditions regarding the participation of Croatia in each particular programme, in particular the financial contribution payable, will be determined by agreement, in the form of a Memorandum of Understanding, between the Commission, acting on behalf of the Community, and Croatia.

If Croatia applies for Community external assistance on the basis of Council Regulation (EC) No 2666/2000 of 5 December 2000, as amended by Council Regulation (EC) No 2415/2001 of 10 December 2001 on assistance for Albania, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the Former Yugoslav Republic of Macedonia or pursuant to any similar Regulation providing for Community external assistance to Croatia that may be adopted in future, the conditions governing the use by Croatia of the Community assistance shall be determined in a financing agreement.

Article 6

The Memorandum of Understanding shall stipulate, in accordance with the Community's Financial Regulation, that financial control or audits will be carried out by, or under the authority of, the European Commission, OLAF and the Court of Auditors of the European Communities.

Detailed provisions shall be made on financial control and auditing, administrative measures, penalties and recovery enabling the European Commission, OLAF and the Court of Auditors to be granted powers equivalent to their powers with regard to beneficiaries or contractors established in the Community.

Article 7

The Agreement shall apply for an indeterminate period.

Either Contracting Party may denounce this Agreement by written notification to the other Contracting Party. This Agreement shall terminate six months after the date of such notification.

Article 8

No later than three years after the date of entry into force of this Agreement, and every three years thereafter, both Contracting Parties may review the implementation of this Agreement on the basis of the actual participation of Croatia in one or more Community programmes.

Article 9

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of Croatia.

Article 10

This Agreement shall enter into force on the date of receipt of the last written notification through diplomatic channels by which each Contracting Party informs the other that its procedure for the entry into force of this Agreement has been completed.

Article 11

1. The Agreement is drawn up in duplicate in the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Polish, Portuguese, Slovakian, Slovene, Spanish, Swedish and the Croatian languages.

2. Once the institutions of the European Union will be bound to publish all official acts in Maltese in the *Official Journal of the European Union*, the Agreement will also be drawn up in duplicate in Maltese.

3. Each of the language texts is equally authentic.

Article 12

The Agreement and the Annex thereto shall be added as a protocol to the SAA and shall form an integral part of the SAA.

Hecho en Bruselas, el veintidós de noviembre del dos mil cuatro.

V Bruselu dne dvacátého druhého listopadu dva tisíce čtyři.

Udfærdiget i Bruxelles den toogtyvende november to tusind og fire.

Geschehen zu Brüssel am zweiundzwanzigsten November zweitausendundvier.

Kahe tuhande neljanda aasta novembrikuu kahekümne teisel päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις είκοσι δύο Νοεμβρίου δύο χιλιάδες τέσσερα.

Done at Brussels on the twenty-second day of November in the year two thousand and four.

Fait à Bruxelles, le vingt-deux novembre deux mille quatre.

Fatto a Bruxelles, addì ventidue novembre duemilaquattro.

Briselē, divi tūkstoši ceturtdā gada divdesmit otrajā novembrī.

Priimta du tūkstančiai ketvirtų metų lapkričio dvidešimt antrą dieną Briuselyje.

Kelt Brüsszelben, a kétezer-negyedik év november havának huszonkettedik napján.

Magħmul fi Brussel fit-tieni u ghoxrin jum ta' Novembru tas-sena elfejn u erbgha.

Gedaan te Brussel, de tweeëntwintigste november tweeduizendvier.

Sporządzono w Brukseli dnia dwudziestego drugiego listopada roku dwutysięcznego czwartego.

Feito em Bruxelas, em vinte e dois de Novembro de dois mil e quatro.

V Bruseli dvadsiatehodruhého novembra dvetisícštyri.

V Bruslju, dvaindvajsetega novembra leta dva tisoč štiri.

Tehty Brysselissä kahdentenakymmenentenätoisena päivänä marraskuuta vuonna kaksituhattaneljä.

Som skedde i Bryssel den tjugoandra november tjugohundrafyra.

Sastavljeno u Bruxellesu, dana dvadeset drugoga studenoga godine dvije tisuće četvrte.

Por la Comunidad Europea
Za Evropské společenství
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Euroopa Ühenduse nimel
Τια την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Eiropas Kopienas vārdā
Europos bendrijos vardu
az Európai Közösség részéről
Għall-Komunità Ewropea
Voor de Europese Gemeenschap
W imieniu Wspólnoty Europejskiej
Pela Comunidade Europeia
Za Európske spoločenstvo
za Evropsko skupnost
Euroopan yhteisön puolesta
På Europeiska gemenskapens vägnar
Za Europsku zajednicu



Za Vladu Republike Hrvatske



ANNEX

LIST OF RUNNING COMMUNITY PROGRAMMES REFERRED TO IN ARTICLE 1

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- Combating social exclusion (2002 to 2006) ⁽²⁾
- Community actions in support of consumer policy (2004 to 2007) ⁽³⁾
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⁽¹⁾ See Council Decision 2000/750/EC of 27 November 2000 establishing a Community action programme to combat discrimination (2001 to 2006) (OJ L 303, 2.12.2000, p. 23).

⁽²⁾ See Decision No 50/2002/EC of the European Parliament and of the Council of 7 December 2001 establishing a programme of Community action to encourage cooperation between Member States to combat social exclusion (OJ L 10, 12.1.2002, p. 1).

⁽³⁾ See Decision No 20/2004/EC of the European Parliament and of the Council of 8 December 2003 establishing a general framework for financing Community actions in support of consumer policy for the years 2004 to 2007 (OJ L 5, 9.1.2004, p. 1).

⁽⁴⁾ See Decision No 791/2004/EC of the European Parliament and of the Council of 21 April 2004 establishing a Community action programme to promote bodies active at European level and support specific activities in the field of education and training (OJ L 138, 30.4.2004, p. 31).

⁽⁵⁾ See Council Decision 2004/100/EC of 26 January 2004 establishing a Community action programme to promote active European citizenship (civic participation) (OJ L 30, 4.2.2004, p. 6).

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⁽⁷⁾ See Decision No 508/2000/EC of the European Parliament and of the Council of 14 February 2000 establishing the Culture 2000 programme (OJ L 63, 10.3.2000, p. 1) and Decision No 626/2004/EC of the European Parliament and of the Council of 31 March 2004 amending Decision No 508/2000/EC establishing the Culture 2000 programme (OJ L 99, 3.4.2004, p. 3).

⁽⁸⁾ See Decision No 253/2003/EC of the European Parliament and of the Council of 11 February 2003 adopting an action programme for customs in the Community (Customs 2007) (OJ L 36, 12.2.2003, p. 1).

⁽⁹⁾ See Decision No 803/2004/EC of the European Parliament and of the Council of 21 April 2004 adopting a programme of Community action (2004 to 2008) to prevent and combat violence against children, young people and women and to protect victims and groups at risk (the Daphne II programme) (OJ L 143, 30.4.2004, p. 1).

⁽¹⁰⁾ Not yet adopted — see COM(2004) 96 final, 2004/0025 (COD).

⁽¹¹⁾ See Decision No 2318/2003/EC of the European Parliament and of the Council of 5 December 2003 adopting a multiannual programme (2004 to 2006) for the effective integration of information and communication technologies (ICT) in education and training systems in Europe (eLearning Programme) (OJ L 345, 31.12.2003, p. 9).

⁽¹²⁾ See Decision No 2317/2003/EC of the European Parliament and of the Council of 5 December 2003 establishing a programme for the enhancement of quality in higher education and the promotion of intercultural understanding through cooperation with third countries (Erasmus Mundus) (2004 to 2008) (OJ L 345, 31.12.2003, p. 1).

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⁽³⁾ See Decision No 804/2004/EC of the European Parliament and of the Council of 21 April 2004 establishing a Community action programme to promote activities in the field of the protection of the Community's financial interests (Hercule programme) (OJ L 143, 30.4.2004, p. 9).

⁽⁴⁾ See Decision No 1230/2003/EC of the European Parliament and of the Council of 26 June 2003 adopting a multiannual programme for action in the field of energy: 'Intelligent Energy — Europe' (2003 to 2006) (OJ L 176, 15.7.2003, p. 29).

⁽⁵⁾ See Regulation (EC) No 1655/2000 of the European Parliament and of the Council of 17 July 2000 concerning the Financial Instrument for the Environment (LIFE) (OJ L 192, 28.7.2000, p. 1), as amended by Regulation (EC) No 1682/2004 (OJ L 308, 5.10.2004, p. 1).

⁽⁶⁾ See Council Decision No 1999/382/EC of 26 April 1999 establishing the second phase of the Community vocational training action programme 'Leonardo da Vinci' (OJ L 146, 11.6.1999, p. 33).

⁽⁷⁾ See Regulation (EC) No 1382/2003 of the European Parliament and of the Council of 22 July 2003 on the granting of Community financial assistance to improve the environmental performance of the freight transport system (Marco Polo Programme) (OJ L 196, 2.8.2003, p. 1).

⁽⁸⁾ See Corrigendum to Council Decision 2000/821/EC of 20 December 2000 on the implementation of a programme to encourage the development, distribution and promotion of European audiovisual works (MEDIA Plus-Development, Distribution and Promotion) (2001 to 2005) (OJ L 336 of 30.12.2000, p. 82) (OJ L 13, 17.1.2001, p. 34) as amended by Decision No 846/2004/EC of the European Parliament and of the Council (OJ L 157, 30.4.2004, p. 4).

⁽⁹⁾ See Decision No 163/2001/EC of the European Parliament and of the Council of 19 January 2001 on the implementation of a training programme for professionals in the European audiovisual programme industry (MEDIA-Training) (2001 to 2005) (OJ L 26, 27.1.2001, p. 1) as amended by Decision No 845/2004 (OJ L 157, 30.4.2004, p. 1).

⁽¹⁰⁾ Not yet adopted — see COM(2004) 91 final, 2004/0023 (COD).

⁽¹¹⁾ See Decision No 1513/2002/EC of the European Parliament and of the Council of 27 June 2002 concerning the sixth framework programme of the European Community for research, technological development and demonstration activities, contributing to the creation of the European Research Area and to innovation (2002 to 2006) (OJ L 232, 29.8.2002, p. 1).

⁽¹²⁾ See Decision No 253/2000/EC of the European Parliament and of the Council of 24 January 2000 establishing the second phase of the Community action programme in the field of education 'Socrates' (OJ L 28, 3.2.2000, p. 1).

⁽¹³⁾ See Decision No 1031/2000/EC of the European Parliament and of the Council of 13 April 2000 establishing the 'Youth' Community action programme (OJ L 117, 18.5.2000, p. 1).

COUNCIL DECISION**of 22 November 2004**

concerning the signing of a Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Former Yugoslav Republic of Macedonia, of the other part, on a Framework Agreement between the European Community and the Former Yugoslav Republic of Macedonia on the general principles for the participation of the Former Yugoslav Republic of Macedonia in Community programmes

(2005/520/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Articles 13, 71, 80, 95, 127, 137, 149, 150, 151, 152, 153, 157, 166, 175, 280 and 308 in conjunction with the second sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Commission has negotiated on behalf of the Community a Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Former Yugoslav Republic of Macedonia, of the other part, on a Framework Agreement with the Former Yugoslav Republic of Macedonia on the general principles for its participation in Community programmes.
- (2) Subject to its conclusion at a later date, the Agreement initialled on 25 October 2004 should be signed,

Sole Article

Subject to its conclusion at a later date, the President of the Council is hereby authorised to designate the person empowered to sign, on behalf of the European Community, the Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Former Yugoslav Republic of Macedonia, of the other part, on a Framework Agreement between the European Community and the Former Yugoslav Republic of Macedonia on the general principles for the participation of the Former Yugoslav Republic of Macedonia in Community programmes.

Done at Brussels, 22 November 2004.

For the Council
The President
B. R. BOT

PROTOCOL

to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Former Yugoslav Republic of Macedonia, of the other part, on a Framework Agreement between the European Community and the Former Yugoslav Republic of Macedonia on the general principles for the participation of the Former Yugoslav Republic of Macedonia in Community programmes

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community',

of the one part, and

the FORMER YUGOSLAV REPUBLIC OF MACEDONIA,

of the other part,

hereinafter referred to as 'the Contracting Parties',

WHEREAS:

- (1) The Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Former Yugoslav Republic of Macedonia, of the other part, (hereinafter referred to as the SAA) was signed by Exchange of Letters in Luxembourg on 9 April 2001 and entered into force on 1 April 2004.
- (2) The European Council in Copenhagen in December 2002 confirmed the European perspective of the countries of the western Balkans, as potential candidates, and underlined its determination to support their efforts to move closer to the European Union.
- (3) The European Council in Thessaloniki in June 2003 acknowledged that the Stabilisation and Association Process will remain the framework for the European course of the western Balkan countries all the way to their future accession and endorsed 'The Thessaloniki Agenda for the western Balkans: moving towards European integration', which aims to further strengthen the privileged relations between the EU and the western Balkans drawing on the enlargement experience.
- (4) The Thessaloniki Agenda invited the western Balkan countries to participate in Community programmes and agencies in line with the principles laid down for participation by the candidate countries, aiming to familiarise the countries concerned and their people with the policies and working methods of the EU, thus anchoring them more firmly to the EU and encouraging them on the path towards European integration.
- (5) The Former Yugoslav Republic of Macedonia has expressed its wish to participate in a number of Community programmes.
- (6) The specific terms and conditions, including financial contribution, regarding the participation of the Former Yugoslav Republic of Macedonia in each particular programme should be determined by agreement between the Commission of the European Communities, acting on behalf of the Community, and the Former Yugoslav Republic of Macedonia.

HAVE AGREED AS FOLLOWS:

Article 1

The Former Yugoslav Republic of Macedonia shall be allowed to participate in the following Community programmes:

1. the running Community programmes which are listed in the Annex, which are open to the participation of the Former

Yugoslav Republic of Macedonia once the present Agreement (hereinafter referred to as the Agreement) enters into force;

2. Community Programmes established or renewed after the entry into force of the Agreement and which contain an opening clause which foresees the participation of the Former Yugoslav Republic of Macedonia.

Article 2

The Former Yugoslav Republic of Macedonia shall contribute financially to the general budget of the European Union corresponding to the specific programmes in which it participates.

Article 3

The Former Yugoslav Republic of Macedonia's representatives shall be allowed to take part, as observers and for the points which concern the Former Yugoslav Republic of Macedonia, in the management committees responsible for monitoring the programmes to which the Former Yugoslav Republic of Macedonia contributes financially.

Article 4

Projects and initiatives submitted by participants from the Former Yugoslav Republic of Macedonia shall, as far as possible, be subject to the same conditions, rules and procedures pertaining to the programmes concerned as are applied to Member States.

Article 5

The specific terms and conditions regarding the participation of the Former Yugoslav Republic of Macedonia in each particular programme, in particular the financial contribution payable, will be determined by agreement, in the form of a Memorandum of Understanding, between the Commission, acting on behalf of the Community, and the Former Yugoslav Republic of Macedonia.

If the Former Yugoslav Republic of Macedonia applies for Community external assistance on the basis of Council Regulation (EC) No 2666/2000 of 5 December 2000, as amended by Council Regulation (EC) No 2415/2001 of 10 December 2001 on assistance for Albania, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the Former Yugoslav Republic of Macedonia or pursuant to any similar Regulation providing for Community external assistance to the Former Yugoslav Republic of Macedonia that may be adopted in future, the conditions governing the use by the Former Yugoslav Republic of Macedonia of the Community assistance shall be determined in a financing agreement.

Article 6

The Memorandum of Understanding shall stipulate, in accordance with the Community's Financial Regulation, that financial control or audits will be carried out by, or under the authority of, the European Commission, OLAF and the Court of Auditors of the European Communities.

Detailed provisions shall be made on financial control and auditing, administrative measures, penalties and recovery enabling the European Commission, OLAF and the Court of Auditors to be granted powers equivalent to their powers with regard to beneficiaries or contractors established in the Community.

Article 7

The Agreement shall apply for an indeterminate period.

Either Contracting Party may denounce this Agreement by written notification to the other Contracting Party. This Agreement shall terminate six months after the date of such notification.

Article 8

No later than three years after the date of entry into force of this Agreement, and every three years thereafter, both Contracting Parties may review the implementation of this Agreement on the basis of the actual participation of the Former Yugoslav Republic of Macedonia in one or more Community programmes.

Article 9

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of the Former Yugoslav Republic of Macedonia.

Article 10

This Agreement shall enter into force on the date of receipt of the last written notification through diplomatic channels by which each Contracting Party informs the other that its procedure for the entry into force of this Agreement has been completed.

Article 11

1. The Agreement is drawn up in duplicate in each of the official languages of the Contracting Parties with the exception of Maltese.
2. Once the institutions of the European Union will be bound to publish all official acts in Maltese in the *Official Journal of the European Union*, the Agreement will also be drawn up in duplicate in Maltese.
3. Each of the language texts is equally authentic.

Article 12

The Agreement and the Annex thereto shall form an integral part of the SAA.

Done at Brussels, 22 November 2004.

*For the Government of the Former
Yugoslav Republic of Macedonia*

*For the European
Community*

ANNEX

LIST OF RUNNING COMMUNITY PROGRAMMES REFERRED TO IN ARTICLE 1

- Combating discrimination (2001 to 2006) ⁽¹⁾
- Combating social exclusion (2002 to 2006) ⁽²⁾
- Community actions in support of consumer policy (2004 to 2007) ⁽³⁾
- Community action programme to promote bodies active at European level and support specific activities in the field of education and training (2004 to 2006) ⁽⁴⁾
- Community action programme to promote active European citizenship (2004 to 2006) ⁽⁵⁾
- Community action in the field of public health (2003 to 2008) ⁽⁶⁾
- Culture 2000 (2000 to 2006) ⁽⁷⁾
- Customs (2003 to 2007) ⁽⁸⁾
- Daphne II (2004 to 2008) ⁽⁹⁾
- eContent Plus (2004 to 2008) ⁽¹⁰⁾
- eLearning (2004 to 2006) ⁽¹¹⁾
- Erasmus Mundus (2004 to 2008) ⁽¹²⁾

⁽¹⁾ See Council Decision 2000/750/EC of 27 November 2000 establishing a Community action programme to combat discrimination (2001 to 2006) (OJ L 303, 2.12.2000, p. 23).

⁽²⁾ See Decision No 50/2002/EC of the European Parliament and of the Council of 7 December 2001 establishing a programme of Community action to encourage cooperation between Member States to combat social exclusion (OJ L 10, 12.1.2002, p. 1).

⁽³⁾ See Decision No 20/2004/EC of the European Parliament and of the Council of 8 December 2003 establishing a general framework for financing Community actions in support of consumer policy for the years 2004 to 2007 (OJ L 5, 9.1.2004, p. 1).

⁽⁴⁾ See Decision No 791/2004/EC of the European Parliament and of the Council of 21 April 2004 establishing a Community action programme to promote bodies active at European level and support specific activities in the field of education and training (OJ L 138, 30.4.2004, p. 31).

⁽⁵⁾ See Council Decision 2004/100/EC of 26 January 2004 establishing a Community action programme to promote active European citizenship (civic participation) (OJ L 30, 4.2.2004, p. 6).

⁽⁶⁾ See Decision No 1786/2002/EC of the European Parliament and of the Council of 23 September 2002 adopting a programme of Community action in the field of public health (2003 to 2008) (OJ L 271, 9.10.2002, p. 1).

⁽⁷⁾ See Decision No 508/2000/EC of the European Parliament and of the Council of 14 February 2000 establishing the Culture 2000 programme (OJ L 63, 10.3.2000, p. 1) and Decision No 626/2004/EC of the European Parliament and of the Council of 31 March 2004 amending Decision No 508/2000/EC establishing the Culture 2000 programme (OJ L 99, 3.4.2004, p. 3).

⁽⁸⁾ See Decision No 253/2003/EC of the European Parliament and of the Council of 11 February 2003 adopting an action programme for customs in the Community (Customs 2007) (OJ L 36, 12.2.2003, p. 1).

⁽⁹⁾ See Decision No 803/2004/EC of the European Parliament and of the Council of 21 April 2004 adopting a programme of Community action (2004 to 2008) to prevent and combat violence against children, young people and women and to protect victims and groups at risk (the Daphne II programme) (OJ L 143, 30.4.2004, p. 1).

⁽¹⁰⁾ Not yet adopted — see COM(2004) 96 final, 2004/0025 (COD).

⁽¹¹⁾ See Decision No 2318/2003/EC of the European Parliament and of the Council of 5 December 2003 adopting a multiannual programme (2004 to 2006) for the effective integration of information and communication technologies (ICT) in education and training systems in Europe (eLearning Programme) (OJ L 345, 31.12.2003, p. 9).

⁽¹²⁾ See Decision No 2317/2003/EC of the European Parliament and of the Council of 5 December 2003 establishing a programme for the enhancement of quality in higher education and the promotion of intercultural understanding through cooperation with third countries (Erasmus Mundus) (2004 to 2008) (OJ L 345, 31.12.2003, p. 1).

- Fiscalis (2003 to 2007) ⁽¹⁾
- Gender equality (2001 to 2006) ⁽²⁾
- Hercule (2004 to 2006) ⁽³⁾
- Intelligent Energy Europe (2003 to 2006) ⁽⁴⁾
- Life (2000 to 2006) ⁽⁵⁾
- Leonardo da Vinci II (2000 to 2006) ⁽⁶⁾
- Marco Polo (2003 to 2010) ⁽⁷⁾
- Media Plus ⁽⁸⁾ /Media Training ⁽⁹⁾ (2001 to 2006)
- Safer Internet plus (2005 to 2008) ⁽¹⁰⁾
- Sixth RTD framework programme (2002 to 2006) ⁽¹¹⁾
- Socrates II (2000 to 2006) ⁽¹²⁾
- Youth (2000 to 2006) ⁽¹³⁾

⁽¹⁾ See Decision No 2235/2002/EC of the European Parliament and of the Council of 3 December 2002 adopting a Community programme to improve the operation of taxation systems in the internal market (Fiscalis programme 2003 to 2007) (OJ L 341, 17.12.2002, p. 1).

⁽²⁾ See Council Decision No 2001/51/EC of 20 December 2000 establishing a Programme relating to the Community framework strategy on gender equality (2001-2005) (OJ L 17, 19.1.2001, p. 22).

⁽³⁾ See Decision No 804/2004/EC of the European Parliament and of the Council of 21 April 2004 establishing a Community action programme to promote activities in the field of the protection of the Community's financial interests (Hercule programme) (OJ L 143, 30.4.2004, p. 9).

⁽⁴⁾ See Decision No 1230/2003/EC of the European Parliament and of the Council of 26 June 2003 adopting a multiannual programme for action in the field of energy: 'Intelligent Energy — Europe' (2003 to 2006) (OJ L 176, 15.7.2003, p. 29).

⁽⁵⁾ See Regulation (EC) No 1655/2000 of the European Parliament and of the Council of 17 July 2000 concerning the Financial Instrument for the Environment (LIFE) (OJ L 192, 28.7.2000, p. 1) as amended by Regulation (EC) No 1682/2004 of 15 September 2004 (OJ L 308, 5.10.2004, p. 1).

⁽⁶⁾ See Council Decision No 1999/382/EC of 26 April 1999 establishing the second phase of the Community vocational training action programme 'Leonardo da Vinci' (OJ L 146, 11.6.1999, p. 33).

⁽⁷⁾ See Regulation (EC) No 1382/2003 of the European Parliament and of the Council of 22 July 2003 on the granting of Community financial assistance to improve the environmental performance of the freight transport system (Marco Polo Programme) (OJ L 196, 2.8.2003, p. 1).

⁽⁸⁾ See Corrigendum to Council Decision 2000/821/EC of 20 December 2000 on the implementation of a programme to encourage the development, distribution and promotion of European audiovisual works (MEDIA Plus-Development, Distribution and Promotion) (2001 to 2005) (OJ L 336 of 30.12.2000, p. 82) (OJ L 13, 17.1.2001, p. 34) as amended by Decision No 846/2004/EC of the European Parliament and of the Council (OJ L 157, 30.4.2004, p. 4).

⁽⁹⁾ See Decision No 163/2001/EC of the European Parliament and of the Council of 19 January 2001 on the implementation of a training programme for professionals in the European audiovisual programme industry (MEDIA-Training) (2001 to 2005) (OJ L 26, 27.1.2001, p. 1) as amended by Decision No 845/2004 (OJ L 157, 30.4.2004, p. 1).

⁽¹⁰⁾ Not yet adopted — see COM(2004) 91 final, 2004/0023 (COD).

⁽¹¹⁾ See Decision No 1513/2002/EC of the European Parliament and of the Council of 27 June 2002 concerning the sixth framework programme of the European Community for research, technological development and demonstration activities, contributing to the creation of the European Research Area and to innovation (2002 to 2006) (OJ L 232, 29.8.2002, p. 1).

⁽¹²⁾ See Decision No 253/2000/EC of the European Parliament and of the Council of 24 January 2000 establishing the second phase of the Community action programme in the field of education 'Socrates' (OJ L 28, 3.2.2000, p. 1).

⁽¹³⁾ See Decision No 1031/2000/EC of the European Parliament and of the Council of 13 April 2000 establishing the 'Youth' Community action programme (OJ L 117, 18.5.2000, p. 1).

COUNCIL DECISION**of 22 November 2004****concerning the signing of a Framework Agreement between the European Community and Serbia and Montenegro on the general principles for the participation of Serbia and Montenegro in Community programmes**

(2005/521/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Articles 13, 71, 80, 95, 127, 137, 149, 150, 151, 152, 153, 157, 166, 175, 280 and 308 in conjunction with the second sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Commission has negotiated on behalf of the Community a Framework Agreement with Serbia and Montenegro on the general principles for its participation in Community programmes.
- (2) Subject to its conclusion at a later date, the Agreement initialled on 4 October 2004 should be signed,

Sole Article

Subject to its conclusion at a later date, the President of the Council is hereby authorised to designate the person empowered to sign, on behalf of the European Community, the Framework Agreement between the European Community and Serbia and Montenegro on the general principles for the participation of Serbia and Montenegro in Community programmes.

Done at Brussels, 22 November 2004.

For the Council

The President

B. R. BOT

FRAMEWORK AGREEMENT**between the European Community and Serbia and Montenegro on the general principles for the participation of Serbia and Montenegro in Community programmes**

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community',

on the one part, and

SERBIA AND MONTENEGRO,

on the other part,

hereinafter referred to as 'the Contracting Parties',

WHEREAS:

- (1) The European Council in Copenhagen in December 2002 confirmed the European perspective of the countries of the western Balkans, as potential candidates, and underlined its determination to support their efforts to move closer to the European Union.
- (2) The European Council in Thessaloniki in June 2003 acknowledged that the Stabilisation and Association Process will remain the framework for the European course of the western Balkan countries all the way to their future accession and endorsed 'The Thessaloniki Agenda for the western Balkans: moving towards European integration', which aims to further strengthen the privileged relations between the EU and the western Balkans drawing on the enlargement experience.
- (3) The Thessaloniki Agenda invited the western Balkan countries to participate in Community programmes and agencies in line with the principles laid down for participation by the candidate countries, aiming to familiarise the countries concerned and their people with the policies and working methods of the EU, thus anchoring them more firmly to the EU and encouraging them on the path towards European integration.
- (4) Serbia and Montenegro has expressed its wish to participate in a number of Community programmes.
- (5) The specific terms and conditions, including financial contribution, regarding the participation of Serbia and Montenegro in each particular programme should be determined by agreement between the Commission of the European Communities, acting on behalf of the Community, and the competent authorities of Serbia and Montenegro,

HAVE AGREED AS FOLLOWS:

Article 1

Serbia and Montenegro shall be allowed to participate in the following Community programmes:

1. the running Community programmes which are listed in the Annex, which are open to the participation of Serbia and Montenegro once the present agreement (hereinafter referred to as the Agreement) enters into force,
2. Community Programmes established or renewed after the entry into force of the Agreement and which contain an opening clause which foresees the participation of Serbia and Montenegro.

Article 2

Serbia and Montenegro shall contribute financially to the general budget of the European Union corresponding to the specific programmes in which it participates.

Article 3

Serbia and Montenegro's representatives shall be allowed to take part, as observers and for the points which concern Serbia and Montenegro, in the management committees responsible for monitoring the programmes to which Serbia and Montenegro contributes financially.

Article 4

Projects and initiatives submitted by participants from Serbia and Montenegro shall, as far as possible, be subject to the same conditions, rules and procedures pertaining to the programmes concerned as are applied to Member States.

Article 5

The specific terms and conditions regarding the participation of Serbia and Montenegro in each particular programme, in particular the financial contribution payable, will be determined by agreement, in the form of a Memorandum of Understanding, between the Commission, acting on behalf of the Community, and Serbia and Montenegro.

If Serbia and Montenegro applies for Community external assistance on the basis of Council Regulation (EC) No 2666/2000 of 5 December 2000, as amended by Regulation (EC) No 2415/2001 of 10 December 2001 on assistance for Albania, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the Former Yugoslav Republic of Macedonia or pursuant to any similar Regulation providing for Community external assistance to Serbia and Montenegro that may be adopted in future, the conditions governing the use by Serbia and Montenegro of the Community assistance shall be determined in a financing agreement.

Article 6

The Memorandum of Understanding shall stipulate, in accordance with the Community's Financial Regulation, that financial control or audits will be carried out by, or under the authority of, the European Commission, OLAF and the Court of Auditors of the European Communities.

Detailed provisions shall be made on financial control and auditing, administrative measures, penalties and recovery enabling the European Commission, OLAF and the Court of Auditors to be granted powers equivalent to their powers with regard to beneficiaries or contractors established in the Community.

Article 7

The Agreement shall apply for an indeterminate period.

Either Contracting Party may denounce this Agreement by written notification to the other Contracting Party. This Agreement shall terminate six months after the date of such notification.

Article 8

No later than three years after the date of entry into force of this Agreement, and every three years thereafter, both Contracting Parties may review the implementation of this Agreement on the basis of actual participation of Serbia and Montenegro in one or more Community programmes.

Article 9

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of Serbia and Montenegro.

Article 10

This Agreement shall enter into force on the date of receipt of the last written notification through diplomatic channels by which each Contracting Party informs the other that its procedure for the entry into force of this Agreement has been completed.

Article 11

1. The Agreement is drawn up in duplicate in the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Polish, Portuguese, Slovak, Slovenian, Spanish, Swedish languages and the official language of Serbia and Montenegro.

2. Once the institutions of the European Union will be bound to publish all official acts in Maltese in the *Official Journal of the European Union*, the Agreement will also be drawn up in duplicate in Maltese.

3. Each of the language texts is equally authentic.

Hecho en Bruselas, el veintidós de noviembre del dos mil cuatro.

V Bruselu dne dvacátého druhého listopadu dva tisíce čtyři.

Udfærdiget i Bruxelles den toogtyvende november to tusind og fire.

Geschehen zu Brüssel am zweiundzwanzigsten November zweitausendundvier.

Kahe tuhande neljanda aasta novembrikuu kahekümne teisel päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις είκοσι δύο Νοεμβρίου δύο χιλιάδες τέσσερα.

Done at Brussels on the twenty-second day of November in the year two thousand and four.

Fait à Bruxelles, le vingt-deux novembre deux mille quatre.

Fatto a Bruxelles, addì ventidue novembre duemilaquattro.

Briselē, divi tūkstoši ceturtdā gada divdesmit otrajā novembrī.

Priimta du tūkstančiai ketvirtų metų lapkričio dvidešimt antrą dieną Briuselyje.

Kelt Brüsszelben, a kétezer-negyedik év november havának huszonkettedik napján.

Magħmul fi Brussel fit-tieni u ghoxrin jum ta' Novembru tas-sena elfejn u erbgħa.

Gedaan te Brussel, de tweeëntwintigste november tweeduizendvier.

Sporządzono w Brukseli dnia dwudziestego drugiego listopada roku dwutysięcznego czwartego.

Feito em Bruxelas, em vinte e dois de Novembro de dois mil e quatro.

V Bruseli dvadsiatehodruhého novembra dvetisícštyri.

V Bruslju, dvaindvajsetega novembra leta dva tisoč štiri.

Tehty Brysselissä kahdentenakymmenentenätoisena päivänä marraskuuta vuonna kaksituhattaneljä.

Som skedde i Bryssel den tjugoandra november tjugohundrafyra.

Составлено у Бриселу, дана 22.11.2004.

Por la Comunidad Europea
Za Evropské společenství
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Euroopa Ühenduse nimel
Τια την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Eiropas Kopienas vārdā
Europos bendrijos vardu
az Európai Közösség részéről
Għall-Komunità Ewropea
Voor de Europese Gemeenschap
W imieniu Wspólnoty Europejskiej
Pela Comunidade Europeia
Za Európske spoločenstvo
za Evropsko skupnost
Euroopan yhteisön puolesta
På Europeiska gemenskapens vägnar
За Европску заједницу



За Савет министара Србије и Ирске Горе



ANNEX

LIST OF RUNNING COMMUNITY PROGRAMMES REFERRED TO IN ARTICLE 1

- Combating discrimination (2001 to 2006) ⁽¹⁾
- Combating social exclusion (2002 to 2006) ⁽²⁾
- Community actions in support of consumer policy (2004 to 2007) ⁽³⁾
- Community action programme to promote bodies active at European level and support specific activities in the field of education and training (2004 to 2006) ⁽⁴⁾
- Community action programme to promote active European citizenship (2004 to 2006) ⁽⁵⁾
- Community action in the field of public health (2003 to 2008) ⁽⁶⁾
- Culture 2000 (2000 to 2006) ⁽⁷⁾
- Customs (2003 to 2007) ⁽⁸⁾
- Daphne II (2004 to 2008) ⁽⁹⁾
- eContent Plus (2004 to 2008) ⁽¹⁰⁾
- eLearning (2004 to 2006) ⁽¹¹⁾
- Erasmus Mundus (2004 to 2008) ⁽¹²⁾

⁽¹⁾ See Council Decision 2000/750/EC of 27 November 2000 establishing a Community action programme to combat discrimination (2001 to 2006) (OJ L 303, 2.12.2000, p. 23).

⁽²⁾ See Decision No 50/2002/EC of the European Parliament and of the Council of 7 December 2001 establishing a programme of Community action to encourage cooperation between Member States to combat social exclusion (OJ L 10, 12.1.2002, p. 1).

⁽³⁾ See Decision No 20/2004/EC of the European Parliament and of the Council of 8 December 2003 establishing a general framework for financing Community actions in support of consumer policy for the years 2004 to 2007 (OJ L 5, 9.1.2004, p. 1).

⁽⁴⁾ See Decision No 791/2004/EC of the European Parliament and of the Council of 21 April 2004 establishing a Community action programme to promote bodies active at European level and support specific activities in the field of education and training (OJ L 138, 30.4.2004, p. 31).

⁽⁵⁾ See Council Decision 2004/100/EC of 26 January 2004 establishing a Community action programme to promote active European citizenship (civic participation) (OJ L 30, 4.2.2004, p. 6).

⁽⁶⁾ See Decision No 1786/2002/EC of the European Parliament and of the Council of 23 September 2002 adopting a programme of Community action in the field of public health (2003 to 2008) (OJ L 271, 9.10.2002, p. 1).

⁽⁷⁾ See Decision No 508/2000/EC of the European Parliament and of the Council of 14 February 2000 establishing the Culture 2000 programme (OJ L 63, 10.3.2000, p. 1) and Decision No 626/2004/EC of the European Parliament and of the Council of 31 March 2004 amending Decision No 508/2000/EC establishing the Culture 2000 programme (OJ L 99, 3.4.2004, p. 3).

⁽⁸⁾ See Decision No 253/2003/EC of the European Parliament and of the Council of 11 February 2003 adopting an action programme for customs in the Community (Customs 2007) (OJ L 36, 12.2.2003, p. 1).

⁽⁹⁾ See Decision No 803/2004/EC of the European Parliament and of the Council of 21 April 2004 adopting a programme of Community action (2004 to 2008) to prevent and combat violence against children, young people and women and to protect victims and groups at risk (the Daphne II programme) (OJ L 143, 30.4.2004, p. 1).

⁽¹⁰⁾ Not yet adopted — see COM(2004) 96 final, 2004/0025 (COD).

⁽¹¹⁾ See Decision No 2318/2003/EC of the European Parliament and of the Council of 5 December 2003 adopting a multiannual programme (2004 to 2006) for the effective integration of information and communication technologies (ICT) in education and training systems in Europe (eLearning Programme) (OJ L 345, 31.12.2003, p. 9).

⁽¹²⁾ See Decision No 2317/2003/EC of the European Parliament and of the Council of 5 December 2003 establishing a programme for the enhancement of quality in higher education and the promotion of intercultural understanding through cooperation with third countries (Erasmus Mundus) (2004 to 2008) (OJ L 345, 31.12.2003, p. 1).

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- Gender equality (2001 to 2006) ⁽²⁾
- Hercule (2004 to 2006) ⁽³⁾
- Intelligent Energy Europe (2003 to 2006) ⁽⁴⁾
- Life (2000 to 2006) ⁽⁵⁾
- Leonardo da Vinci II (2000 to 2006) ⁽⁶⁾
- Marco Polo (2003 to 2010) ⁽⁷⁾
- Media Plus ⁽⁸⁾ /Media Training ⁽⁹⁾ (2001 to 2006)
- Safer Internet plus (2005 to 2008) ⁽¹⁰⁾
- Sixth RTD framework programme (2002 to 2006) ⁽¹¹⁾
- Socrates II (2000 to 2006) ⁽¹²⁾
- Youth (2000 to 2006) ⁽¹³⁾

⁽¹⁾ See Decision No 2235/2002/EC of the European Parliament and of the Council of 3 December 2002 adopting a Community programme to improve the operation of taxation systems in the internal market (Fiscalis programme 2003 to 2007) (OJ L 341, 17.12.2002, p. 1).

⁽²⁾ See Council Decision No 2001/51/EC of 20 December 2000 establishing a Programme relating to the Community framework strategy on gender equality (2001 to 2005) (OJ L 17, 19.1.2001, p. 22).

⁽³⁾ See Decision No 804/2004/EC of the European Parliament and of the Council of 21 April 2004 establishing a Community action programme to promote activities in the field of the protection of the Community's financial interests (Hercule programme) (OJ L 143, 30.4.2004, p. 9).

⁽⁴⁾ See Decision No 1230/2003/EC of the European Parliament and of the Council of 26 June 2003 adopting a multiannual programme for action in the field of energy: 'Intelligent Energy — Europe' (2003 to 2006) (OJ L 176, 15.7.2003, p. 29).

⁽⁵⁾ See Regulation (EC) No 1655/2000 of the European Parliament and of the Council of 17 July 2000 concerning the Financial Instrument for the Environment (LIFE) (OJ L 192, 28.7.2000, p. 1) as amended by Regulation (EC) No 1682/2004 of 15 September 2004 (OJ L 308, 5.10.2004, p. 1).

⁽⁶⁾ See Council Decision No 1999/382/EC of 26 April 1999 establishing the second phase of the Community vocational training action programme 'Leonardo da Vinci' (OJ L 146, 11.6.1999, p. 33).

⁽⁷⁾ See Regulation (EC) No 1382/2003 of the European Parliament and of the Council of 22 July 2003 on the granting of Community financial assistance to improve the environmental performance of the freight transport system (Marco Polo programme) (OJ L 196, 2.8.2003, p. 1).

⁽⁸⁾ See Corrigendum to Council Decision 2000/821/EC of 20 December 2000 on the implementation of a programme to encourage the development, distribution and promotion of European audiovisual works (MEDIA Plus-Development, Distribution and Promotion) (2001 to 2005) (OJ L 336 of 30.12.2000, p. 82) (OJ L 13, 17.1.2001, p. 34) as amended by Decision No 846/2004/EC of the European Parliament and of the Council (OJ L 157, 30.4.2004, p. 4).

⁽⁹⁾ See Decision No 163/2001/EC of the European Parliament and of the Council of 19 January 2001 on the implementation of a training programme for professionals in the European audiovisual programme industry (MEDIA-Training) (2001 to 2005) (OJ L 26, 27.1.2001, p. 1) as amended by Decision No 845/2004 (OJ L 157, 30.4.2004, p. 1).

⁽¹⁰⁾ Not yet adopted — see COM(2004) 91 final, 2004/0023 (COD).

⁽¹¹⁾ See Decision No 1513/2002/EC of the European Parliament and of the Council of 27 June 2002 concerning the sixth framework programme of the European Community for research, technological development and demonstration activities, contributing to the creation of the European Research Area and to innovation (2002 to 2006) (OJ L 232, 29.8.2002, p. 1).

⁽¹²⁾ See Decision No 253/2000/EC of the European Parliament and of the Council of 24 January 2000 establishing the second phase of the Community action programme in the field of education 'Socrates' (OJ L 28, 3.2.2000, p. 1).

⁽¹³⁾ See Decision No 1031/2000/EC of the European Parliament and of the Council of 13 April 2000 establishing the 'Youth' Community action programme (OJ L 117, 18.5.2000, p. 1).

DECISION No 4/2004 OF THE EU-MEXICO JOINT COUNCIL**of 18 May 2005****amending Joint Council Decision No 2/2001**

(2005/522/EC)

THE JOINT COUNCIL,

HAS DECIDED AS FOLLOWS:

Having regard to the Economic Partnership, Political Coordination and Cooperation Agreement between the European Community and its Member States, of the one part, and the United Mexican States, of the other part ⁽¹⁾, signed in Brussels on 8 December 1997, and in particular Article 6 in conjunction with Article 47 thereof,

Article 1

Annex I, part A, of Decision No 2/2001, shall be replaced by the text set out in Annex I to this Decision.

Whereas:

Article 2

(1) As from 1 May 2004, the Treaty establishing the European Community also applies in the territory of Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic (hereafter the new Member States), following their accession to the European Union

Annex II, part A and part B, of Decision No 2/2001, shall be replaced by the text set out in Annex II to this Decision.

Article 3

(2) In these circumstances, it is necessary to adapt, with effect from 1 May 2004, Annex I of Joint Council Decision No 2/2001, in order to include the authorities responsible for financial services in the new Member States and the measures inconsistent with Articles 12 to 16 of Decision No 2/2001 that they will maintain until Article 17(3) thereof is implemented. This adaptation also provides an opportunity for updating the list of authorities responsible for financial services,

This Decision shall enter into force on the date on which it is adopted. It shall apply from 1 May 2004.

Done at Brussels, 18 May 2005.

*For the Joint Council**The President*

L. E. DERBEZ

⁽¹⁾ OJ L 276, 28.10.2000, p. 45.

ANNEX I

‘ANNEX I

PART A

COMMUNITY AND ITS MEMBER STATES

1. The application of Chapter III to the Community and its Member States is subject to the limitations on market access and national treatment scheduled by the European Communities and its Member States in the “all sectors” sections of their GATS schedules and to those relating to the sub-sectors listed below.

2. The following abbreviations are used to indicate the Member States:

AT	Austria
BE	Belgium
CY	Cyprus
CZ	Czech Republic
DE	Germany
DK	Denmark
ES	Spain
EE	Estonia
FI	Finland
FR	France
EL	Greece
HU	Hungary
IE	Ireland
IT	Italy
LV	Latvia
LT	Lithuania
LU	Luxembourg
MT	Malta
NL	The Netherlands
PL	Poland
PT	Portugal
SK	Slovakia
SI	Slovenia
SE	Sweden
UK	United Kingdom

3. The market access commitments in respect of modes 1 and (2) apply only to:
 - the transactions indicated in paragraphs B.3 and B.4 of the market access section of the “Understanding on Commitments in Financial Services” respectively for all Member States,
 - the transactions specified here below, with reference to the definitions of Article 11, for each Member State concerned:

CY: A.1(a) (life insurance) and the remaining part of A.1(b) (non-life non-MAT – marine, aviation, and other transport – insurance) in mode 2, B.6(e) (trading of transferable securities) in mode 1;

EE: A.1(a) (life insurance), the remaining part of A.1(b) (non-life non-MAT insurance) and the remaining part of A.3 (non-MAT insurance intermediation) in modes 1. and 2, B.1 to B.10 (acceptance of deposits, lending of all types, financial leasing, all payment and money transmission services, guarantees and commitments, trading of securities, participation in issues of all kinds of securities, money broking, asset management, and settlement and clearing services for financial assets) in mode 1;

LV: A.1(a) (life insurance), the remaining part of A.1(b) (non-life non-MAT insurance) and the remaining part of A.3 (non-MAT insurance intermediation) in mode 2, B.7 (participation in issues of all kinds of securities) in mode 1;

LT: A.1(a) (life insurance), the remaining part of A.1(b) (non-life non-MAT insurance) and the remaining part of A.3 (non-MAT insurance intermediation) in mode 2, B.1 to B.10 (acceptance of deposits, lending of all types, financial leasing, all payment and money transmission services, guarantees and commitments, trading of securities, participation in issues of all kinds of securities, money broking, asset management, and settlement and clearing services for financial assets) in mode 1;

MT: A.1(a) (life insurance) and the remaining part of A.1(b) (non-life non-MAT insurance) in mode 2, B.1 and B.2 (acceptance of deposits and lending of all types) in mode 1;

SI: B.1 to B.10 (acceptance of deposits, lending of all types, financial leasing, all payment and money transmission services, guarantees and commitments, trading of securities, participation in issues of all kinds of securities, money broking, asset management, and settlement and clearing services for financial assets) in mode 1.

4. Unlike foreign subsidiaries, branches established directly in a Member State by a Mexican financial institution are not, with certain limited exceptions, subject to prudential regulations harmonised at Community level which enable such subsidiaries to benefit from enhanced facilities to set up new establishments and to provide cross-border services throughout the Community. Therefore, such branches receive an authorisation to operate in the territory of a Member State under conditions equivalent to those applied to domestic financial institutions of that Member State, and may be required to satisfy a number of specific prudential requirements such as, in the case of banking and securities, separate capitalisation and other solvency requirements and reporting and publication of accounts requirements or, in the case of insurance, specific guarantee and deposit requirements, a separate capitalisation, and the localisation in the Member State concerned of the assets representing the technical reserves and at least one third of the solvency margin. Member States may apply the restrictions indicated in this schedule only with regard to the direct establishment from a Mexican of a commercial presence or to the provision of cross-border services from Mexico; consequently, a Member State may not apply these restrictions, including those concerning establishment, to Mexican subsidiaries established in other Member States of the Community, unless these restrictions can also be applied to companies or nationals of other Member States in conformity with Community Law.
5. CY: The following general conditions and qualifications would apply even where no limitations or conditions are stated in the schedule:
 - (i) Consideration of national security and public policy objectives;
 - (ii) This schedule does not in any way pertain to services supplied in the exercise of government functions. Also, it does not affect measures pertaining to trade in goods which may constitute inputs to a scheduled service or other services. In addition, limitations on market access or national treatment in respect of services which may constitute inputs to or be used to supply a scheduled service, shall continue to apply.

6. CY: The laws and regulations mentioned in this schedule should not be construed as an exhaustive reference to all laws, and regulations governing the financial sector. The transfer, for example, of information containing personal data, bank secret or any business secret is not allowed. Such transfer is subject to domestic laws on protection of confidentiality of information of banks' customers. Furthermore, it is noted that non-discriminatory qualitative measures pertaining to technical standards, public health and environmental considerations, licensing, prudential consideration, professional qualifications and competency requirements have not been listed as conditions or limitations to market access and national treatment.
7. CY: Unregulated financial services and products and the admission to the market of new financial services or products, may be subject to the existence or the introduction of a regulatory framework aimed at achieving the objectives indicated in Article 19 of Decision No 2/2001 of the EU-Mexico Joint Council.
8. CY: Due to exchange controls operative in Cyprus:
 - residents are not permitted to purchase banking services which may involve transfer of funds abroad, while they are physically abroad,
 - loans to non-residents/foreigners or non-resident controlled companies require approval from the Central Bank,
 - acquisition of securities by non-residents also requires permission from the Central Bank,
 - dealings in foreign currency may be carried out only through banks which have been accorded "Authorised Dealer" status from the Central Bank.
9. CZ: The admission to the market of new financial services and instruments may be subject to the existence of, and consistency with the domestic regulatory framework aimed at achieving the objectives indicated in Article 19 of Decision No 2/2001.
10. CZ: As a general rule and in a non-discriminatory manner, financial institutions incorporated in the Czech Republic must adopt a specific legal form.
11. CZ: Compulsory motor third party liability insurance is provided by an exclusive supplier. When monopoly rights concerning compulsory motor third party liability are removed, providing this service will be open on a non-discriminatory basis to Czech established service providers. Compulsory health insurance is provided by licensed Czech owned suppliers only.
12. EE: Compulsory social security services are not committed.
13. HU: The admission to the market of new financial services or products may be subject to the existence of, and consistency with, a regulatory framework aimed at achieving the objectives indicated in Article 19 of Decision No 2/2001.
14. HU: The transfer of information containing personal data, bank secret, securities secret and/or business secret is not allowed.
15. HU: As a general rule and in a non-discriminatory manner, financial institutions incorporated in Hungary must adopt a specific legal form.
16. HU: Insurance, banking, securities and collective investment management services should be performed by legally separate and independently capitalised suppliers of financial services.
17. MT: For mode (3) commitments, under exchange control legislation non-residents wishing to supply any services through the registration of a local company may do so with the prior permission of the Central Bank of Malta. Companies with the participation of non-resident legal or natural persons require a minimum share capital of MTL (Maltese lira) 10 000 of which 50 % has to be paid up. The non-resident percentage share of the equity is to be paid for with funds emanating from abroad. Companies with non-resident participation must apply for a permit from the Ministry of Finance to acquire premises under the appropriate legislation.

18. MT: For mode (4) commitments, the requirements of Maltese legislation and regulations regarding entry, stay, acquisition of real property, work and social security measures shall continue to apply, including regulations concerning period of stay, minimum wages as well as collective wage agreements. Entry, work and residence permits are granted at the discretion of the Government of Malta.
19. MT: For modes (1) and (2) commitments, exchange control legislation allows a resident to transfer abroad annually for portfolio investment up to MTL 5 000. Amounts in excess of MTL 5 000 are subject to exchange control permission.
20. MT: Residents may borrow from overseas without the need to obtain exchange control approval if the borrowing is for a period exceeding three years. Such borrowings have however to be registered with the Central Bank.
21. PL: Prudential regulations in the financial sector are being elaborated in Poland. They may require alteration of the presently existing rules as well as preparation of the new laws.
22. SK: The admission to the market of new financial services and instruments may be subject to the existence of, and consistency with the domestic regulatory framework aimed at achieving the objectives indicated in Article 19 of Decision No 2/2001.
23. SK: The following insurance services are provided by exclusive suppliers: Compulsory motor third party liability insurance, compulsory air transport insurance, the liability insurance of employer against injury or occupational disease have to be effected through the Slovak Insurance Company. The basic health insurance is confined to the Slovak health insurance companies having a licence for provision of health insurance granted by the Ministry of Healthcare of the Slovak Republic according to the Act 273/1994 Coll. of Law. Fund pension insurance schemes and sickness insurance are confined to the Social Insurance Company.
24. SI: The admission to the market of new financial services or products may be subject to the existence of, and consistency with, a regulatory framework aimed at achieving the objectives indicated in Article 19 of Decision No 2/2001.
25. SI: As a general rule and in a non-discriminatory manner, financial institutions incorporated in the Republic of Slovenia must adopt a specific legal form.
26. SI: Insurance and banking activities should be performed by legally separate suppliers of financial services.
27. SI: Investment services can be provided only through banks and investment firms.

A. Insurance and Insurance-Related Services	1. Cross-border supply	AT: Promotional activity and intermediation on behalf of a subsidiary not established in the Community or of a branch not established in Austria (except for reinsurance and retrocession) are prohibited. AT: Compulsory air insurance can be underwritten only by a subsidiary established in the Community or by a branch established in Austria. AT: Higher premium tax is due for insurance contracts (except for contracts on reinsurance and retrocession) which are written by a subsidiary not established in the Community or by a branch not established in Austria. Exception from the higher tax can be granted. CY: Any foreign reinsurer approved by the Superintendent of Insurance (on prudential criteria) may offer reinsurance or retrocession services to insurance companies incorporated and licensed in Cyprus.
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	CY: Subsectors A.3 and A.4 (insurance intermediation and services auxiliary to insurance): Unbound. CZ: None other than: Foreign financial services suppliers may establish an insurance company with the seat in the Czech Republic in the form of a joint stock company or may exercise insurance activity through their branches with registered office in the Czech Republic under the conditions established in the Insurance Industry Act. Commercial presence and authorisation is required for the provider of insurance services: — to provide such services including reinsurance, - and — to conclude intermediation contract with an intermediary aimed at the conclusion of insurance contract between the provider of insurance services and third party. Authorisation is required for the intermediary in case of its intermediation activity to be exercised for a branch with registered office in the Czech Republic DK: Compulsory air transport insurance can be underwritten only by firms established in the Community. DK: No persons or companies (including insurance companies) may for business purposes in Denmark assist in effecting direct insurance for persons resident in Denmark, for Danish ships or for property in Denmark, other than insurance companies licensed by Danish law or by Danish competent authorities. DE: Compulsory air insurance policies can be underwritten only by a subsidiary established in the Community or by a branch established in Germany). DE: If a foreign insurance company has established a branch in Germany, it may conclude insurance contracts in Germany relating to international transport only through the branch established in Germany. FI: Only insurers having their head office in the European Economic Area or having their branch in Finland may offer insurance services as referred to in subparagraph 3(a) of the Understanding. FI: The supply of insurance broker services is subject to a permanent place of business in the European Economic Area. FR: Insurance of risks relating to ground transport may be carried out only by insurance firms established in the Community. HU: Subsector A.1 (direct insurance): Only entrepreneurs pursuing international business activity specified in the legal rules on foreign exchange are allowed to purchase services. Only insurance events occurring abroad can be insured. IT: Unbound for the actuarial profession.
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		IT: Insurance of risks relating to cif exports by residents in Italy may be underwritten only by insurance firms established in the Community. IT: Transport insurance of goods, insurance of vehicles as such and liability insurance regarding risks located in Italy may be underwritten only by insurance companies established in the Community. This reservation does not apply for international transport involving imports into Italy. LV: Unbound for subparagraph B.3(a) of the Understanding. MT: <i>Subsectors A.3 and A.4 (insurance intermediation and services auxiliary to insurance):</i> Unbound. PL: Unbound, except for reinsurance, retrocession and insurance of goods in international trade. PT: Air and maritime transport insurance, covering goods, aircraft, hull and liability can be underwritten only by firms established in the EC; only persons or companies established in the EC may act as intermediaries for such insurance business in Portugal. SK: Commercial presence is required for supply of: — the life insurance of persons with permanent residence in the Slovak Republic, — the insurance of property on the territory of the Slovak Republic, — the insurance of liability for loss or damage caused by the activity of natural persons and juridical persons on the territory of the Slovak Republic, — air and maritime insurance, covering goods, aircraft, hull and liability. SI: <i>Marine, aviation and transport insurance:</i> Insurance activities provided by mutual insurance institutions are limited to incorporated companies established in the Republic of Slovenia. SI: <i>Subsectors A.2, A.3 and A.4 (reinsurance and retrocession, insurance intermediation and services auxiliary to insurance):</i> Unbound. SE: The supply of direct insurance is allowed only through an insurance service supplier authorised in Sweden, provided that the foreign service supplier and the Swedish insurance company belong to the same group of companies or have an agreement of cooperation between them.
	2. Consumption abroad	AT: Promotional activity and intermediation on behalf of a subsidiary not established in the Community or of a branch not established in Austria (except for reinsurance and retrocession) are prohibited. AT: Compulsory air insurance can be underwritten only by a subsidiary established in the Community or by a branch established in Austria).

		AT: Higher premium tax is due for insurance contracts (except for contracts on reinsurance and retrocession) which are written by a subsidiary not established in the Community or by a branch not established in Austria. Exception from the higher tax can be granted. CY: <i>Subsectors A.3. and A.4. (insurance intermediation and services auxiliary to insurance):</i> Unbound. CZ: None other than: Insurance services as defined below may not be purchased abroad. — The life insurance of persons with permanent residence in the Czech Republic, — the insurance of property on the territory of the Czech Republic, — the insurance of liability for loss or damage caused by the activity of natural and legal persons on the territory of the Czech Republic. DK: Compulsory air transport insurance can be underwritten only by firms established in the Community. DK: No persons or companies (including insurance companies) may for business purposes in Denmark assist in effecting direct insurance for persons resident in Denmark, for Danish ships or for property in Denmark, other than insurance companies licensed by Danish law or by Danish competent authorities. DE: Compulsory air insurance policies can be underwritten only by a subsidiary established in the Community or by a branch established in Germany. DE: If a foreign insurance company has established a branch in Germany, it may conclude insurance contracts in Germany relating to international transport only through the branch established in Germany. FR: Insurance of risks relating to ground transport may be carried out only by insurance firms established in the Community. HU: <i>Subsector A.1. (direct insurance):</i> Only entrepreneurs pursuing international business activity specified in the legal rules on foreign exchange are allowed to purchase services. Only insurance events occurring abroad can be insured. IT: Insurance of risks relating to cif exports by residents in Italy may be underwritten only by insurance firms established in the Community. IT: Transport insurance of goods, insurance of vehicles as such and liability insurance regarding risks located in Italy may be underwritten only by insurance companies established in the Community. This reservation does not apply for international transport involving imports into Italy. MT: <i>Subsectors A.3 and A.4 (insurance intermediation and services auxiliary to insurance):</i> Unbound.
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		PL: Unbound, except for reinsurance, retrocession and insurance of goods in international trade. PT: Air and maritime transport insurance, covering goods, aircraft, hull and liability can be underwritten only by firms established in the EC; only persons or companies established in the EC may act as intermediaries for such insurance business in Portugal. SK: Insurance services covered by mode 1, except insurance of air and maritime transport, covering goods, aircraft, hull and liability above may not be purchased abroad. SI: <i>Marine, aviation and transport insurance:</i> Insurance activities provided by mutual insurance institutions are limited to incorporated companies established in the Republic of Slovenia. SI: Reinsurance companies in the Republic of Slovenia have priority in the collection of insurance premiums. In case that these companies are not able to equalise all risks, these can be reinsured and retroceded abroad. (None upon the adoption of the new law on Insurance Companies).
	3. Commercial presence	AT: The licence for branch offices of foreign insurers has to be denied if the insurer, in the home country, does not have a legal form corresponding or comparable to a joint stock company or a mutual insurance association. BE: Any public bid to acquire Belgian securities made by or on behalf of a person, company or institution outside the jurisdiction of one of the Member States of the European Community shall be submitted to the authorisation of the Minister of Finance. CY: <i>Subsector A.1 (direct insurance):</i> No insurer can operate in or from within the Republic of Cyprus unless so authorised by the Superintendent of Insurance, in accordance with the Insurance Companies Laws. Foreign insurance companies can operate in the Republic of Cyprus through the establishment of a branch or an agency. The foreign insurer must have been authorised to operate in his country of origin before authorised to establish a branch or agency. Participation of non-residents in insurance companies, incorporated in the Republic of Cyprus, requires the prior approval of the Central Bank. The extent of foreign participation is determined on a case by case basis in accordance with economic needs. CY: <i>Subsector A.2. (reinsurance and retrocession):</i> No company can operate as a reinsurer within the Republic of Cyprus unless so authorised by the Superintendent of Insurance. Investment by non-residents in reinsurance companies requires the prior approval of the Central Bank. The share of foreign participation in the capital of local reinsurance companies is determined on a case-by-case basis. Currently there is no local reinsurance company. CY: <i>Subsectors A.3 and A.4 (insurance intermediation and services auxiliary to insurance):</i> Unbound.

		CZ: None other than: Foreign financial services suppliers may establish an insurance company with the seat in the Czech Republic in the form of a joint stock company or may exercise insurance activity through their branches with registered office in the Czech Republic under the conditions established in the Insurance Industry Act. Commercial presence and authorisation is required for the provider of insurance services: — to provide such services including reinsurance, - and — to conclude intermediation contract with an intermediary aimed at the conclusion of insurance contract between the provider of insurance services and third party. Authorisation is required for the intermediary in case of its intermediation activity to be exercised for a branch with registered office in the Czech Republic. ES: Before establishing a branch or agency in Spain to provide certain classes of insurance, a foreign insurer must have been authorised to operate in the same classes of insurance in its country of origin for at least five years. ES, EL: The right of establishment does not cover the creation of representative offices or other permanent presence of insurance companies, except where such offices are established as agencies, branches or head offices. EE: <i>Subsector A.1. (direct insurance):</i> None, except the management body of an insurance joint-stock company with foreign capital participation may include citizens of foreign countries in proportion to the foreign participation, but not more than half of the members of the management group; the head of the management of a subsidiary or an independent company must permanently reside in Estonia. FI: The managing director, at least one auditor and at least one half of the promoters and members of the board of directors and the supervisory board of an insurance company shall have their place of residence in the European Economic Area, unless the Ministry of Social Affairs and Health has granted an exemption. FI: Foreign insurers cannot get a licence in Finland as a branch to carry on statutory social insurances (statutory pension insurance, statutory accident insurance). FI: The general agent of the foreign insurance company shall have his place of residence in Finland, unless the company has its head office in the European Economic Area. FR: The establishment of branches is subject to a special authorisation for the representative of the branch. HU: It is intended to bind direct branching once it is bound in the GATS, and under the conditions set therein.
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	HU: The board of a financial institution should include at least two members, who are Hungarian citizens, residents in the meaning of the relevant foreign exchange regulations and have permanent residency in Hungary for at least one year. IE: The right of establishment does not cover the creation of representative offices. IT: Access to actuarial profession through natural persons only. Professional associations (no incorporation) among natural persons permitted. IT: The authorisation of the establishment of branches is ultimately subject to the evaluation of supervisory authorities. LV: <i>Subsectors A.1 and A.2 (direct insurance, and reinsurance and retrocession):</i> As a general rule and in non-discriminatory manner, foreign insurance institutions must adopt a specific legal form. LV: <i>Subsector A.3 (insurance intermediation):</i> Intermediary can be only natural person (no nationality requirement) and can provide service on behalf of insurance company having the authorisation from Insurance Supervisory Authority in Latvia. LT: Insurance companies are not allowed to provide both life and non-life insurance. Separate incorporation is required for those two types (a) and (b). MT: May be made subject to economic needs test. PL: <i>Subsectors A.1 to A.3 (direct insurance, reinsurance and retrocession, and insurance intermediation):</i> Establishment only in a form of joint stock company or a branch after obtaining a licence. No more than 5 % of insurance funds can be invested abroad. A person executing activities of the insurance intermediation must possess a licence. Local incorporation required for insurance intermediaries. PL: <i>Subsector A.4 (services auxiliary to insurance):</i> Unbound. PT: Foreign companies may carry out insurance intermediation in Portugal only through a company formed in accordance with the law of a Community Member State. PT: In order to establish a branch in Portugal, foreign companies need to demonstrate prior operational experience of at least five years. SK: The majority of the management board of an insurance company has to be domiciled in the Slovak Republic. License is required for provision of insurance services. Foreign national may establish an insurance company with the seat in the Slovak Republic in the form of a joint stock company or may conduct insurance business through their subsidiaries with registered office in the Slovak Republic under the general conditions established in the Law on Insurance. Insurance business means insurance activity including brokerage and reinsurance activity. Intermediation activity aimed at the conclusion of an insurance contract between third party and the insurance company may be provided by natural or juridical persons who are domiciled in the Slovak Republic for the benefit of the insurance company having the license of the Insurance Supervisory Authority.
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	Intermediation contract aimed at conclusion of an insurance contract by third party with the insurance company may be concluded by domestic or foreign insurance company only after a license had been granted by the Insurance Supervisory Authority. The financial resources of specific insurance funds of licensed insurance operators derived from insuring or reinsuring policy holders with residence or registered office in the Slovak Republic must be deposited in a resident bank in the Slovak Republic and may not be transferred abroad. SI: Subsector A.1 (direct insurance): Establishment is subject to a licence issued by the Ministry of Finance. Foreign persons can establish an insurance company only as a joint venture with domestic person, where participation of foreign persons is limited up to 99 %. The limitation on the maximum foreign ownership shall be abolished with the adoption of the new Law on Insurance Companies. A foreign person may acquire or increase shares in a domestic insurance company subject to a prior approval of the Ministry of Finance. Ministry of Finance, when issuing a licence or approval of acquiring shares in a domestic insurance company, takes into account the following criteria: — the dispersal of ownership of shares and the existence of shareholders from different countries — the supply of new insurance products and the transfer of related know how, if the foreign investor is an insurance company. Unbound for foreign participation in insurance company under privatisation. Membership of the mutual insurance institution is limited to companies established in the Republic of Slovenia and domestic natural persons. SI: Subsector A.2 (reinsurance and retrocession): Foreign participation in reinsurance company is limited up to a controlling share of the capital. (None, except for branches, upon the adoption of the new law on Insurance Companies). SI: Subsectors A.3 and A.4 (insurance intermediation and services auxiliary to insurance): For providing consultancy and claim settlement services, incorporation is required as a legal entity by consent of the Bureau of Insurance. For actuaries and risks assessment activities, provision of services through professional establishment only. Operation is limited to direct insurance and reinsurance. For sole proprietors, a residence in the Republic of Slovenia is required. SE: Insurance broking undertakings not incorporated in Sweden may establish a commercial presence only through a branch.
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		SE: Non-life insurance undertakings not incorporated in Sweden conducting business in Sweden are – instead of being taxed according to the net result – subject to taxation based on the premium income from direct insurance operations. SE: A founder of an insurance company shall be a natural person resident in the European Economic Area or a legal entity incorporated in the European Economic Area.
	4. Presence of natural persons	CY: Unbound. PL: <i>Subsectors A.1 to A.3 (direct insurance, reinsurance and retrocession, and insurance intermediation):</i> Unbound except as indicated in the horizontal section, and subject to the following limitation: Residency requirement for insurance intermediaries. <i>Subsector A.4 (services auxiliary to insurance):</i> Unbound. AT, BE, CZ, DE, DK, ES, EE, FR, FI, EL, HU, IT, IE, LU, LT, LV, MT, NL, PT, SE, SI, SK, UK: Unbound except as indicated in the respective horizontal sections and subject to the following specific limitations: AT: The management of a branch office must consist of two natural persons resident in Austria. DK: The general agent of an insurance branch will need to have resided in Denmark for the last two years unless being a national of one of the Member States of the Community. The Minister of Business and Industry may grant exemption. DK: Residency requirement for managers and the members of the board of directors of a company. However, the Minister of Business and Industry may grant exemption from this requirement. Exemption is granted on a non-discriminatory basis. ES, IT: Residence requirement for actuarial profession. EL: A majority of the members of the board of directors of a company established in Greece shall be nationals of one of the Member States of the Community. SI: For actuarial and risk assessment, residence is required in addition to a qualifying examination, membership in the Actuarial Association of the Republic of Slovenia and proficiency in the Slovene language.
B. Banking and other financial services (excluding insurance)	1. Cross-border supply	BE: Establishment in Belgium is required for the provision of investment advisory services. CY: Unbound. CZ: <i>Non-central bank currency issue services, trading of derivative products, of transferable securities and of other negotiable instruments and financial assets, participation in issues of all kinds of securities, money broking, asset management, settlement and clearing services for financial assets, advisory, intermediation and other auxiliary financial services relating to these activities:</i> Unbound.

		CZ: None other than: Only Czech established banks and branches of foreign banks having a corresponding licence may: — provide deposit services, — trade in foreign exchange assets, — effect non-cash cross-border payments. Foreign exchange permit issued by the Czech National Bank or Ministry of Finance is required in case of Czech non-bank residents for: (a) opening and funding of an account abroad by Czech residents; (b) capital payments abroad (except FDI); (c) granting financial credits and guarantees; (d) operations in financial derivatives; (e) purchase of foreign securities except for the cases as described by the Foreign Exchange Act; (f) issue of foreign securities for public and non-public trade in the Czech Republic or their introduction on the domestic market. EE: <i>Subsector B.1 (acceptance of deposits):</i> Requirement of authorisation by Eesti Pank and registration under Estonian Law as a joint-stock company, a subsidiary or a branch. EE, LT: The establishment of a specialised management company is required to perform the activities of management of unit trusts and investment companies, and only firms having their registered office in the Community can act as depositories of the assets of investment funds. HU: Unbound. IE: The provision of investment services or investment advice requires either 1. authorisation in Ireland, which normally requires that the entity be incorporated or be a partnership or a sole trader, in each case with a head/registered office in Ireland (authorisation may not be required in certain cases, e.g. where a third country service provider has no commercial presence in Ireland and the service is not provided to private individuals), or 2. authorisation in another Member State in accordance with the EC Investment Services Directive. IT: Unbound for “promotori di servizi finanziari” (financial salesmen). LT: <i>Pension fund management:</i> Commercial presence is required. MT: <i>Subsectors B.1 and B.2 (acceptance of deposits and lending of all types):</i> None. <i>Subsector B.11 (provision and transfer of financial information):</i> Unbound, except for the provision of financial information by international providers. <i>Subsector B.12 (advisory and other auxiliary financial services):</i> Unbound.
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		PL: <i>Subsector B.11 (provision and transfer of financial information):</i> Requirement to use the public telecommunication network, or the network of other authorised operator, in the case of cross-border provision of these services. <i>Subsector B.12 (advisory and other auxiliary financial services):</i> Unbound. SK: <i>Trading of derivative products, of transferable securities and of other negotiable instruments and financial assets, participation in issues of all kinds of securities, money broking, asset management, and settlement and clearing services for financial assets:</i> Unbound. SK: (i) Deposit services are confined to the domestic banks and branches of foreign banks in the Slovak Republic. (ii) Only authorised domestic banks, branches of foreign banks in the Slovak Republic and persons possessing a foreign exchange licence may trade in foreign exchange assets. Only stock exchange members can trade on the Bratislava Stock Exchange. Residents can trade on the RM-System Slovakia without any limitation and non-residents only through security dealers. (iii) Non-cash cross-border payments may be effected only by authorised domestic banks and branches of foreign banks in the Slovak Republic. (iv) Foreign exchange licence issued by the National Bank of Slovakia is required for: (a) opening an account abroad by a Slovak non-bank resident, except for the natural persons during their stay abroad; (b) capital payments abroad; (c) obtaining financial credit from a foreign exchange non-resident; except credits from abroad accepted by residents with a repayment period of more than 3 years and loans granted between natural persons for non-business activities. (v) Export and import of the Slovak currency and foreign exchange in cash exceeding value of SKK 150 000 and bullion, is subject to reporting requirement. (vi) Foreign exchange permission or licence granted by foreign exchange authorities is required for a deposit of financial assets by resident abroad. (vii) Only foreign exchange entities established in the Slovak Republic can grant and obtain guarantees and liabilities according to determined limit and provisions of the National Bank of Slovakia. SI: <i>Participation in issues of Treasury bonds, pension fund management and related advisory and other auxiliary financial services:</i> Unbound. <i>Subsectors B.11 and B.12 (provision and transfer of financial information, and advisory and other auxiliary financial services, except those related to participation in issues of Treasury bonds and to pension fund management):</i> None.
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		<i>All other subsectors:</i> Unbound except accepting credits (borrowing of all types), and accepting guarantees and commitments from foreign credit institutions by domestic legal entities and sole proprietors. (Remark: consumer credits shall be free upon the adoption of the new Foreign Exchange Law). All abovementioned credit arrangements must be registered with the Bank of Slovenia. (Remark: this provision shall be abolished upon the adoption of the new Law on Banking.) Foreign persons can only offer foreign securities through domestic banks and stock broking company. Members of the Slovenian Stock Exchange must be incorporated in the Republic of Slovenia.
	2. Consumption abroad	CY: Unbound, except for subsector B.6(e) (trading of transferable securities): None. CZ: <i>Non-central bank currency issue services, trading of derivative products and of bullion, money broking, asset management, settlement and clearing services for derivative products, and advisory, intermediation and other auxiliary financial services relating to these activities:</i> Unbound. CZ: None other than: Only Czech established banks and branches of foreign banks having a corresponding licence may: — provide deposit services, — trade in foreign exchange assets, — effect non-cash cross-border payments. Foreign exchange permit issued by the Czech National Bank or Ministry of Finance is required in case of Czech non-bank residents for: (a) opening and funding of an account abroad by Czech residents; (b) capital payments abroad (except FDI); (c) granting financial credits and guarantees; (d) operations in financial derivatives; (e) purchase of foreign securities except for the cases as described by the Foreign Exchange Act; (f) issue of foreign securities for public and non-public trade in the Czech Republic or their introduction on the domestic market. DE: Issues of securities denominated in Deutschmarks can be lead managed only by a credit institution, subsidiary or branch, established in Germany. FI: Payments from governmental entities (expenses) shall be transmitted through the Finnish Postal Giro System, which is maintained by the Postipankki Ltd. Exemption from this requirement may be granted on special reason by the Ministry of Finance. EL: Establishment is required for the provision of custodial and depository services involving the administration of interest and principal payments due on securities issued in Greece.

		HU: Unbound. MT: <i>Subsectors B.1 and B.2 (acceptance of deposits and lending of all types):</i> None. <i>Subsector B.11 (provision and transfer of financial information):</i> Unbound, except for the provision of financial information by international providers. <i>Subsectors B.3 to B.10 and B.12:</i> Unbound. PL: <i>Subsector B.11 (provision and transfer of financial information):</i> Requirement to use the public telecommunication network, or the network of other authorised operator, in the case of consumption abroad of these services. <i>Subsectors B.1 to B.10 and B.12:</i> Unbound. SK: <i>Trading of derivative products and of bullion, money broking, asset management, and intermediation:</i> Unbound. SK: (i) Deposit services are confined to the domestic banks and branches of foreign banks in the Slovak Republic. (ii) Only authorised domestic banks, branches of foreign banks in the Slovak Republic and persons possessing a foreign exchange license may trade in foreign exchange assets. Only stock exchange members can trade on the Bratislava Stock Exchange. Residents can trade on the RM-System Slovakia without any limitation and non-residents only through security dealers. (iii) Non-cash cross-border payments may be effected only by authorised domestic banks and branches of foreign banks in the Slovak Republic. (iv) Foreign exchange licence issued by the National Bank of Slovakia is required for: (a) opening an account abroad by a Slovak non-bank resident, except for the natural persons during their stay abroad; (b) capital payments abroad; (c) obtaining financial credit from a foreign exchange non-resident; except credits from abroad accepted by residents with a repayment period of more than three years and loans granted between natural persons for non-business activities. (v) Export and import of the Slovak currency and foreign exchange in cash exceeding value of SKK 150 000 and bullion, is subject to reporting requirement. (vi) Foreign exchange permission or licence granted by foreign exchange authorities is required for a deposit of financial assets by resident abroad. (vii) Only foreign exchange entities established in the Slovak Republic can grant and obtain guarantees and liabilities according to determined limit and provisions of the National Bank of Slovakia.
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		SI: <i>Participation in issues of Treasury bonds, pension fund management and related advisory and other auxiliary financial services:</i> Unbound. <i>Subsectors B.11 and B.12 (provision and transfer of financial information, and advisory and other auxiliary financial services, except those related to participation in issues of Treasury bonds and to pension fund management):</i> None. <i>All other subsectors:</i> Unbound except accepting credits (borrowing of all types), and accepting guarantees and commitments from foreign credit institutions by domestic legal entities and sole proprietors. (Remark: consumer credits shall be free upon the adoption of the new Foreign Exchange Law). All abovementioned credit arrangements must be registered with the Bank of Slovenia. (Remark: this provision shall be abolished upon the adoption of the new Law on Banking.) Legal entities established in the Republic of Slovenia can be depositories of the assets of Investments Funds. UK: Sterling issues, including privately led issues, can be lead managed only by a firm established in the European Economic Area.
	3. Commercial presence	All Member States: — The establishment of a specialised management company is required to perform the activities of management of unit trusts and investment companies (Articles 6 and 13 of UCITS Directive, 85/611/EEC). — Only firms having their registered office in the Community can act as depositories of the assets of investment funds (Articles 8.1 and 15.1 of the UCITS Directive, 85/611/EEC). AT: Only members of the Austrian Stock Exchange may engage in securities trading at the Stock Exchange. AT: For trading in foreign exchange and foreign currency authorisation of the Austrian National Bank is required. AT: Mortgage bonds and municipal bonds may be issued by banks specialised and authorised for this activity. AT: For carrying out services of pension fund management a specialised company only for this activity and incorporated as a stock company in Austria is required. BE: Any public bid to acquire Belgian securities made by or on behalf of a person, company or institution outside the jurisdiction of one of the Member States of the European Community shall be submitted to the authorisation of the Minister of Finance. CY: It is a statutory requirement and it is applied on a non-discriminatory manner that banks offering services in the Republic of Cyprus must be legal entities. Legal entities include branches of foreign banks/financial institutions which are registered in Cyprus.

	CY: Direct or indirect ownership or voting rights in a bank by a person and his/her associates may not exceed 10 % unless with the prior written approval of the Central Bank. CY: Further to the above, in the three existing local banks listed in the stock exchange, direct or indirect shareholding or acquisition of stake in their capital by foreign persons is restricted to 0,5 % per individual or organisation and 6,0 % collectively. CY: <i>Subsectors B.1 to B.5 and B.6(b) (acceptance of deposits, lending of all types, financial leasing, all payment and money transmission services, guarantees and commitments, and trading of foreign exchange):</i> For new banks the following requirements apply: (a) A licence is required from the Central Bank for the carrying out of banking business. The Central Bank in granting a licence may apply an economic needs test. (b) Branches of foreign banks must be registered in Cyprus under the Companies Law and licensed under the Banking Law. <i>Subsector B.6(e) (trading of transferable securities):</i> Only members (brokers) of the Cyprus Stock Exchange can undertake business pertaining to securities brokerage in Cyprus. Firms acting as brokers must only employ individuals who can act as brokers provided that they are appropriately licensed. Banks and Insurance companies may not undertake. A brokerage firm may only be registered as a member of the Cyprus Stock Exchange if it has been established and registered in accordance with the Companies Law of Cyprus. <i>Subsectors B.6(a), (c), (d) and (f), and B.7 to B.12: Unbound.</i> CZ: <i>Non-central bank currency issue services, trading of derivative products and of bullion, money broking, settlement and clearing services for derivative products, and advisory, intermediation and other auxiliary financial services relating to these activities: Unbound.</i> CZ: None other than: Banking services may be provided only by Czech established banks or branches of foreign banks having a licence granted by the Czech National Bank in agreement with the Ministry of Finance. The granting of the licence is based on the consideration of criteria which are applied consistently with GATS. Mortgage loan services may be provided only by Czech established banks. Banks may be established as joint stock companies only. The purchase of shares of existing banks is subject to prior approval of the Czech National Bank. Securities may be traded publicly only if relevant authorisation has been granted and prospectus covering the security has been approved. The authorisation shall not be granted if public trading in securities is in conflict with the interests of investors, is inconsistent with the government financial policy or if it does not conform with the financial market requirements ⁽¹⁾.
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⁽¹⁾ CZ: Legislation covering the abolition of the criterion of financial market requirements is now being discussed in the Parliament.

	The establishment and activities of securities dealers, stockbrokers, of the Stock Exchange or organisers of an over-the-counter market, investment companies and investment funds are subject to authorisation granting of which is related to qualifications, personal integrity, management and material requirements. Settlement and clearing services for all kinds of payments are monitored and reviewed by the Czech National Bank to ensure their smooth and economical operation. DK: Financial institutions may engage in securities trading on the Copenhagen Stock Exchange only through subsidiaries incorporated in Denmark. FI: At least one half of the founders, the members of the board of directors, the supervisory board and the delegates, the managing director, the holder of the procuration and the person entitled to sign in the name of the credit institution shall have their place of residence in the European Economic Area, unless the Ministry of Finance grants an exemption. At least one auditor shall have his place of residence in the European Economic Area. FI: The broker (individual person) on derivative exchange shall have his place of residence in the European Economic Area. Exemption from this requirement may be granted under the conditions set by the Ministry of Finance. FI: Payments from governmental entities (expenses) shall be transmitted through the Finnish Postal Giro System, which is maintained by the Postipankki Ltd. Exemption from this requirement may be granted on special reason by the Ministry of Finance. FR: In addition to French credit institutions, issues denominated in French francs may be lead managed only by French subsidiaries (under French law) of non-French banks which are authorised, based on sufficient means and commitments in Paris of the candidate French subsidiary of a non-French bank. These conditions apply to lead banks running the books. A non-French bank may be, without restrictions or requirement to establish, jointly-lead or co-lead manager of Eurofranc bond issue. EL: Financial institutions may engage in the trading of securities listed on the Athens Stock Exchange only through stock exchange firms incorporated in Greece. EL: For the establishment and operations of branches a minimum amount of foreign exchange must be imported, converted into drachmas and kept in Greece as long as a foreign bank continues to operate in Greece: — Up to four branches this minimum is currently equal to half of the minimum amount of share capital required for a credit institution to be incorporated in Greece; — For the operation of additional branches the minimum amount of capital must be equal to the minimum share capital required for a credit institution to be incorporated in Greece. HU: It is intended to bind direct branching once it is bound in the GATS, and under the conditions set therein. HU: Direct or indirect ownership or voting rights in a credit institution of a single shareholder other than credit institution, insurance company or investment firm cannot exceed 15 %.
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HU: The board of a financial institution should include at least two members, who are Hungarian citizens, residents in the meaning of the relevant foreign exchange regulations and have permanent residency in Hungary for at least one year.

HU: Long-term State ownership will be kept at a minimum of 25 % + 1 vote in Országos Takarékpénztár és Kereskedelmi Bank Rt.

IE: In the case of collective investment schemes constituted as unit trusts and variable capital companies (other than undertakings for collective investment in transferable securities, UCITS), the trustee/depository and management company is required to be incorporated in Ireland or in another Member State of the Community. In the case of an investment limited partnership, at least one general partner must be incorporated in Ireland.

IE: To become a member of a stock exchange in Ireland, an entity must either 1. be authorised in Ireland, which requires that it be incorporated or be a partnership, with a head/registered office in Ireland, or 2. be authorised in another Member State in accordance with the EC Investment Services Directive.

IE: The provision of investment services or investment advice requires either 1. authorisation in Ireland, which normally requires that the entity be incorporated or be a partnership or a sole trader, in each case with a head/registered office in Ireland (the supervisory authority may also authorise branches of third country entities), or 2. authorisation in another Member State in accordance with the EC Investment Services Directive.

IT: The public offer of securities (as provided for under Article 18 of Law 216/74) other than shares, debt securities (including convertible debt securities) can only be made by Italian limited companies, foreign companies duly authorised, public bodies or companies belonging to local authorities whose assigned capital is not below ITL 2 billion.

IT: Centralised deposit, custody and administration services can be provided only by the Bank of Italy for Government securities, or by Monte Titoli SpA for shares, securities of a participating nature and other bonds traded in a regulated market.

IT: In the case of collective investment schemes other than harmonised UCITS under the directive 85/611/EEC, the trustee/depository is required to be incorporated in Italy or in another Member State of the European Community, being established through a branch in Italy. Only banks, insurance companies, securities investment companies having their legal head office in the European Community may carry out activity of pension fund resources management. Management companies (closed-end funds and real estate funds) are also required to be incorporated in Italy.

IT: In providing the activity of door-to-door selling, intermediaries must utilise authorised financial salesmen resident within the territory of a Member State of the European Communities.

IT: Clearing and settlement of securities may be conducted only by the official clearing system. A company authorised by the Bank of Italy in agreement with Consob could be entrusted with the activity of clearing, up to the final settlement of securities.

	IT: Representative offices of foreign intermediaries cannot carry out activities aimed at providing investment services. LV: <i>Subsector B.7 (participation in issues of all kinds of securities):</i> The Bank of Latvia (Central Bank) is a financial agent of the Government in the T-bills market. <i>Subsector B.9 (asset management):</i> Pension fund management is provided by State monopoly. LT: <i>Subsectors B.1 to B.12:</i> At least one manager must be Lithuanian citizen. <i>Subsector B.3 (financial leasing):</i> Financial leasing can be reserved for special financial institutions (such as banks and insurance companies). None as of 1 January 2001, except as indicated in horizontal part of section "Banking and Other Financial Services". <i>Subsector B.9 (asset management):</i> Establishment only as Public Stock Corporations (AB) and Close Corporations (UAB) which should be founded in closed manner (when all initially issued stock are acquired by incorporators). For the purpose of asset management, the establishment of a specialised management company is required. Only firms having their registered office in Lithuania can act as the depositories of the assets. MT: <i>Subsectors B.1 and B.2 (acceptance of deposits and lending of all types):</i> Foreign-owned credit and other financial institutions may operate either in the form of a branch or a local subsidiary. Authorisation may be made subject to economic needs test. <i>Subsectors B.3 to B.12:</i> Unbound. PL: <i>Subsectors B.1, B.2, B.4 and B.5 (excluding guarantees and commitments of the State Treasury):</i> Establishment of a bank only in a form of joint-stock company or a licensed branch. System of permits in relation to establishment of all banks based on prudential grounds. Nationality requirement for some – at least one – of the bank executives. <i>Subsectors B.6(e), B.7 (excluding participation in issues of Treasury papers), B.9 (only portfolio management services) and B.12 (advisory and other auxiliary financial services only in relation to the activities committed for Poland):</i> Establishment, after obtaining a licence, only in a form of joint-stock company or a branch of foreign legal entity providing securities services. <i>Subsector B.11:</i> Requirement to use the public telecommunication network, or the network of other authorised operator, in the case of cross-border provision and/or consumption abroad of these services. <i>All other subsectors:</i> Unbound. PT: The establishment of non-EC banks is subject to an authorisation issued, on a case-by-case basis, by the Minister of Finance. The establishment has to contribute to increase the national banking system's efficiency or has to produce significant effects on the internationalisation of the Portuguese economy.
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PT: The services of venture capital may not be provided by branches of venture capital companies having their head office in a non-EC country. Broker-dealer services on the Lisbon Stock Exchange may be provided by broker and dealer companies incorporated in Portugal or by branches of investment firms authorised in another EC country and authorised in their home country to provide those services. Broker and dealer services in the Oporto Derivatives Exchange and in the OTC market may not be provided by branches of non-EC broker/dealer companies.

Pension fund management may be provided only by companies incorporated in Portugal and by insurance companies established in Portugal and authorised to take up the life insurance business.

SK: *Trading of derivative products and of bullion, money broking, and intermediation:* Unbound.

SK: Banking services may be provided only by domestic banks or branches of foreign banks authorised by the National Bank of Slovakia upon the agreement with the Ministry of Finance. The granting of authorisation is based on the consideration of criteria relating, in particular, to capital endowment (financial strength) professional qualifications, integrity and competence of the management of the projected bank activities. Banks are legal entities incorporated in the Slovak Republic, established as joint-stock companies or public (State-owned) financial institutions.

The purchase of shares expressing interest in the equity capital of existing commercial bank from the determined limit is subject to prior approval of the National Bank of Slovakia. Investment services in the Slovak Republic can be provided by banks, investment companies, investment funds and security dealers which have legal form of joint-stock company with equity capital according to the law. Foreign investment company or investment fund must obtain an authorisation from Ministry of Finance for selling its securities or investment certificate units on the territory of the Slovak Republic according to the Law. For issue of debt securities the permission of the Ministry of Finance is required either for the issue inland or abroad.

Securities may be issued and traded only after a permission by the Ministry of Finance has been granted for public trading according to the Securities Act. The business of security dealer, stockbroker or organiser of an over-the-counter market is subject to authorisation of the Ministry of Finance. Settlement and clearing services for all kinds of payments are regulated by National Bank of Slovakia.

Settlement and clearing services relating to change of physical property of securities are recorded in Centre of Securities (Clearing and Settlement House for Securities). Centre of Securities may provide only transfers on the property accounts of security owners. Cash part clearing and settlement goes through Banking Clearing and Settlement House – (where the National Bank of Slovakia is major shareholder) for Bratislava Stock Exchange, joint-stock company or through Jumbo account for RM-System Slovakia.

SI:

Participation in issues of Treasury bonds, pension fund management and related advisory and other auxiliary financial services: Unbound.

	<i>Subsectors B.11 and B.12 (provision and transfer of financial information, and advisory and other auxiliary financial services, except those related to participation in issues of Treasury bonds and to pension fund management): None.</i> <i>All other subsectors:</i> Establishment of all types of banks are subject to a licence of the Bank of Slovenia. Foreign persons may become shareholders of banks or acquire additional shares of banks only subject to prior approval of the Bank of Slovenia. (Remark: this provision shall be abolished upon the adoption of the new Law on Banking.) Under license of the Bank of Slovenia, banks, subsidiaries and branches of foreign banks can be permitted to provide all or limited banking services, depending on the amount of the capital. When considering issuing a licence to a bank to set up as a wholly-owned or with a majority of foreign investors or approval of acquiring additional shares of banks; the Bank of Slovenia shall take into account the following guidelines ⁽¹⁾: — the existence of investors from different countries, — the opinion of the foreign institution in change of banking supervision. (Remark: this provision shall be abolished on the adoption of the new Law on Banking). Unbound in relation to foreign participation in banks under privatisation. Branches of foreign banks must be incorporated in the Republic of Slovenia and have legal personality. (Remark: this provision shall be abolished upon the adoption of the new Law on Banking). Unbound with respect to all types of mortgage banks, savings and loans institutions. Unbound with respect to establishment of private pension funds (non-compulsory pension funds). Management Companies are commercial companies established solely for the purpose of managing investment funds. Foreign persons may directly or indirectly acquire a maximum up to 20 % of shares or voting rights of management companies; for a larger percentage an approval of the Securities Market Agency is required. An Authorised (privatisation) Investment Company is an investment company established solely for the purpose of gathering the ownership certificates (vouchers) and the purchase of shares issued in accordance with regulations on ownership transformation. An Authorised Management Company is established solely for the purpose of managing the authorised investment companies.
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⁽¹⁾ Besides the amount of the capital the Bank of Slovenia shall, when considering issuing an unlimited or a limited banking licence also take into account the following guidelines (for both domestic and foreign applicants)

- the national-economic preferences for certain banking activities;
- the existing regional coverage of the Republic of Slovenia by banks;
- the actual bank's performance of activities compared to those stipulated by the existing licence.

(Remark: this provision shall be abolished upon the adoption of the new Law on Banking).

		Foreign persons may directly or indirectly acquire a maximum up to 10 % of shares or voting rights of Authorised (privatisation) Management Companies; for a larger percentage an approval of the Securities Market Agency is required with the consent of the Ministry of Economic Relations and Development. Investments of the Investments Funds into securities of foreign issuers are limited to 10 % of the investments of the Investments Funds. Such securities shall be listed on those stock exchanges previously determined by the Securities Market Agency. Foreign persons may become shareholders or partners in a Stock Broking Company up to 24 % of the capital of the Stock Broking Company by prior approval of the Securities Market Agency. (Remark: this provision shall be abolished upon the adoption of the new Law on Securities Market.) Securities of a foreign issuer which have not yet been offered in the territory of the Republic of Slovenia may only be offered by a Stock Broking Company or a bank licensed to carry out such transactions. Prior to launching the offer the Stock Broking Company or a bank shall obtain the permission of Securities Market Agency. The request for this permission to offer securities of a foreign issuer in the Republic of Slovenia shall be accompanied by draft prospectus, documentation that the guarantor of the issue of securities of the foreign issuer is a bank or a stock broking company, except in the case of the issue of shares of a foreign issuer. SE: Undertakings not incorporated in Sweden may establish a commercial presence only through a branch, and in case of banks, also through a representative office. SE: A founder of a banking company shall be a natural person resident in the European Economic Area or a foreign bank. A founder of a savings bank shall be a natural person resident in the European Economic. UK: Inter-dealer brokers, which are a category of financial institutions dealing in Government debt, are required to be established in the European Economic Area and separately capitalised.
	4. Presence of natural persons	CY: <i>Subsector B.6(e) (trading of transferable securities):</i> Individuals, whether acting alone as brokers or employed by broker firms as brokers, are required to meet the licensing criteria for this purpose. <i>Subsectors B.1 to B.12, except B.6(e):</i> Unbound. CZ: <i>Non-central bank currency issue services, trading of derivative products and of bullion, money broking, settlement and clearing services for derivative products, and advisory, intermediation and other auxiliary financial services relating to these activities:</i> Unbound. <i>All other subsectors:</i> Unbound, except as indicated in the horizontal section.

		MT: <i>Subsectors B.1, B.2 and B.11 (acceptance of deposits, lending of all types, and provision and transfer of financial information):</i> Unbound, except as indicated in the horizontal section. <i>Subsectors B.3 to B.10 and B.12:</i> Unbound. PL: <i>Subsectors B.1, B.2, B.4 and B.5 (excluding guarantees and commitments of the State Treasury):</i> Unbound except as indicated in the horizontal section and subject to the following limitation: Nationality requirement for some – at least one – of the bank executives. <i>Subsectors B.6(e), B.7 (excluding participation in issues of Treasury papers), B.9 (only portfolio management services), B.11 and B.12 (advisory and other auxiliary financial services only in relation to the activities committed for Poland):</i> Unbound except as indicated in the horizontal section <i>All other subsectors:</i> Unbound. SK: <i>Trading of derivative products and of bullion, money broking, and intermediation:</i> Unbound. <i>All other subsectors:</i> Unbound, except as indicated in the horizontal section. SI: <i>Participation in issues of Treasury bonds, pension fund management and related advisory and other auxiliary financial services:</i> Unbound. <i>All other subsectors:</i> Unbound, except as indicated in the horizontal section. AT, BE, DE, DK, ES, EE, FR, FI, EL, HU, IT, IE, LU, LT, LV, NL, PT, SE, UK: Unbound except as indicated in the respective horizontal sections and subject to the following specific limitations: FR: Sociétés d'investissement à capital fixe: condition of nationality for the president of the Board of Directors, the Directors-General and no less than two thirds of the administrators, and also, when the securities firm has a Supervisory Board or Council, for the members of such board or its Director-General, and no less than two thirds of the members of the Supervisory Council. EL: Credit institutions should name at least two persons who are responsible for the operations of the institution. Condition of residency applies to these persons. IT: Condition of residence within the territory of a Member State of the European Communities for "promotori di servizi finanziari" (financial salesmen). LV: Manager of a branch and a subsidiary shall be a Latvian tax payer (resident).'
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ANNEX II

‘ANNEX II

AUTHORITIES RESPONSIBLE FOR FINANCIAL SERVICES

PART A

For the Community and its Member States

European Commission	DG Trade	B-1049 Bruxelles
	DG Internal Market	
Austria	Ministry of Finance	Directorate Economic Policy and Financial Markets Himmelpfortgasse 4-8 Postfach 2 A-1015 Wien
Belgium	Ministry of Economy	Rue de Bréderode 7/Brederodestraat 7 B-1000 Bruxelles/Brussel
	Ministry of Finance	Rue de la Loi 12/Wetstraat 12 B-1000 Bruxelles/Brussel
Cyprus	Ministry of Finance	CY-1439 Λευκωσία
Czech Republic	Ministry of Finance	Letenská 15 CZ-118 10 Praha
Denmark	Ministry of Economic and Business Affairs	Slotsholmsgade 10-12 DK-1216 Copenhagen K
Estonia	Ministry of Finance	Suur-Ameerika 1 EE-15006 Tallinn
Finland	Ministry of Finance	PL 28 FI-00023 Helsinki
France	Ministry of Economy, Finance and Industry	Ministère de l'économie, des finances et de l'industrie 139, rue de Bercy F-75572 Paris
Germany	Ministry of Finance	Bundesanstalt für Finanzdienstleistungsaufsicht Graurheindorfer Str. 108 D-53117 Bonn
Greece	Bank of Greece	Οδός Πανεπιστημίου 21 GR-10563 Αθήνα
Hungary	Ministry of Finance	Pénzügyminisztérium Postafiók: 481 HU-1369 Budapest
Ireland	Irish Financial Services Regulatory Authority	PO Box 9138 College Green Dublin 2 Ireland
Italy	Ministry of Treasury	Ministero del Tesoro Via XX Settembre 97 I-00187 Roma
Latvia	Financial and Capital Market Commission	Kungu iela 1 LV-1050 Rīga
Lithuania	Ministry of Finance	Vaižganto 8a/2, LT-01512 Vilnius
Luxembourg	Ministry of Finance	Ministère des finances 3, rue de la Congrégation L-2931 Luxembourg

Malta	Financial Services Authority	Notabile Road MT-Attard
Netherlands	Ministry of Finance	Directoraat Financieel marktbeleid Postbus 20201 2500 EE Den Haag Nederland
Poland	Ministry of Finance	ul. Świętokrzyska 12 PL-00-916 Warszawa
Portugal	Ministry of Finance	Direcção-Geral dos Assuntos Europeus e Relações Internacionais Av. Infante D. Henrique, 1C-1.º P-1100-278 Lisboa
Slovak Republic	Ministry of Finance	Štefanovičova 5 SK-817 82 Bratislava
Slovenia	Ministry of Economy	Kotnikova 5 SI-1000 Ljubljana
Spain	Treasury	Dirección General del Tesoro y Política Finan- ciera Paseo del Prado 6, 6ª Planta E-28071 Madrid
Sweden	Financial Supervisory Authority	Box 6750 S-113 85 Stockholm
	Swedish Central Bank	Brunkebergstorg 11 S-103 37 Stockholm
	Swedish Consumer Agency	Rosenlundsgatan 9 S-118 87 Stockholm
United Kingdom	H.M. Treasury	1 Horse Guards Road London SW1A 2HQ United Kingdom

PART B

For Mexico, The Secretaria de Hacienda y Credito Publico

Mexico	Unidad de Banca y Ahorro	Insurgentes Sur, 826, piso P.h. Colonia del Valle, Delegación Benito Juárez, C.P.03100 México, D.F.
	Dirección General de Seguros y Valores	Palacio Nacional, oficina 4068 Plaza de la Constitución, Delegación Cuauhtemoc, C.P.06000 México, D.F.

COUNCIL DECISION

of 30 May 2005

approving the accession of the European Community to the International Convention for the Protection of New Varieties of Plants, as revised at Geneva on 19 March 1991

(2005/523/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Article 308, in conjunction with Article 300(2), first subparagraph and Article 300(3), first subparagraph thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas:

- (1) The International Convention for the Protection of New Varieties of Plants (hereinafter referred to as the UPOV Convention), adopted in Geneva on 19 March 1991, makes available to breeders of new plant varieties an exclusive property right, on the basis of a set of uniform and clearly defined principles.
- (2) The competence of the Community to conclude or accede to international agreements or treaties does not derive only from explicit conferral by the Treaty but may also derive from other provisions of the Treaty and from acts adopted pursuant to those provisions by Community institutions.
- (3) The subject matter of the UPOV Convention falls also within the scope of existing Community regulations in this field.
- (4) It follows that the approval of the UPOV Convention is a matter for both the Community and its Member States.
- (5) The UPOV Convention should be approved on behalf of the Community with regard to matters within its competence,

Article 1

1. The revised text of the UPOV Convention is hereby approved on behalf of the Community with regard to matters within its competence.

2. The revised text of the UPOV Convention and a Declaration of the European Community are attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person or persons empowered to deposit, on behalf of the Community, the instrument of accession with the Secretary-General of the Union for the Protection of New Varieties of Plants.

Article 3

The Community will pay, on a voluntary basis, a contribution for each budgetary period, with a number of contribution units and under conditions, which are specified in the declaration contained in the Annex, and within the limits set for this purpose within the general budget of the Community.

Done at Brussels, 30 May 2005.

For the Council

The President

F. BODEN

ACT OF 1991**INTERNATIONAL CONVENTION FOR THE PROTECTION OF NEW VARIETIES
OF PLANTS****of 2 December 1961,****as revised at Geneva on 10 November 1972, 23 October 1978 and 19 March 1991****LIST OF ARTICLES****Chapter I: Definitions**

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CHAPTER I

DEFINITIONS

Article 1

Definitions

For the purposes of this Act:

- (i) 'this Convention' means the present (1991) Act of the International Convention for the Protection of New Varieties of Plants;
- (ii) 'Act of 1961/1972' means the International Convention for the Protection of New Varieties of Plants of December 2, 1961, as amended by the Additional Act of 10 November 1972;
- (iii) 'Act of 1978' means the Act of 23 October 1978, of the International Convention for the Protection of New Varieties of Plants;
- (iv) 'breeder' means:
 - the person who bred, or discovered and developed, a variety,
 - the person who is the employer of the aforementioned person or who has commissioned the latter's work, where the laws of the relevant Contracting Party so provide,

or

 - the successor in title of the first or second aforementioned person, as the case may be;
- (v) 'breeder's right' means the right of the breeder provided for in this Convention;
- (vi) 'variety' means a plant grouping within a single botanical taxon of the lowest known rank, which grouping, irrespective of whether the conditions for the grant of a breeder's right are fully met, can be
 - defined by the expression of the characteristics resulting from a given genotype or combination of genotypes,
 - distinguished from any other plant grouping by the expression of at least one of the said characteristics,

and

 - considered as a unit with regard to its suitability for being propagated unchanged;
- (vii) 'Contracting Party' means a State or an intergovernmental organisation, Party to this Convention;

(viii) 'territory,' in relation to a Contracting Party, means, where the Contracting Party is a State, the territory of that State and, where the Contracting Party is an intergovernmental organisation, the territory in which the constituting treaty of that intergovernmental organisation applies;

(ix) 'authority' means the authority referred to in Article 30(1)(ii);

(x) 'Union' means the Union for the Protection of New Varieties of Plants founded by the Act of 1961 and further mentioned in the Act of 1972, the Act of 1978 and in this Convention;

(xi) 'member of the Union' means a State party to the Act of 1961/1972 or the Act of 1978, or a Contracting Party.

CHAPTER II

GENERAL OBLIGATIONS OF THE CONTRACTING PARTIES

Article 2

Basic obligation of the Contracting Parties

Each Contracting Party shall grant and protect breeders' rights.

Article 3

Genera and species to be protected

1. (*States already members of the Union*) Each Contracting Party which is bound by the Act of 1961/1972 or the Act of 1978 shall apply the provisions of this Convention,

(i) at the date on which it becomes bound by this Convention, to all plant genera and species to which it applies, on the said date, the provisions of the Act of 1961/1972 or the Act of 1978,

and

(ii) at the latest by the expiration of a period of five years after the said date, to all plant genera and species.

2. (*New members of the Union*) Each Contracting Party which is not bound by the Act of 1961/1972 or the Act of 1978 shall apply the provisions of this Convention,

(i) at the date on which it becomes bound by this Convention, to at least 15 plant genera or species,

and

(ii) at the latest by the expiration of a period of 10 years from the said date, to all plant genera and species.

Article 4

National treatment

1. (*Treatment*) Without prejudice to the rights specified in this Convention, nationals of a Contracting Party as well as natural persons resident and legal entities having their registered offices within the territory of a Contracting Party shall, insofar as the grant and protection of breeders' rights are concerned, enjoy within the territory of each other Contracting Party the same treatment as is accorded or may hereafter be accorded by the laws of each such other Contracting Party to its own nationals, provided that the said nationals, natural persons or legal entities comply with the conditions and formalities imposed on the nationals of the said other Contracting Party.

2. (*Nationals*) For the purposes of the preceding paragraph, 'nationals' means, where the Contracting Party is a State, the nationals of that State and, where the Contracting Party is an intergovernmental organisation, the nationals of the States which are members of that organisation.

CHAPTER III

CONDITIONS FOR THE GRANT OF THE BREEDER'S RIGHT

Article 5

Conditions of protection

1. (*Criteria to be satisfied*) The breeder's right shall be granted where the variety is

- (i) new,
- (ii) distinct,
- (iii) uniform

and

- (iv) stable.

2. (*Other conditions*) The grant of the breeder's right shall not be subject to any further or different conditions, provided that the variety is designated by a denomination in accordance with the provisions of Article 20, that the applicant complies with the formalities provided for by the law of the Contracting Party with whose authority the application has been filed and that he pays the required fees.

Article 6

Novelty

1. (*Criteria*) The variety shall be deemed to be new if, at the date of filing of the application for a breeder's right, propagating or harvested material of the variety has not been sold or otherwise disposed of to others, by or with the consent of the breeder, for purposes of exploitation of the variety,

- (i) in the territory of the Contracting Party in which the application has been filed earlier than one year before that date,

and

- (ii) in a territory other than that of the Contracting Party in which the application has been filed earlier than four years or, in the case of trees or of vines, earlier than six years before the said date.

2. (*Varieties of recent creation*) Where a Contracting Party applies this Convention to a plant genus or species to which it did not previously apply this Convention or an earlier Act, it may consider a variety of recent creation existing at the date of such extension of protection to satisfy the condition of novelty defined in paragraph (1) even where the sale or disposal to others described in that paragraph took place earlier than the time limits defined in that paragraph.

3. (*Territory in certain cases*) For the purposes of paragraph 1, all the Contracting Parties which are member States of one and the same intergovernmental organisation may act jointly, where the regulations of that organisation so require, to assimilate acts done on the territories of the States members of that organisation to acts done on their own territories and, should they do so, shall notify the Secretary-General accordingly.

Article 7

Distinctness

The variety shall be deemed to be distinct if it is clearly distinguishable from any other variety whose existence is a matter of common knowledge at the time of the filing of the application. In particular, the filing of an application for the granting of a breeder's right or for the entering of another variety in an official register of varieties, in any country, shall be deemed to render that other variety a matter of common knowledge from the date of the application, provided that the application leads to the granting of a breeder's right or to the entering of the said other variety in the official register of varieties, as the case may be.

Article 8

Uniformity

The variety shall be deemed to be uniform if, subject to the variation that may be expected from the particular features of its propagation, it is sufficiently uniform in its relevant characteristics.

Article 9

Stability

The variety shall be deemed to be stable if its relevant characteristics remain unchanged after repeated propagation or, in the case of a particular cycle of propagation, at the end of each such cycle.

CHAPTER IV

APPLICATION FOR THE GRANT OF THE BREEDER'S RIGHT

Article 10

Filing of applications

1. (*Place of first application*) The breeder may choose the Contracting Party with whose authority he wishes to file his first application for a breeder's right.

2. (*Time of subsequent applications*) The breeder may apply to the authorities of other Contracting Parties for the grant of breeders' rights without waiting for the grant to him of a breeder's right by the authority of the Contracting Party with which the first application was filed.

3. (*Independence of protection*) No Contracting Party shall refuse to grant a breeder's right or limit its duration on the ground that protection for the same variety has not been applied for, has been refused or has expired in any other State or intergovernmental organisation

Article 11

Right of priority

1. (*The right; its period*) Any breeder who has duly filed an application for the protection of a variety in one of the Contracting Parties (the first application) shall, for the purpose of filing an application for the grant of a breeder's right for the same variety with the authority of any other Contracting Party (the subsequent application), enjoy a right of priority for a period of 12 months. This period shall be computed from the date of filing of the first application. The day of filing shall not be included in the latter period.

2. (*Claiming the right*) In order to benefit from the right of priority, the breeder shall, in the subsequent application, claim the priority of the first application. The authority with which the subsequent application has been filed may require the breeder to furnish, within a period of not less than three months from the filing date of the subsequent application, a copy of the documents which constitute the first application, certified to be a true copy by the authority with which that application was filed, and samples or other evidence that the variety which is the subject matter of both applications is the same.

3. (*Documents and material*) The breeder shall be allowed a period of two years after the expiration of the period of priority or, where the first application is rejected or withdrawn, an appropriate time after such rejection or withdrawal, in which to furnish, to the authority of the Contracting Party with which he has filed the subsequent application, any necessary information, document or material required for the purpose of the examination under Article 12, as required by the laws of that Contracting Party.

4. (*Events occurring during the period*) Events occurring within the period provided for in paragraph 1, such as the filing of another application or the publication or use of the variety that is the subject of the first application, shall not constitute a ground for rejecting the subsequent application. Such events shall also not give rise to any third-party right.

Article 12

Examination of the application

Any decision to grant a breeder's right shall require an examination for compliance with the conditions under Articles 5 to 9. In the course of the examination, the authority may grow the variety or carry out other necessary tests, cause the growing of the variety or the carrying out of other necessary tests, or take into account the results of growing tests or other trials which have already been carried out. For the purposes of examination, the authority may require the breeder to furnish all the necessary information, documents or material.

Article 13

Provisional protection

Each Contracting Party shall provide measures designed to safeguard the interests of the breeder during the period between the filing or the publication of the application for the grant of a breeder's right and the grant of that right. Such measures shall have the effect that the holder of a breeder's right shall at least be entitled to equitable remuneration from any person who, during the said period, has carried out acts which, once the right is granted, require the breeder's authorization as provided in Article 14. A Contracting Party may provide that the said measures shall only take effect in relation to persons whom the breeder has notified of the filing of the application.

CHAPTER V

THE RIGHTS OF THE BREEDER

Article 14

Scope of the breeder's right

1. (*Acts in respect of the propagating material*)

(a) Subject to Articles 15 and 16, the following acts in respect of the propagating material of the protected variety shall require the authorisation of the breeder:

- (i) production or reproduction (multiplication);
- (ii) conditioning for the purpose of propagation;
- (iii) offering for sale;
- (iv) selling or other marketing;
- (v) exporting;
- (vi) importing;
- (vii) stocking for any of the purposes mentioned in (i) to (vi) above.

(b) The breeder may make his authorisation subject to conditions and limitations.

2. (*Acts in respect of the harvested material*) Subject to Articles 15 and 16, the acts referred to in items (i) to (vii) of paragraph (1)(a) in respect of harvested material, including entire plants and parts of plants, obtained through the unauthorised use of propagating material of the protected variety shall require the authorisation of the breeder, unless the breeder has had reasonable opportunity to exercise his right in relation to the said propagating material.

3. (*Acts in respect of certain products*) Each Contracting Party may provide that, subject to Articles 15 and 16, the acts referred to in items (i) to (vii) of paragraph (1)(a) in respect of products made directly from harvested material of the protected variety falling within the provisions of paragraph 2 through the unauthorised use of the said harvested material shall require the authorisation of the breeder, unless the breeder has had reasonable opportunity to exercise his right in relation to the said harvested material.

4. (*Possible additional acts*) Each Contracting Party may provide that, subject to Articles 15 and 16, acts other than those referred to in items (i) to (vii) of paragraph (1)(a) shall also require the authorisation of the breeder.

5. (*Essentially derived and certain other varieties*)

(a) The provisions of paragraphs 1 to 4 shall also apply in relation to:

(i) varieties which are essentially derived from the protected variety, where the protected variety is not itself an essentially derived variety;

(ii) varieties which are not clearly distinguishable in accordance with Article 7 from the protected variety;

and

(iii) varieties whose production requires the repeated use of the protected variety.

(b) For the purposes of subparagraph (a)(i), a variety shall be deemed to be essentially derived from another variety (the initial variety), when

(i) it is predominantly derived from the initial variety, or from a variety that is itself predominantly derived from the initial variety, while retaining the expression of the essential characteristics that result from the genotype or combination of genotypes of the initial variety,

(ii) it is clearly distinguishable from the initial variety,

and

(iii) except for the differences which result from the act of derivation, it conforms to the initial variety in the expression of the essential characteristics that result from the genotype or combination of genotypes of the initial variety.

(c) Essentially derived varieties may be obtained for example by the selection of a natural or induced mutant, or of a somaclonal variant, the selection of a variant individual from plants of the initial variety, backcrossing, or transformation by genetic engineering.

Article 15

Exceptions to the breeder's right

1. (*Compulsory exceptions*) The breeder's right shall not extend to:

(i) acts done privately and for non-commercial purposes;

(ii) acts done for experimental purposes;

and

(iii) acts done for the purpose of breeding other varieties, and, except where the provisions of Article 14(5) apply, acts referred to in Article 14(1) to (4) in respect of such other varieties.

2. (*Optional exception*) Notwithstanding Article 14, each Contracting Party may, within reasonable limits and subject to the safeguarding of the legitimate interests of the breeder, restrict the breeder's right in relation to any variety in order to permit farmers to use for propagating purposes, on their own holdings, the product of the harvest which they have obtained by planting, on their own holdings, the protected variety or a variety covered by Article 14(5)(a)(i) or (ii).

Article 16

Exhaustion of the breeder's right

1. (*Exhaustion of right*) The breeder's right shall not extend to acts concerning any material of the protected variety, or of a variety covered by the provisions of Article 14(5), which has been sold or otherwise marketed by the breeder or with his consent in the territory of the Contracting Party concerned, or any material derived from the said material, unless such acts,

(i) involve further propagation of the variety in question,

or

(ii) involve an export of material of the variety, which enables the propagation of the variety, into a country which does not protect varieties of the plant genus or species to which the variety belongs, except where the exported material is for final consumption purposes.

2. (*Meaning of material*) For the purposes of paragraph (1), 'material' means, in relation to a variety,

(i) propagating material of any kind,

(ii) harvested material, including entire plants and parts of plants,

and

(iii) any product made directly from the harvested material.

3. (*Territory in certain cases*) For the purposes of paragraph 1, all the Contracting Parties which are member States of one and the same intergovernmental organisation may act jointly, where the regulations of that organisation so require, to assimilate acts done on the territories of the States members of that organisation to acts done on their own territories and, should they do so, shall notify the Secretary-General accordingly.

Article 17

Restrictions on the exercise of the breeder's right

1. (*Public interest*) Except where expressly provided in this Convention, no Contracting Party may restrict the free exercise of a breeder's right for reasons other than of public interest.

2. (*Equitable remuneration*) When any such restriction has the effect of authorising a third party to perform any act for which the breeder's authorisation is required, the Contracting Party concerned shall take all measures necessary to ensure that the breeder receives equitable remuneration.

Article 18

Measures regulating commerce

The breeder's right shall be independent of any measure taken by a Contracting Party to regulate within its territory the production, certification and marketing of material of varieties or the importing or exporting of such material. In any case, such measures shall not affect the application of the provisions of this Convention.

Article 19

Duration of the breeder's right

1. (*Period of protection*) The breeder's right shall be granted for a fixed period.

2. (*Minimum period*) The said period shall not be shorter than 20 years from the date of the grant of the breeder's right. For trees and vines, the said period shall not be shorter than 25 years from the said date.

CHAPTER VI

VARIETY DENOMINATION

Article 20

Variety denomination

1. (*Designation of varieties by denominations; use of the denomination*)

(a) The variety shall be designated by a denomination which will be its generic designation.

(b) Each Contracting Party shall ensure that, subject to paragraph 4, no rights in the designation registered as the denomination of the variety shall hamper the free use of the denomination in connection with the variety, even after the expiration of the breeder's right.

2. (*Characteristics of the denomination*) The denomination must enable the variety to be identified. It may not consist solely of figures except where this is an established practice for designating varieties. It must not be liable to mislead or to cause confusion concerning the characteristics, value or identity of the variety or the identity of the breeder. In particular, it must be different from every denomination which designates, in the territory of any Contracting Party, an existing variety of the same plant species or of a closely related species.

3. (*Registration of the denomination*) The denomination of the variety shall be submitted by the breeder to the authority. If it is found that the denomination does not satisfy the requirements of paragraph (2), the authority shall refuse to register it and shall require the breeder to propose another denomination within a prescribed period. The denomination shall be registered by the authority at the same time as the breeder's right is granted.

4. (*Prior rights of third persons*) Prior rights of third persons shall not be affected. If, by reason of a prior right, the use of the denomination of a variety is forbidden to a person who, in accordance with the provisions of paragraph (7), is obliged to use it, the authority shall require the breeder to submit another denomination for the variety.

5. (*Same denomination in all Contracting Parties*) A variety must be submitted to all Contracting Parties under the same denomination. The authority of each Contracting Party shall register the denomination so submitted, unless it considers the denomination unsuitable within its territory. In the latter case, it shall require the breeder to submit another denomination.

6. (*Information among the authorities of Contracting Parties*) The authority of a Contracting Party shall ensure that the authorities of all the other Contracting Parties are informed of matters concerning variety denominations, in particular the submission, registration and cancellation of denominations. Any authority may address its observations, if any, on the registration of a denomination to the authority which communicated that denomination.

7. (*Obligation to use the denomination*) Any person who, within the territory of one of the Contracting Parties, offers for sale or markets propagating material of a variety protected within the said territory shall be obliged to use the denomination of that variety, even after the expiration of the breeder's right in that variety, except where, in accordance with the provisions of paragraph 4, prior rights prevent such use.

8. (*Indications used in association with denominations*) When a variety is offered for sale or marketed, it shall be permitted to associate a trademark, trade name or other similar indication with a registered variety denomination. If such an indication is so associated, the denomination must nevertheless be easily recognisable.

CHAPTER VII

NULLITY AND CANCELLATION OF THE BREEDER'S RIGHT

Article 21

Nullity of the breeder's right

1. (*Reasons of nullity*) Each Contracting Party shall declare a breeder's right granted by it null and void when it is established,

- (i) that the conditions laid down in Articles 6 or 7 were not complied with at the time of the grant of the breeder's right,

- (ii) that, where the grant of the breeder's right has been essentially based upon information and documents furnished by the breeder, the conditions laid down in Articles 8 or 9 were not complied with at the time of the grant of the breeder's right,

or

- (iii) that the breeder's right has been granted to a person who is not entitled to it, unless it is transferred to the person who is so entitled.

2. (*Exclusion of other reasons*) No breeder's right shall be declared null and void for reasons other than those referred to in paragraph 1.

Article 22

Cancellation of the breeder's right

1. (*Reasons for cancellation*)

- (a) Each Contracting Party may cancel a breeder's right granted by it if it is established that the conditions laid down in Articles 8 or 9 are no longer fulfilled.

- (b) Furthermore, each Contracting Party may cancel a breeder's right granted by it if, after being requested to do so and within a prescribed period,

- (i) the breeder does not provide the authority with the information, documents or material deemed necessary for verifying the maintenance of the variety,

- (ii) the breeder fails to pay such fees as may be payable to keep his right in force,

or

- (iii) the breeder does not propose, where the denomination of the variety is cancelled after the grant of the right, another suitable denomination.

2. (*Exclusion of other reasons*) No breeder's right shall be cancelled for reasons other than those referred to in paragraph 1.

CHAPTER VIII

THE UNION

Article 23

Members

The Contracting Parties shall be members of the Union.

Article 24

Legal status and seat

1. (*Legal personality*) The Union has legal personality.
2. (*Legal capacity*) The Union enjoys, on the territory of each Contracting Party, in conformity with the laws applicable in the said territory, such legal capacity as may be necessary for the fulfilment of the objectives of the Union and for the exercise of its functions.
3. (*Seat*) The seat of the Union and its permanent organs are at Geneva.
4. (*Headquarters agreement*) The Union has a headquarters agreement with the Swiss Confederation.

Article 25

Organs

The permanent organs of the Union are the Council and the Office of the Union.

Article 26

The Council

1. (*Composition*) The Council shall consist of the representatives of the members of the Union. Each member of the Union shall appoint one representative to the Council and one alternate. Representatives or alternates may be accompanied by assistants or advisers.
2. (*Officers*) The Council shall elect a President and a first Vice-President from among its members. It may elect other Vice-Presidents. The first Vice-President shall take the place of the President if the latter is unable to officiate. The President shall hold office for three years.
3. (*Sessions*) The Council shall meet upon convocation by its President. An ordinary session of the Council shall be held annually. In addition, the President may convene the Council at his discretion; he shall convene it, within a period of three months, if one third of the members of the Union so request.
4. (*Observers*) States not members of the Union may be invited as observers to meetings of the Council. Other observers, as well as experts, may also be invited to such meetings.
5. (*Tasks*) The tasks of the Council shall be to:
 - (i) study appropriate measures to safeguard the interests and to encourage the development of the Union;
 - (ii) establish its rules of procedure;
 - (iii) appoint the Secretary-General and, if it finds it necessary, a Vice Secretary-General and determine the terms of appointment of each;

- (iv) examine an annual report on the activities of the Union and lay down the program for its future work;
 - (v) give to the Secretary-General all necessary directions for the accomplishment of the tasks of the Union;
 - (vi) establish the administrative and financial regulations of the Union;
 - (vii) examine and approve the budget of the Union and fix the contribution of each member of the Union;
 - (viii) examine and approve the accounts presented by the Secretary-General;
 - (ix) fix the date and place of the conferences referred to in Article 38 and take the measures necessary for their preparation;
- and
- (x) in general, take all necessary decisions to ensure the efficient functioning of the Union.

6. (*Votes*)

- (a) Each member of the Union that is a State shall have one vote in the Council.
- (b) Any Contracting Party that is an intergovernmental organisation may, in matters within its competence, exercise the rights to vote of its member States that are members of the Union. Such an intergovernmental organisation shall not exercise the rights to vote of its member States if its member States exercise their right to vote, and vice versa.

7. (*Majorities*) Any decision of the Council shall require a simple majority of the votes cast, provided that any decision of the Council under paragraphs (5)(ii), (vi) and (vii), and under Articles 28(3), 29(5)(b) and 38(1) shall require three quarters of the votes cast. Abstentions shall not be considered as votes.

Article 27

The Office of the Union

1. (*Tasks and direction of the Office*) The Office of the Union shall carry out all the duties and tasks entrusted to it by the Council. It shall be under the direction of the Secretary-General.
2. (*Duties of the Secretary-General*) The Secretary-General shall be responsible to the Council; he shall be responsible for carrying out the decisions of the Council. He shall submit the budget of the Union for the approval of the Council and shall be responsible for its implementation. He shall make reports to the Council on his administration and the activities and financial position of the Union.

3. (*Staff*) Subject to the provisions of Article 26(5)(iii), the conditions of appointment and employment of the staff necessary for the efficient performance of the tasks of the Office of the Union shall be fixed in the administrative and financial regulations.

Article 28

Languages

1. (*Languages of the Office*) The English, French, German and Spanish languages shall be used by the Office of the Union in carrying out its duties.

2. (*Languages in certain meetings*) Meetings of the Council and of revision conferences shall be held in the four languages.

3. (*Further languages*) The Council may decide that further languages shall be used.

Article 29

Finances

1. (*Income*) The expenses of the Union shall be met from

- (i) the annual contributions of the States members of the Union,
- (ii) payments received for services rendered,
- (iii) miscellaneous receipts.

2. (*Contributions: units*)

(a) The share of each State member of the Union, in the total amount of the annual contributions shall be determined by reference to the total expenditure to be met from the contributions of the States members of the Union and to the number of contribution units applicable to it under paragraph 3. The said share shall be computed according to paragraph 4.

(b) The number of contribution units shall be expressed in whole numbers or fractions thereof, provided that no fraction shall be smaller than one fifth.

3. (*Contributions: share of each member*)

(a) The number of contribution units applicable to any member of the Union which is party to the Act of 1961/1972 or the Act of 1978 on the date on which it becomes bound by this Convention shall be the same as the number applicable to it immediately before the said date.

(b) Any other State member of the Union shall, on joining the Union, indicate, in a declaration addressed to the Secretary-General, the number of contribution units applicable to it.

(c) Any State member of the Union may, at any time, indicate, in a declaration addressed to the Secretary-General, a number of contribution units different from the number applicable to it under subparagraph (a) or (b). Such declaration, if made during the first six months of a calendar year, shall take effect from the beginning of the subsequent calendar year; otherwise, it shall take effect from the beginning of the second calendar year which follows the year in which the declaration was made.

4. (*Contributions: computation of shares*)

(a) For each budgetary period, the amount corresponding to one contribution unit shall be obtained by dividing the total amount of the expenditure to be met in that period from the contributions of the States members of the Union by the total number of units applicable to those States members of the Union.

(b) The amount of the contribution of each State member of the Union shall be obtained by multiplying the amount corresponding to one contribution unit by the number of contribution units applicable to that State member of the Union.

5. (*Arrears in contributions*)

(a) State member of the Union which is in arrears in the payment of its contributions may not, subject to subparagraph (b), exercise its right to vote in the Council if the amount of its arrears equals or exceeds the amount of the contribution due from it for the preceding full year. The suspension of the right to vote shall not relieve such State member of the Union of its obligations under this Convention and shall not deprive it of any other rights thereunder.

(b) The Council may allow the said State member of the Union to continue to exercise its right to vote if, and as long as, the Council is satisfied that the delay in payment is due to exceptional and unavoidable circumstances.

6. (*Auditing of the accounts*) The auditing of the accounts of the Union shall be effected by a State member of the Union as provided in the administrative and financial regulations. Such State Member of the Union shall be designated, with its agreement, by the Council.

7. (*Contributions of intergovernmental organisations*) Any Contracting Party which is an intergovernmental organisation shall not be obliged to pay contributions. If, nevertheless, it chooses to pay contributions, the provisions of paragraphs (1) to (4) shall be applied accordingly.

CHAPTER IX

IMPLEMENTATION OF THE CONVENTION; OTHER AGREEMENTS

Article 30

Implementation of the Convention

1. (*Measures of implementation*) Each Contracting Party shall adopt all measures necessary for the implementation of this Convention; in particular, it shall:

- (i) provide for appropriate legal remedies for the effective enforcement of breeders' rights;

- (ii) maintain an authority entrusted with the task of granting breeders' rights or entrust the said task to an authority maintained by another Contracting Party;

- (iii) ensure that the public is informed through the regular publication of information concerning

— applications for and grants of breeders' rights,

and

— proposed and approved denominations.

2. (*Conformity of laws*) It shall be understood that, on depositing its instrument of ratification, acceptance, approval or accession, as the case may be, each State or intergovernmental organisation must be in a position, under its laws, to give effect to the provisions of this Convention.

Article 31

Relations between Contracting Parties and States bound by earlier acts

1. (*Relations between States bound by this Convention*) Between States members of the Union which are bound both by this Convention and any earlier Act of the Convention, only this Convention shall apply.

2. (*Possible relations with States not bound by this Convention*) Any State member of the Union not bound by this Convention may declare, in a notification addressed to the Secretary-General, that, in its relations with each member of the Union bound only by this Convention, it will apply the latest Act by which it is bound. As from the expiration of one month after the date of such notification and until the State member of the Union making the declaration becomes bound by this Convention, the said member of the Union shall apply the latest Act by which it is bound in its relations with each of the members of the Union bound only by this Convention, whereas the latter shall apply this Convention in respect of the former.

Article 32

Special agreements

Members of the Union reserve the right to conclude among themselves special agreements for the protection of varieties, insofar as such agreements do not contravene the provisions of this Convention.

CHAPTER X

FINAL PROVISIONS

Article 33

Signature

This Convention shall be open for signature by any State which is a member of the Union at the date of its adoption. It shall remain open for signature until 31 March 1992.

Article 34

Ratification, acceptance or approval; accession

1. (*States and certain intergovernmental organisations*)

(a) Any State may, as provided in this Article, become party to this Convention.

(b) Any intergovernmental organisation may, as provided in this Article, become party to this Convention if it

(i) has competence in respect of matters governed by this Convention,

(ii) has its own legislation providing for the grant and protection of breeders' rights binding on all its member States,

and

(iii) has been duly authorised, in accordance with its internal procedures, to accede to this Convention.

2. (*Instrument of adherence*) Any State which has signed this Convention shall become party to this Convention by depositing an instrument of ratification, acceptance or approval of this Convention. Any State which has not signed this Convention and any intergovernmental organization shall become party to this Convention by depositing an instrument of accession to this Convention. Instruments of ratification, acceptance, approval or accession shall be deposited with the Secretary-General.

3. (*Advice of the Council*) Any State which is not a member of the Union and any intergovernmental organization shall, before depositing its instrument of accession, ask the Council to advise it in respect of the conformity of its laws with the provisions of this Convention. If the decision embodying the advice is positive, the instrument of accession may be deposited.

Article 35

Reservations

1. (*Principle*) Subject to paragraph 2, no reservations to this Convention are permitted.
2. (*Possible exception*)
 - (a) Notwithstanding the provisions of Article 3(1), any State which, at the time of becoming party to this Convention, is a party to the Act of 1978 and which, as far as varieties reproduced asexually are concerned, provides for protection by an industrial property title other than a breeder's right shall have the right to continue to do so without applying this Convention to those varieties.
 - (b) Any State making use of the said right shall, at the time of depositing its instrument of ratification, acceptance, approval or accession, as the case may be, notify the Secretary-General accordingly. The same State may, at any time, withdraw the said notification.

Article 36

Communications concerning legislation and the genera and species protected; information to be published

1. (*Initial notification*) When depositing its instrument of ratification, acceptance or approval or accession to this Convention, as the case may be, any State or intergovernmental organisation shall notify the Secretary-General of
 - (i) its legislation governing breeder's rights,
 - and
 - (ii) the list of plant genera and species to which, on the date on which it will become bound by this Convention, it will apply the provisions of this Convention.
2. (*Notification of changes*) Each Contracting Party shall promptly notify the Secretary-General of
 - (i) any changes in its legislation governing breeders' rights,
 - and
 - (ii) any extension of the application of this Convention to additional plant genera and species.

3. (*Publication of the information*) The Secretary-General shall, on the basis of communications received from each Contracting Party concerned, publish information on

- (i) the legislation governing breeders' rights and any changes in that legislation,
- and
- (ii) the list of plant genera and species referred to in paragraph (1)(ii) and any extension referred to in paragraph (2)(ii).

Article 37

Entry into force; closing of earlier acts

1. (*Initial entry into force*) This Convention shall enter into force one month after five States have deposited their instruments of ratification, acceptance, approval or accession, as the case may be, provided that at least three of the said instruments have been deposited by States party to the Act of 1961/1972 or the Act of 1978.
2. (*Subsequent entry into force*) Any State not covered by paragraph 1, or any intergovernmental organization shall become bound by this Convention one month after the date on which it has deposited its instrument of ratification, acceptance, approval or accession, as the case may be.
3. (*Closing of the 1978 Act*) No instrument of accession to the Act of 1978 may be deposited after the entry into force of this Convention according to paragraph (1), except that any State that, in conformity with the established practice of the General Assembly of the United Nations, is regarded as a developing country may deposit such an instrument until 31 December 1995, and that any other State may deposit such an instrument until 31 December 1993, even if this Convention enters into force before that date.

Article 38

Revision of the Convention

1. (*Conference*) This Convention may be revised by a conference of the members of the Union. The convocation of such conference shall be decided by the Council.
2. (*Quorum and majority*) The proceedings of a conference shall be effective only if at least half of the States members of the Union are represented at it. A majority of three quarters of the States members of the Union present and voting at the conference shall be required for the adoption of any revision.

Article 39

Denunciation

1. (*Notifications*) Any Contracting Party may denounce this Convention by notification addressed to the Secretary-General. The Secretary-General shall promptly notify all members of the Union of the receipt of that notification.

2. (*Earlier Acts*) Notification of the denunciation of this Convention shall be deemed also to constitute notification of the denunciation of any earlier Act by which the Contracting Party denouncing this Convention is bound.

3. (*Effective date*) The denunciation shall take effect at the end of the calendar year following the year in which the notification was received by the Secretary-General.

4. (*Acquired rights*) The denunciation shall not affect any rights acquired in a variety by reason of this Convention or any earlier Act prior to the date on which the denunciation becomes effective.

Article 40

Preservation of existing rights

This Convention shall not limit existing breeders' rights under the laws of Contracting Parties or by reason of any earlier Act or any agreement other than this Convention concluded between members of the Union.

Article 41

Original and official texts of the Convention

1. (*Original*) This Convention shall be signed in a single original in the English, French and German languages, the French text prevailing in case of any discrepancy among the various texts. The original shall be deposited with the Secretary-General.

2. (*Official texts*) The Secretary-General shall, after consultation with the interested Governments, establish official texts of this Convention in the Arabic, Dutch, Italian, Japanese and Spanish languages and such other languages as the Council may designate.

Article 42

Depositary functions

1. (*Transmittal of copies*) The Secretary-General shall transmit certified copies of this Convention to all States and intergovernmental organizations which were represented in the Diplomatic Conference that adopted this Convention and, on request, to any other State or intergovernmental organisation.

2. (*Registration*) The Secretary-General shall register this Convention with the Secretariat of the United Nations.

Resolution on Article 14(5)

The Diplomatic Conference for the Revision of the International Convention for the Protection of New Varieties of Plants held from 4 to 19 March 1991, requests the Secretary-General of UPOV to start work immediately after the Conference on the establishment of draft standard guidelines, for adoption by the Council of UPOV, on essentially derived varieties.

Recommendation relating to Article 15(2)

The Diplomatic Conference recommends that the provisions laid down in Article 15(2) of the International Convention for the Protection of New Varieties of Plants of December 2, 1961, as Revised at Geneva on November 10, 1972, on October 23, 1978, and on March 19, 1991, should not be read so as to be intended to open the possibility of extending the practice commonly called 'farmer's privilege' to sectors of agricultural or horticultural production in which such a privilege is not a common practice on the territory of the Contracting Party concerned.

Common statement relating to Article 34

The Diplomatic Conference noted and accepted a declaration by the Delegation of Denmark and a declaration by the Delegation of the Netherlands according to which the Convention adopted by the Diplomatic Conference will not, upon its ratification, acceptance, approval or accession by Denmark or the Netherlands, be automatically applicable, in the case of Denmark, in Greenland and the Faroe Islands and, in the case of the Netherlands, in Aruba and the Netherlands Antilles. The said Convention will only apply in the said territories if and when Denmark or the Netherlands, as the case may be, expressly so notifies the Secretary-General.

Declaration of the European Community

The following declaration shall be attached to the instrument of accession deposited with the Secretary-General of UPOV:

'With reference to Article 29(7) of the UPOV Convention the Community will pay, on a voluntary basis, five contribution units to the UPOV budget in accordance with Article 29(3)(b), with effect from the budgetary period 2005'.

COUNCIL DECISION

of 2 June 2005

concerning the conclusion of a Framework Agreement between the European Community and the Republic of Albania on the general principles for the participation of the Republic of Albania in Community programmes

(2005/524/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 13, 71, 80, 95, 127, 137, 149, 150, 151, 152, 153, 157, 166, 175, 280 and 308 in conjunction with the second sentence of the first subparagraph of Article 300(2), the second subparagraph of Article 300(3), and Article 300(4) thereof,

Having regard to the proposal from the Commission,

Having regard to the assent of the European Parliament ⁽¹⁾,

Whereas:

(1) The Thessaloniki European Council of June 2003 approved the 'Thessaloniki Agenda for the Western Balkans: moving towards European integration', which provided for Community programmes to be opened up to the Stabilisation and Association Process (SAP) countries along the lines established for the participation of candidate countries.

(2) In its communication on 'Preparing for the participation of the Western Balkan countries in Community programmes and agencies', the Commission advocated concluding with Albania, Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia and Serbia and Montenegro framework agreements laying down the general principles governing each country's participation in Community programmes.

(3) In accordance with the negotiating directives adopted by the Council on 29 April 2004, the Commission, on behalf of the Community, has negotiated a Framework Agreement with the Republic of Albania on the general principles for its participation in Community programmes.

(4) This Agreement was signed, on behalf of the Community, on 22 November 2004 in Brussels, subject to conclusion at a later date.

(5) With regard to some programmes covered by the Agreement, the Treaty does not provide for powers other than those under Article 308.

(6) The specific terms and conditions regarding the participation of the Republic of Albania in the Community programmes, including the financial contribution payable, should be determined by the Commission on behalf of the Community. For that purpose the Commission should be assisted by a special committee appointed by the Council.

(7) Albania may request financial assistance for participating in Community programmes under Council Regulation (EC) No 2666/2000 of 5 December 2000 on assistance for Albania, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the Former Yugoslav Republic of Macedonia ⁽²⁾ or under any similar Regulation providing for Community external assistance for Albania that may be adopted in future.

(8) The application of the Agreement should be reviewed periodically.

(9) The Agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Framework Agreement between the European Community and Albania on the general principles for the participation of Albania in Community programmes is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision ⁽³⁾.

Article 2

1. The Commission is authorised to determine, on behalf of the Community, the specific terms and conditions applicable to the participation of Albania in any given programme, including the financial contribution payable. The Commission shall be assisted in this task by a special committee appointed by the Council.

⁽¹⁾ Assent delivered on 10 May 2005 (not yet published in the Official Journal).

⁽²⁾ OJ L 306, 7.12.2000, p. 1. Regulation as amended by Regulation (EC) No 2415/2001 (OJ L 327, 12.12.2001, p. 3).

⁽³⁾ See page 2 of this Official Journal.

2. Where Albania requests external assistance, the procedures provided for in Regulation (EC) No 2666/2000, and in similar Regulations providing for Community external assistance to Albania that may be adopted in the future, shall apply.

Article 3

No later than three years after the date of entry into force of the Agreement, and every three years thereafter, the Commission shall review the implementation of the Agreement and report thereon to the Council. The report shall be accompanied where necessary by appropriate proposals.

Article 4

The President of the Council shall, on behalf of the Community, give the notifications provided for in Article 10 of the Agreement.

Done at Luxembourg, 2 June 2005.

For the Council

The President

L. FRIEDEN

COUNCIL DECISION

of 2 June 2005

concerning the conclusion of a Framework Agreement between the European Community and Bosnia and Herzegovina on the general principles for the participation of Bosnia and Herzegovina in Community programmes

(2005/525/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 13, 71, 80, 95, 127, 137, 149, 150, 151, 152, 153, 157, 166, 175, 280 and 308 in conjunction with the second sentence of the first subparagraph of Article 300(2), the second subparagraph of Article 300(3), and Article 300(4) thereof,

Having regard to the proposal from the Commission,

Having regard to the assent of the European Parliament ⁽¹⁾,

Whereas:

(1) The Thessaloniki European Council of June 2003 approved the 'Thessaloniki Agenda for the Western Balkans: moving towards European integration', which provided for Community programmes to be opened up to the Stabilisation and Association Process (SAP) countries along the lines established for the participation of candidate countries.

(2) In its communication on 'Preparing for the participation of the Western Balkan countries in Community programmes and agencies', the Commission advocated concluding with Albania, Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia and Serbia and Montenegro framework agreements laying down the general principles governing each country's participation in Community programmes.

(3) In accordance with the negotiating directives adopted by the Council on 29 April 2004, the Commission, on behalf of the Community, has negotiated a Framework Agreement with Bosnia and Herzegovina on the general principles for its participation in Community programmes.

(4) This Agreement was signed, on behalf of the Community, on 22 November 2004 in Brussels, subject to conclusion at a later date.

(5) With regard to some of the programmes covered by the Agreement, the Treaty does not provide for powers other than those under Article 308.

(6) The specific terms and conditions regarding the participation of Bosnia and Herzegovina in the Community programmes, including the financial contribution payable, should be determined by the Commission on behalf of the Community. For that purpose the Commission should be assisted by a special committee appointed by the Council.

(7) Bosnia and Herzegovina may request financial assistance for participating in Community programmes under Council Regulation (EC) No 2666/2000 of 5 December 2000 on assistance for Albania, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the Former Yugoslav Republic of Macedonia ⁽²⁾ or under any similar Regulation providing for Community external assistance for Bosnia and Herzegovina that may be adopted in future.

(8) The application of the Agreement should be reviewed periodically.

(9) The Agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Framework Agreement between the European Community and Bosnia and Herzegovina on the general principles for the participation of Bosnia and Herzegovina in Community programmes is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision ⁽³⁾.

Article 2

1. The Commission is authorised to determine, on behalf of the Community, the specific terms and conditions applicable to the participation of Bosnia and Herzegovina in any given programme, including the financial contribution payable. The Commission shall be assisted in this task by a special committee appointed by the Council.

⁽¹⁾ Assent delivered on 10 May 2005 (not yet published in the Official Journal).

⁽²⁾ OJ L 306, 7.12.2000, p. 1. Regulation as amended by Regulation (EC) No 2415/2001 (OJ L 327, 12.12.2001, p. 3).

⁽³⁾ See page 5 of this Official Journal.

2. Where Bosnia and Herzegovina requests external assistance, the procedures provided for in Regulation (EC) No 2666/2000, and in similar Regulations providing for Community external assistance to Bosnia and Herzegovina that may be adopted in the future, shall apply.

Article 3

No later than three years after the date of entry into force of the Agreement, and every three years thereafter, the Commission shall review the implementation of the Agreement and report thereon to the Council. The report shall be accompanied where necessary by appropriate proposals.

Article 4

The President of the Council shall, on behalf of the Community, give the notifications provided for in Article 10 of the Agreement.

Done at Luxembourg, 2 June 2005.

For the Council

The President

L. FRIEDEN

COUNCIL DECISION

of 2 June 2005

concerning the conclusion of a Framework Agreement between the European Community and the Republic of Croatia on the general principles for the participation of the Republic of Croatia in Community programmes

(2005/526/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 13, 71, 80, 95, 127, 137, 149, 150, 151, 152, 153, 157, 166, 175, 280 and 308 in conjunction with the second sentence of the first subparagraph of Article 300(2), the second subparagraph of Article 300(3), and Article 300(4) thereof,

Having regard to the proposal from the Commission,

Having regard to the assent of the European Parliament ⁽¹⁾,

Whereas:

(1) The Thessaloniki European Council of June 2003 approved the 'Thessaloniki Agenda for the Western Balkans: moving towards European integration', which provided for Community programmes to be opened up to the Stabilisation and Association Process (SAP) countries along the lines established for the participation of candidate countries.

(2) In its communication on 'Preparing for the participation of the Western Balkan countries in Community programmes and agencies', the Commission advocated concluding with Albania, Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia and Serbia and Montenegro framework agreements laying down the general principles governing each country's participation in Community programmes.

(3) In accordance with the negotiating directives adopted by the Council on 29 April 2004, the Commission, on behalf of the Community, has negotiated a Framework Agreement with Croatia on the general principles for its participation in Community programmes.

(4) This Agreement was signed, on behalf of the Community, on 22 November 2004 in Brussels, subject to conclusion at a later date.

(5) With regard to some of the programmes covered by the Agreement, the Treaty does not provide for powers other than those under Article 308.

(6) The specific terms and conditions regarding the participation of Croatia in the Community programmes, including the financial contribution payable, should be determined by the Commission on behalf of the Community. For that purpose the Commission should be assisted by a special committee appointed by the Council.

(7) Croatia may request financial assistance for participating in Community programmes under Council Regulation (EEC) No 3906/89 of 18 December 1989 on economic aid to certain countries of Central and Eastern Europe ⁽²⁾ or under any similar Regulation providing for Community external assistance for Croatia that may be adopted in future.

(8) The Framework Agreement will be added as a protocol to the Stabilisation and Association Agreement (SAA) between the European Communities and their Member States, of the one part, and Croatia, of the other part, which entered into force on 1 February 2005, and will be an integral part thereof.

(9) The application of the Agreement should be reviewed periodically.

(10) The Agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Framework Agreement between the European Community and the Republic of Croatia on the general principles for the participation of the Republic of Croatia in Community programmes is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision ⁽³⁾.

⁽¹⁾ Assent delivered on 10 May 2005 (not yet published in the Official Journal).

⁽²⁾ OJ L 375, 23.12.1989, p. 11. Regulation as last amended by Regulation (EC) No 2257/2004 (OJ L 389, 30.12.2004, p. 1).

⁽³⁾ See page 8 of this Official Journal.

Article 2

1. The Commission is authorised to determine, on behalf of the Community, the specific terms and conditions applicable to the participation of the Republic of Croatia in any given programme, including the financial contribution payable. The Commission shall be assisted in this task by a special committee appointed by the Council.

2. Where the Republic of Croatia requests external assistance, the procedures provided for in Regulation (EC) No 3906/89, and in similar Regulations providing for Community external assistance to the Republic of Croatia that may be adopted in the future, shall apply.

Article 3

No later than three years after the date of entry into force of the Agreement, and every three years thereafter, the Commission shall review the implementation of the Agreement and report thereon to the Council. The report shall be accompanied where necessary by appropriate proposals.

Article 4

The President of the Council shall, on behalf of the Community, give the notifications provided for in Article 10 of the Agreement.

Done at Luxembourg, 2 June 2005.

For the Council
The President
L. FRIEDEN

COUNCIL DECISION

of 2 June 2005

concerning the conclusion of a Framework Agreement between the European Community and Serbia and Montenegro on the general principles for the participation of Serbia and Montenegro in Community programmes

(2005/527/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 13, 71, 80, 95, 127, 137, 149, 150, 151, 152, 153, 157, 166, 175, 280 and 308 in conjunction with the second sentence of the first subparagraph of Article 300(2), the second subparagraph of Article 300(3), and Article 300(4) thereof,

Having regard to the proposal from the Commission,

Having regard to the assent of the European Parliament ⁽¹⁾,

Whereas:

- (1) The Thessaloniki European Council of June 2003 approved the 'Thessaloniki Agenda for the Western Balkans: moving towards European integration', which provided for Community programmes to be opened up to the Stabilisation and Association Process (SAP) countries along the lines established for the participation of candidate countries.
- (2) In its communication on 'Preparing for the participation of the Western Balkan countries in Community programmes and agencies', the Commission advocated concluding with Albania, Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia and Serbia and Montenegro framework agreements laying down the general principles governing each country's participation in Community programmes.
- (3) In accordance with the negotiating directives adopted by the Council on 29 April 2004, the Commission, on behalf of the Community, has negotiated a Framework Agreement with Serbia and Montenegro on the general principles for its participation in Community programmes.
- (4) This Agreement was signed, on behalf of the Community, on 22 November 2004 in Brussels, subject to conclusion at a later date.
- (5) With regard to some of the programmes covered by the Agreement, the Treaty does not provide for powers other than those under Article 308.

- (6) The specific terms and conditions regarding the participation of Serbia and Montenegro in the Community programmes, including the financial contribution payable, should be determined by the Commission on behalf of the Community. For that purpose the Commission should be assisted by a special committee appointed by the Council.
- (7) Serbia and Montenegro may request financial assistance for participating in Community programmes under Council Regulation (EC) No 2666/2000 of 5 December 2000 on assistance for Albania, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the Former Yugoslav Republic of Macedonia ⁽²⁾ or under any similar Regulation providing for Community external assistance for Serbia and Montenegro that may be adopted in future.
- (8) The application of the Agreement should be reviewed periodically.
- (9) The Agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Framework Agreement between the European Community and Serbia and Montenegro on the general principles for the participation of Serbia and Montenegro in Community programmes is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision ⁽³⁾.

Article 2

1. The Commission is authorised to determine, on behalf of the Community, the specific terms and conditions applicable to the participation of Serbia and Montenegro in any given programme, including the financial contribution payable. The Commission shall be assisted in this task by a special committee appointed by the Council.

⁽¹⁾ Assent delivered on 10 May 2005 (not yet published in the Official Journal).

⁽²⁾ OJ L 306, 7.12.2000, p. 1. Regulation as amended by Regulation (EC) No 2415/2001 (OJ L 327, 12.12.2001, p. 3).

⁽³⁾ See page 14 of this Official Journal.

2. Where Serbia and Montenegro requests external assistance, the procedures provided for in Regulation (EC) No 2666/2000, and in similar Regulations providing for Community external assistance to Serbia and Montenegro that may be adopted in the future, shall apply.

Article 3

No later than three years after the date of entry into force of the Agreement, and every three years thereafter, the Commission shall review the implementation of the Agreement and report thereon to the Council. The report shall be accompanied where necessary by appropriate proposals.

Article 4

The President of the Council shall, on behalf of the Community, give the notifications provided for in Article 10 of the Agreement.

Done at Luxembourg, 2 June 2005.

For the Council

The President

L. FRIEDEN

COUNCIL DECISION

of 2 June 2005

concerning the conclusion of a Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Former Yugoslav Republic of Macedonia, of the other part, on a Framework Agreement between the European Community and the Former Yugoslav Republic of Macedonia on the general principles for the participation of the Former Yugoslav Republic of Macedonia in Community programmes

(2005/528/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 13, 71, 80, 95, 127, 137, 149, 150, 151, 152, 153, 157, 166, 175, 280 and 308 in conjunction with the second sentence of the first subparagraph of Article 300(2), the second subparagraph of Article 300(3), and Article 300(4) thereof,

Having regard to the proposal from the Commission,

Having regard to the assent of the European Parliament ⁽¹⁾,

Whereas:

- (4) This Agreement was signed, on behalf of the Community, on 22 November 2004 in Brussels, subject to conclusion at a later date.
- (5) With regard to some of the programmes covered by the Agreement, the Treaty does not provide for powers other than those under Article 308.
- (6) The specific terms and conditions regarding the participation of the Former Yugoslav Republic of Macedonia in the Community programmes, including the financial contribution payable, should be determined by the Commission on behalf of the Community. For that purpose the Commission should be assisted by a special committee appointed by the Council.
- (1) The Thessaloniki European Council of June 2003 approved the 'Thessaloniki Agenda for the Western Balkans: moving towards European integration', which provided for Community programmes to be opened up to the Stabilisation and Association Process (SAP) countries along the lines established for the participation of candidate countries.
- (2) In its communication on 'Preparing for the participation of the Western Balkan countries in Community programmes and agencies', the Commission advocated concluding with Albania, Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia and Serbia and Montenegro framework agreements laying down the general principles governing each country's participation in Community programmes.
- (3) In accordance with the negotiating directives adopted by the Council on 29 April 2004, the Commission, on behalf of the European Community, negotiated a Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Former Yugoslav Republic of Macedonia, of the other part, on a Framework Agreement on the general principles for the participation of the Former Yugoslav Republic of Macedonia in Community programmes.
- (7) The Former Yugoslav Republic of Macedonia may request financial assistance for participating in Community programmes under Council Regulation (EC) No 2666/2000 of 5 December 2000 on assistance for Albania, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the Former Yugoslav Republic of Macedonia ⁽²⁾ or under any similar Regulation providing for Community external assistance for the Former Yugoslav Republic of Macedonia that may be adopted in future.
- (8) The application of the Agreement should be reviewed periodically.
- (9) The Protocol will be an integral part of the Stabilisation and Association Agreement (SAA) between the European Communities and their Member States, of the one part, and the Former Yugoslav Republic of Macedonia, of the other part, which entered into force on 1 April 2004.
- (10) The Agreement should be approved,

⁽¹⁾ Assent delivered on 10 May 2005 (not yet published in the Official Journal).

⁽²⁾ OJ L 306, 7.12.2000, p. 1. Regulation as amended by Regulation (EC) No 2415/2001 (OJ L 327, 12.12.2001, p. 3).

HAS DECIDED AS FOLLOWS:

Article 1

The Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Former Yugoslav Republic of Macedonia, of the other part, on a Framework Agreement between the European Community and the Former Yugoslav Republic of Macedonia on the general principles for the participation of the Former Yugoslav Republic of Macedonia in Community programmes is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision ⁽¹⁾.

Article 2

1. The Commission is authorised to determine, on behalf of the Community, the specific terms and conditions applicable to the participation of the Former Yugoslav Republic of Macedonia in any given programme, including the financial contribution payable. The Commission shall be assisted in this task by a special committee appointed by the Council.

2. Where the Former Yugoslav Republic of Macedonia requests external assistance, the procedures provided for in Regulation

(EC) No 2666/2000, and in similar Regulations providing for Community external assistance to the Former Yugoslav Republic of Macedonia that may be adopted in the future, shall apply.

Article 3

No later than three years after the date of entry into force of the Agreement, and every three years thereafter, the Commission shall review the implementation of the Agreement and report thereon to the Council. The report shall be accompanied where necessary by appropriate proposals.

Article 4

The President of the Council shall, on behalf of the Community, give the notifications provided for in Article 10 of the Agreement.

Done at Luxembourg, 2 June 2005.

For the Council

The President

L. FRIEDEN

⁽¹⁾ See page 23 of this Official Journal.

Notice of the date of entry into force of Decision No 4/2004 of the EU-Mexico Joint Council, amending Joint Council Decision No 2/2001

The contracting parties having notified one another of the completion of the procedures required for entry into force of Decision No 4/2004 of the EU-Mexico Joint Council, as approved by the Council of the European Union at its meeting on 13 December 2004, the Decision will enter into force with effect from 18 May 2005, in accordance with Article 3 thereof.

Information concerning the date of entry into force of the Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Former Yugoslav Republic of Macedonia, of the other part, on a Framework Agreement between the European Community and the Former Yugoslav Republic of Macedonia on the general principles for the participation of the Former Yugoslav Republic of Macedonia in Community programmes

The Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Former Yugoslav Republic of Macedonia, of the other part, on a Framework Agreement between the European Community and the Former Yugoslav Republic of Macedonia on the general principles for the participation of the Former Yugoslav Republic of Macedonia in Community programmes ⁽¹⁾, signed in Brussels on 22 November 2004, entered into force on 29 June 2005, in accordance with Article 10 of the Agreement.

⁽¹⁾ See page 23 of this Official Journal.