

## **B. DECLARATIONS CONCERNING PROTOCOLS ANNEXED TO THE CONSTITUTION**

DECLARATIONS CONCERNING THE PROTOCOL ON THE TREATIES AND ACTS OF ACCESSION OF THE KINGDOM OF DENMARK, IRELAND AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, OF THE HELLENIC REPUBLIC, OF THE KINGDOM OF SPAIN AND THE PORTUGUESE REPUBLIC, AND OF THE REPUBLIC OF AUSTRIA, THE REPUBLIC OF FINLAND AND THE KINGDOM OF SWEDEN

### **31. Declaration on the Åland islands**

The Conference acknowledges that the regime applicable to the Åland islands, referred to in Article IV-440(5), is established taking into account the special status that these islands enjoy under international law.

To that end, the Conference stresses that specific provisions have been included in Section 5 of Title V of the Protocol on the Treaties and Acts of Accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland, of the Hellenic Republic, of the Kingdom of Spain and the Portuguese Republic, and of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden.

### **32. Declaration on the Sami people**

Having regard to Articles 60 and 61 of the Protocol on the Treaties and Acts of Accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland, of the Hellenic Republic, of the Kingdom of Spain and the Portuguese Republic, and of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden, the Conference recognises the obligations and commitments of Sweden and Finland with regard to the Sami people under national and international law.

The Conference notes that Sweden and Finland are committed to preserving and developing the means of livelihood, language, culture and way of life of the Sami people and considers that traditional Sami culture and livelihood depend on primary economic activities, such as reindeer husbandry in the traditional areas of Sami settlement.

To that end, the Conference stresses that specific provisions have been included in Section 6 of Title V of the Protocol on the Treaties and Acts of Accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland, of the Hellenic Republic, of the Kingdom of Spain and the Portuguese Republic, and of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden.

DECLARATIONS CONCERNING THE PROTOCOL ON THE TREATY AND THE ACT OF  
ACCESSION OF THE CZECH REPUBLIC, THE REPUBLIC OF ESTONIA, THE REPUBLIC OF CYPRUS,  
THE REPUBLIC OF LATVIA, THE REPUBLIC OF LITHUANIA, THE REPUBLIC OF HUNGARY, THE  
REPUBLIC OF MALTA, THE REPUBLIC OF POLAND, THE REPUBLIC OF SLOVENIA AND THE  
SLOVAK REPUBLIC

**33. Declaration on the Sovereign Base Areas of the United Kingdom of Great Britain and  
Northern Ireland in Cyprus**

THE CONFERENCE,

Recalling that the Joint Declaration on the Sovereign Base Areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus annexed to the Final Act of the Treaty concerning the Accession of the United Kingdom to the European Communities provided that the arrangements applicable to relations between the European Economic Community and the Sovereign Base Areas will be defined within the context of any agreement between the Community and the Republic of Cyprus,

Taking account of the provisions concerning the Sovereign Base Areas set out in the Treaty concerning the Establishment of the Republic of Cyprus (hereinafter referred to as the 'Treaty of Establishment') and the associated Exchanges of Notes dated 16 August 1960,

Noting the Exchange of Notes between the Government of the United Kingdom and the Government of the Republic of Cyprus concerning the administration of the Sovereign Base Areas, dated 16 August 1960, and the attached Declaration by the United Kingdom Government that one of the main objects to be achieved is the protection of the interests of those resident or working in the Sovereign Base Areas, and considering in this context that the said persons should have, to the extent possible, the same treatment as those resident or working in the Republic of Cyprus;

Noting further the provisions of the Treaty of Establishment regarding customs arrangements between the Sovereign Base Areas and the Republic of Cyprus and in particular those of Annex F to the said Treaty;

Noting also the commitment of the United Kingdom not to create customs posts or other frontier barriers between the Sovereign Base Areas and the Republic of Cyprus and the arrangements made pursuant to the Treaty of Establishment whereby the authorities of the Republic of Cyprus administer a wide range of public services in the Sovereign Base Areas, including in the fields of agriculture, customs and taxation;

Confirming that the accession of the Republic of Cyprus to the Union should not affect the rights and obligations of the parties to the Treaty of Establishment;

Recognising therefore the need to apply certain provisions of the Constitution and acts of the Union to the Sovereign Base Areas and to make special arrangements regarding the implementation of these provisions in the Sovereign Base Areas;

Points out that specific provisions to that end have been included in Title III of Part Two of the Protocol on the Treaty and Act of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic.

#### **34. Declaration by the Commission on the Sovereign Base Areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus**

The Commission confirms its understanding that the provisions of Union law applicable to the Sovereign Base Areas pursuant to Title III of Part Two of the Protocol on the Treaty and Act of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic include:

- (a) Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products;
- (b) Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds, to the extent required by Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) for the purpose of financing rural development measures in the Sovereign Base Areas under the EAGGF Guarantee Section.

#### **35. Declaration on the Ignalina nuclear power plant in Lithuania**

THE CONFERENCE,

Declaring the Union's willingness to continue to provide adequate additional assistance to Lithuania's decommissioning effort also after Lithuania's accession to the Union for the period until 2006 and beyond and noting that Lithuania, bearing in mind this expression of Union solidarity, has committed to close Unit 1 of the Ignalina nuclear power plant before 2005 and Unit 2 by 2009;

Recognising that the decommissioning of the Ignalina nuclear power plant with two 1500 MW RBMK-type reactor units inherited from the former Soviet Union is of an unprecedented nature and represents for Lithuania an exceptional financial burden not commensurate with the size and economic strength of the country and that this decommissioning will continue beyond the current Financial Perspective as defined by the Interinstitutional Agreement of 6 May 1999;

Noting the need to adopt implementing provisions for the additional Union assistance to address the consequences of the closure and the decommissioning of the Ignalina nuclear power plant;

Noting that Lithuania will pay due attention to the needs of the regions most affected by the closure of the Ignalina nuclear power plant in its use of Union assistance;

Declaring that certain measures that will be supported through public aid shall be considered as compatible with the internal market, such as the decommissioning of the Ignalina nuclear power plant, and the environmental upgrading in line with the *acquis* and modernisation of conventional electricity production capacity needed to replace the two Ignalina nuclear power plant reactors after their closure,

Points out that specific provisions to that end have been included in Title IV of Part Two of the Protocol on the Treaty and Act of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic.

**36. Declaration on the transit of persons by land between  
the region of Kaliningrad and other parts  
of the Russian Federation**

THE CONFERENCE,

Considering the particular situation of the Kaliningrad region of the Russian Federation in the context of the Union's enlargement;

Recognising the obligations and commitments of Lithuania with regard to the *acquis* establishing an area of freedom, security and justice;

Noting, in particular, that Lithuania shall fully apply and implement the Union *acquis* regarding the list of countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement as well the Union *acquis* regarding the uniform format for a visa as from accession at the latest;

Recognising that the transit of persons by land between the region of Kaliningrad and other parts of the Russian Federation through Union territory is a matter concerning the Union as a whole and should be treated as such and must not entail any unfavourable consequence for Lithuania;

Considering the decision to be taken by the Council to remove controls at internal borders after it has verified that the necessary conditions to that effect have been met;

Determined to assist Lithuania in fulfilling the conditions for full participation in the Schengen area without internal frontiers as soon as possible,

Points out that specific provisions to that end have been included in Title V of Part Two of the Protocol on the Treaty and Act of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic.

**37. Declaration on Unit 1 and Unit 2  
of the Bohunice V1 nuclear power plant  
in Slovakia**

THE CONFERENCE,

Noting Slovakia's commitment to close Unit 1 and Unit 2 of the Bohunice V1 nuclear power plant at the end of 2006 and 2008 respectively and declaring the Union's willingness to continue to provide financial aid until 2006 in continuation of the pre-accession aid planned under the Phare programme in support of Slovakia's decommissioning effort;

Noting the need to adopt implementing provisions regarding continued Union assistance;

Points out that specific provisions to that end have been included in Title IX of Part Two of the Protocol on the Treaty and Act of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic.

**38. Declaration on Cyprus**

THE CONFERENCE,

Reaffirming its commitment to a comprehensive settlement of the Cyprus problem, consistent with relevant United Nations Security Council Resolutions, and its strong support for the efforts of the United Nations Secretary General to that end;

Considering that such a comprehensive settlement to the Cyprus problem has not yet been reached;

Considering that it is, therefore, necessary to provide for the suspension of the application of the *acquis* in those areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control;

Considering that, in the event of a solution to the Cyprus problem, this suspension will be lifted;

Considering that the Union is ready to accommodate the terms of such a settlement in line with the principles on which the Union is founded;

Considering that it is necessary to provide for the terms under which the relevant provisions of Union law will apply to the line between the abovementioned areas and both those areas in which the Government of the Republic of Cyprus exercises effective control and the Eastern Sovereign Base Area of the United Kingdom of Great Britain and Northern Ireland;

Desiring that the accession of Cyprus to the Union shall benefit all Cypriot citizens and promote civil peace and reconciliation;

Considering, therefore, that nothing in Title X of Part Two of the Protocol on the Treaty and Act of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of

Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic shall preclude measures with this end in view;

Considering that such measures shall not affect the application of the *acquis* under the conditions set out in the that Protocol in any other part of the Republic of Cyprus;

Points out that specific provisions to that end have been included in Title X of Part Two of the Protocol on the Treaty and Act of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic.

### 39. Declaration concerning the Protocol on the position of Denmark

The Conference notes that with respect to legal acts to be adopted by the Council acting alone or jointly with the European Parliament and containing provisions applicable to Denmark as well as provisions not applicable to Denmark because they have a legal basis to which Part I of the Protocol on the position of Denmark applies, Denmark declares that it will not use its voting right to prevent the adoption of the provisions which are not applicable to Denmark.

Furthermore, the Conference notes that on the basis of the Declaration by the Conference on Articles I-43 and III-329 of the Constitution, Denmark declares that Danish participation in actions or legal acts pursuant to Articles I-43 and III-329 will take place in accordance with Part I and Part II of the Protocol on the position of Denmark.

### 40. Declaration concerning the Protocol on the transitional provisions relating to the institutions and bodies of the Union

The common position which will be taken by the Member States at the conferences on the accession to the Union of Romania and/or Bulgaria regarding the allocation of seats in the European Parliament and the weighting of votes in the European Council and the Council will be as follows.

1. If the accession to the Union of Romania and/or Bulgaria takes place before the entry into force of the European Council Decision referred to in Article I-20(2), the allocation of seats in the European Parliament throughout the 2004-2009 parliamentary term will be in accordance with the following table for a Union of 27 Member States.

MEMBER STATES	SEATS IN THE EP
Germany	99
United Kingdom	78
France	78
Italy	78
Spain	54

MEMBER STATES	SEATS IN THE EP
Poland	54
Romania	35
Netherlands	27
Greece	24
Czech Republic	24
Belgium	24
Hungary	24
Portugal	24
Sweden	19
Bulgaria	18
Austria	18
Slovakia	14
Denmark	14
Finland	14
Ireland	13
Lithuania	13
Latvia	9
Slovenia	7
Estonia	6
Cyprus	6
Luxembourg	6
Malta	5
<b>TOTAL</b>	<b>785</b>

The Treaty of Accession to the Union will therefore, by way of derogation from Article I-20(2) of the Constitution, stipulate that the number of members of the European Parliament may temporarily exceed 750 for the remainder of the 2004 to 2009 Parliamentary term.

2. In Article 2(2) of the Protocol on the transitional provisions relating to the institutions and bodies of the Union, the weighting of the votes of Romania and Bulgaria in the European Council and the Council will be set at 14 and 10 respectively.
3. At the time of each accession, the threshold referred to in the Protocol on the transitional provisions relating to the institutions and bodies of the Union will be calculated according to Article 2(3) of that Protocol.

#### 41. Declaration concerning Italy

The Conference notes that the Protocol on Italy annexed in 1957 to the Treaty establishing the European Economic Community, as amended upon adoption of the Treaty on European Union, stated that:

‘THE HIGH CONTRACTING PARTIES,

DESIRING to settle certain particular problems relating to Italy,

HAVE AGREED upon the following provisions, which shall be annexed to this Treaty:

THE MEMBER STATES OF THE COMMUNITY

TAKE NOTE of the fact that the Italian Government is carrying out a ten-year programme of economic expansion designed to rectify the disequilibria in the structure of the Italian economy, in particular by providing an infrastructure for the less developed areas in Southern Italy and in the Italian islands and by creating new jobs in order to eliminate unemployment;

RECALL that the principles and objectives of this programme of the Italian Government have been considered and approved by organisations for international cooperation of which the Member States are members;

RECOGNISE that it is in their common interest that the objectives of the Italian programme should be attained;

AGREE, in order to facilitate the accomplishment of this task by the Italian Government, to recommend to the institutions of the Community that they should employ all the methods and procedures provided in this Treaty and, in particular, make appropriate use of the resources of the European Investment Bank and the European Social Fund;

ARE OF THE OPINION that the institutions of the Community should, in applying this Treaty, take account of the sustained effort to be made by the Italian economy in the coming years and of the desirability of avoiding dangerous stresses in particular within the balance of payments or the level of employment, which might jeopardise the application of this Treaty in Italy;

RECOGNISE that in the event of Articles 109h and 109i being applied it will be necessary to take care that any measures required of the Italian Government do not prejudice the completion of its programme for economic expansion and for raising the standard of living of the population.’

## DECLARATIONS BY MEMBER STATES

**42. Declaration by the Kingdom of the Netherlands  
on Article I-55**

The Kingdom of the Netherlands will agree to a European decision as referred to in Article I-55(4) once a revision of the European law referred to in Article I-54(3) has provided the Netherlands with a satisfactory solution for its excessive negative net payment position vis-à-vis the Union budget.

**43. Declaration by the Kingdom of the Netherlands on Article IV-440**

The Kingdom of the Netherlands declares that an initiative for a European decision, as referred to in Article IV-440(7) aimed at amending the status of the Netherlands Antilles and/or Aruba with regard to the Union, will be submitted only on the basis of a decision taken in conformity with the Charter for the Kingdom of the Netherlands.

**44. Declaration by the Federal Republic of Germany, Ireland,  
the Republic of Hungary, the Republic of Austria and the Kingdom of Sweden**

Germany, Ireland, Hungary, Austria and Sweden note that the core provisions of the Treaty establishing the European Atomic Energy Community have not been substantially amended since its entry into force and need to be brought up to date. They therefore support the idea of a Conference of the Representatives of the Governments of the Member States, which should be convened as soon as possible.

**45. Declaration by the Kingdom of Spain and  
the United Kingdom of Great Britain and Northern Ireland**

The Treaty establishing the Constitution applies to Gibraltar as a European territory for whose external relations a Member State is responsible. This shall not imply changes in the respective positions of the Member States concerned.

**46. Declaration by the United Kingdom of Great Britain  
and Northern Ireland on the definition of the term 'nationals'**

In respect of the Treaty establishing a Constitution for Europe and the Treaty establishing the European Atomic Energy Community, and in any of the acts deriving from those Treaties or continued in force by those Treaties, the United Kingdom reiterates the Declaration it made on 31 December 1982 on the definition of the term 'nationals' with the exception that the reference to 'British Dependent Territories Citizens' shall be read as meaning 'British overseas territories citizens'.

**47. Declaration by the Kingdom of Spain on the definition of the term ‘nationals’**

Spain notes that, under Article I-10 of the Constitution, every national of a Member State shall be a citizen of the Union. Spain also notes that, under the current state of European integration reflected in the Constitution, only nationals of Member States are entitled to the specific rights of European citizenship unless Union law expressly provides otherwise. In that respect, Spain notes, finally, that under Articles I-20 and I-46 of the Treaty, the European Parliament currently represents the citizens of the Union.

**48. Declaration by the United Kingdom of Great Britain and Northern Ireland  
on the franchise for elections to the European Parliament**

The United Kingdom notes that Article I-20 and other provisions of the Treaty establishing a Constitution for Europe are not intended to change the basis for the franchise for elections to the European Parliament.

**49. Declaration by the Kingdom of Belgium on national parliaments**

Belgium wishes to make clear that, in accordance with its constitutional law, not only the Chamber of Representatives and Senate of the Federal Parliament but also the parliamentary assemblies of the Communities and the Regions act, in terms of the competences exercised by the Union, as components of the national parliamentary system or chambers of the national Parliament.

**50. Declaration by the Republic of Latvia and the Republic of Hungary  
on the spelling of the name of the single currency  
in the Treaty establishing a Constitution for Europe**

Without prejudice to the unified spelling of the name of the single currency of the European Union referred to in the Treaty establishing a Constitution for Europe as displayed on the banknotes and on the coins, Latvia and Hungary declare that the spelling of the name of the single currency, including its derivatives as applied throughout the Latvian and Hungarian text of the Treaty establishing a Constitution for Europe, has no effect on the existing rules of the Latvian and the Hungarian languages.

---