

## ANNEX VIII

**List referred to in Article 24 of the Act of Accession: Latvia****1. FREEDOM OF MOVEMENT FOR PERSONS**

Treaty establishing the European Community;

31968 L 0360: Council Directive 68/360/EEC of 15 October 1968 on the abolition of restrictions on movement and residence within the Community for workers of Member States and their families (OJ L 257, 19.10.1968, p. 13), as last amended by:

— 11994 N: Act concerning the conditions of accession and the adjustments to the Treaties – Accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden (OJ C 241, 29.8.1994, p. 21);

31968 R 1612: Council Regulation (EEC) No 1612/68 of 15 October 1968 on freedom of movement for workers within the Community (OJ L 257, 19.10.1968, p. 2), as last amended by:

— 31992 R 2434: Council Regulation (EEC) No 2434/92 of 27.7.1992 (OJ L 245, 26.8.1992, p. 1);

31996 L 0071: Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L 18, 21.1.1997, p. 1).

1. Article 39 and the first paragraph of Article 49 of the EC Treaty shall fully apply only, in relation to the freedom of movement of workers and the freedom to provide services involving temporary movement of workers as defined in Article 1 of Directive 96/71/EC between Latvia on the one hand, and Belgium, the Czech Republic, Denmark, Germany, Estonia, Greece, Spain, France, Ireland, Italy, Lithuania, Luxembourg, Hungary, the Netherlands, Austria, Poland, Portugal, Slovenia, Slovakia, Finland, Sweden and the United Kingdom on the other hand, subject to the transitional provisions laid down in paragraphs 2 to 14.

2. By way of derogation from Articles 1 to 6 of Regulation (EEC) No 1612/68 and until the end of the two year period following the date of accession, the present Member States will apply national measures, or those resulting from bilateral agreements, regulating access to their labour markets by Latvian nationals. The present Member States may continue to apply such measures until the end of the five year period following the date of the accession.

Latvian nationals legally working in a present Member State at the date of accession and admitted to the labour market of that Member State for an uninterrupted period of 12 months or longer will enjoy access to the labour market of that Member State but not to the labour market of other Member States applying national measures.

Latvian nationals admitted to the labour market of a present Member State following accession for an uninterrupted period of 12 months or longer shall also enjoy the same rights.

The Latvian nationals mentioned in the second and third subparagraphs above shall cease to enjoy the rights contained in those subparagraphs if they voluntarily leave the labour market of the present Member State in question.

Latvian nationals legally working in a present Member State at the date of accession, or during a period when national measures are applied, and who were admitted to the labour market of that Member State for a period of less than 12 months shall not enjoy these rights.

3. Before the end of the two year period following the date of accession the Council shall review the functioning of the transitional provisions laid down in paragraph 2, on the basis of a report from the Commission.

On completion of this review, and no later than at the end of the two year period following the date of accession, the present Member States shall notify the Commission whether they will continue applying national measures or measures resulting from bilateral agreements, or whether they will apply Articles 1 to 6 of Regulation (EEC) No 1612/68 henceforth. In the absence of such notification, Articles 1 to 6 of Regulation (EEC) No 1612/68 shall apply.

4. Upon Latvia's request one further review may be held. The procedure referred to in paragraph 3 shall apply and shall be completed within six months of receipt of Latvia's request.

5. A Member State maintaining national measures or measures resulting from bilateral agreements at the end of the five year period indicated in paragraph 2 may, in case of serious disturbances of its labour market or threat thereof and after notifying the Commission, continue to apply these measures until the end of the seven year period following the date of accession. In the absence of such notification, Articles 1 to 6 of Regulation (EEC) No 1612/68 shall apply.

6. During the seven year period following the date of accession, those Member States in which, by virtue of paragraphs 3, 4 or 5, Articles 1 to 6 of Regulation (EEC) No 1612/68 apply as regards Latvian nationals, and which are issuing work permits to nationals of Latvia for monitoring purposes during this period, will do so automatically.

7. Those Member States in which, by virtue of paragraphs 3, 4 or 5, Articles 1 to 6 of Regulation (EEC) No 1612/68 apply as regards Latvian nationals, may resort to the procedures set out in the subparagraphs below until the end of the seven year period following the date of accession.

When a Member State referred to in the preceding first subparagraph undergoes or foresees disturbances on its labour market which could seriously threaten the standard of living or level of employment in a given region or occupation, that Member State shall inform the Commission and the other Member States thereof and shall supply them with all relevant particulars. On the basis of this information, the Member State may request the Commission to state that the application of Articles 1 to 6 of Regulation (EEC) No 1612/68 be wholly or partially suspended in order to restore to normal the situation in that region or occupation. The Commission shall decide on the suspension and on the duration and scope thereof not later than two weeks after receiving such a request and shall notify the Council of such a decision. Any Member State may, within two weeks from the date of the Commission's Decision, request the Council to annul or amend the Decision. The Council shall act on such a request within two weeks, by qualified majority.

A Member State referred to in the first subparagraph may, in urgent and exceptional cases, suspend the application of Articles 1 to 6 of Regulation (EEC) No 1612/68, followed by a reasoned *ex-post* notification to the Commission.

8. As long as the application of Articles 1 to 6 of Regulation (EEC) No 1612/68 is suspended by virtue of paragraphs 2 to 5 and 7 above, Article 11 of the Regulation shall apply in Latvia with regard to nationals of the present Member States, and in the present Member States with regard to Latvian nationals under the following conditions:

- the members of a worker's family referred to in Article 10(1)(a) of the Regulation, legally residing with the worker in the territory of a Member State at the date of accession, shall have, upon accession, immediate access to the labour market of that Member State. This does not apply to family members of a worker legally admitted to the labour market of that Member State for a period of less than 12 months;
- the members of a worker's family referred to in Article 10(1)(a) of the Regulation, legally residing with the worker in the territory of a Member State from a date later than the date of accession, but during the period of application of the transitional provisions laid down above, shall have access to the labour market of the Member State concerned once they have been resident in the Member State concerned for at least eighteen months or from the third year following the date of accession, whichever is the earlier.

These provisions shall be without prejudice to more favourable measures whether national or resulting from bilateral agreements.

9. Insofar as certain provisions of Directive 68/360/EEC may not be dissociated from those of Regulation (EEC) No 1612/68 whose application is deferred pursuant to paragraphs 2 to 5 and 7 and 8, Latvia and the present Member States may derogate from those provisions to the extent necessary for the application of paragraphs 2 to 5 and 7 and 8.

10. Whenever national measures, or those resulting from bilateral agreements, are applied by the present Member States by virtue of the transitional provisions laid down above, Latvia may maintain in force equivalent measures with regard to the nationals of the Member State or States in question.

11. If the application of Articles 1 to 6 of Regulation (EEC) No 1612/68 is suspended by any of the present Member States, Latvia may resort to the procedures laid down in paragraph 7 with respect to the Czech Republic, Estonia, Lithuania, Hungary, Poland, Slovenia or Slovakia. During any such period work permits issued by Latvia for monitoring purposes to nationals of the Czech Republic, Estonia, Lithuania, Hungary, Poland, Slovenia or Slovakia shall be issued automatically.

12. Any present Member State applying national measures in accordance with paragraphs 2 to 5 and 7 to 9, may introduce, under national law, greater freedom of movement than that existing at the date of accession, including full labour market access. From the

third year following the date of accession, any present Member State applying national measures may at any time decide to apply Articles 1 to 6 of Regulation (EEC) No 1612/68 instead. The Commission shall be informed of any such decision.

13. In order to address serious disturbances or the threat thereof in specific sensitive service sectors on their labour markets, which could arise in certain regions from the transnational provision of services, as defined in Article 1 of Directive 96/71/EC, and as long as they apply, by virtue of the transitional provisions laid down above, national measures or those resulting from bilateral agreements to the free movement of Latvian workers, Germany and Austria may, after notifying the Commission, derogate from the first paragraph of Article 49 of the EC Treaty with a view to limit in the context of the provision of services by companies established in Latvia, the temporary movement of workers whose right to take up work in Germany and Austria is subject to national measures.

The list of service sectors which may be covered by this derogation is as follows:

— in Germany:

Sector	NACE (1) code, unless otherwise specified
Construction, including related branches	45.1 to 4; Activities listed in the Annex to Directive 96/71/EC
Industrial cleaning	74.70 Industrial cleaning
Other services	74.87 Only activities of interior decorators

— in Austria:

Sector	NACE (1) code, unless otherwise specified
Horticultural service activities	01.41
Cutting, shaping and finishing of stone	26.7
Manufacture of metal structures and parts of structures	28.11
Construction, including related branches	45.1 to 4; Activities listed in the Annex to Directive 96/71/EC
Security activities	74.60
Industrial cleaning	74.70
Home nursing	85.14
Social work and activities without accommodations	85.32

To the extent that Germany or Austria derogate from the first paragraph of Article 49 of the EC Treaty in accordance with the preceding subparagraphs, Latvia may, after notifying the Commission, take equivalent measures.

The effect of the application of this paragraph shall not result in conditions for the temporary movement of workers in the context of the transnational provision of services between Germany or Austria and Latvia which are more restrictive than those prevailing on the date of signature of the Treaty of Accession.

14. The effect of the application of paragraphs 2 to 5 and 7 to 12 shall not result in conditions for access of Latvian nationals to the labour markets of the present Member States which are more restrictive than those prevailing on the date of signature of the Treaty of Accession.

Notwithstanding the application of the provisions laid down in paragraphs 1 to 13, the present Member States shall, during any period when national measures or those resulting from bilateral

agreements are applied, give preference to workers who are nationals of the Member States over workers who are nationals of third countries as regards access to their labour market.

Latvian migrant workers and their families legally resident and working in another Member State or migrant workers from other Member States and their families legally resident and working in Latvia shall not be treated in a more restrictive way than those from third countries resident and working in that Member State or Latvia respectively. Furthermore, in application of the principle of Community preference, migrant workers from third countries resident and working in Latvia shall not be treated more favourably than nationals of Latvia.

(<sup>1</sup>) NACE: see 31990 R 3037: Council Regulation (EEC) No 3037/90 of 9 October 1990 on the statistical classification of economic activities in the European Community (OJ L 293, 24.10.1990, p. 1), as last amended by 32002 R 0029: Commission Regulation (EC) No 29/2002 of 19.12.2001 (OJ L 6, 10.1.2002, p. 3).

## 2. FREEDOM TO PROVIDE SERVICES

1. 31994 L 0019: Directive 94/19/EC of the European Parliament and of the Council of 30 May 1994 on deposit-guarantee schemes (OJ L 135, 31.5.1994, p. 5).

By way of derogation from Article 7(1) of Directive 94/19/EC, the minimum level of guarantee shall not apply in Latvia until 31 December 2007. Latvia shall ensure that its deposit-guarantee scheme provides for cover of not less than EUR 10 000 until 31 December 2005, and of not less than EUR 15 000 from 1 January 2006 until 31 December 2007.

During the transitional period the other Member States will retain the right to prevent a branch of a Latvian credit institution established on their territories from operating unless and until such a branch has joined an officially recognised deposit-guarantee scheme within the territory of the Member State concerned in order to cover the difference between the Latvian level of guarantee and the minimum level referred to in Article 7(1).

2. 31997 L 0009: Directive 97/9/EC of the European Parliament and of the Council of 3 March 1997 on investor-compensation schemes (OJ L 84, 26.3.1997, p. 22).

By way of derogation from Article 4(1) of Directive 97/9/EC, the minimum level of compensation shall not apply in Latvia until 31 December 2007. Latvia shall ensure that its investor-compensation scheme provides for cover of not less than EUR 10 000 until 31 December 2005, and of not less than EUR 15 000 from 1 January 2006 until 31 December 2007.

During the transitional period the other Member States will retain the right to prevent a branch of a Latvian investment firm established on their territories from operating unless and until such a branch has joined an officially recognised investor-compensation scheme within the territory of the Member State concerned in order to cover the difference between the Latvian level of compensation and the minimum level referred to in Article 4(1).

## 3. FREE MOVEMENT OF CAPITAL

Treaty on European Union;

Treaty establishing the European Community.

Notwithstanding the obligations under the Treaties on which the European Union is founded, Latvia may maintain in force for seven years from the date of accession the rules laid down in its legislation existing at the time of signature of this Act regarding the acquisition of agricultural land and forests by nationals of the Member States and by companies formed in accordance with the laws of another Member State and being neither established nor registered nor having a local branch or agency in Latvia. In no instance may a national of a Member State be treated less favourably in respect of the acquisition of agricultural land and forests than at the date of signature of the Accession Treaty or be treated in a more restrictive way than a national of a third country.

Nationals of another Member State who wish to establish themselves as self-employed farmers and reside in Latvia, and who have been legally

resident and active in farming in Latvia for at least three years continuously, shall not be subject to the provisions of the preceding paragraph or to any procedures other than those to which nationals of Latvia are subject.

A general review of these transitional measures shall be held in the third year following the date of accession. To this effect, the Commission shall submit a report to the Council. The Council may, acting unanimously on a proposal from the Commission, decide to shorten or terminate the transitional period indicated in the first paragraph.

If there is sufficient evidence that, upon expiry of the transitional period, there will be serious disturbances or a threat of serious disturbances on the agricultural land market of Latvia, the Commission, at the request of Latvia, shall decide upon the extension of the transitional period for up to a maximum of three years.

## 4. AGRICULTURE

## A. AGRICULTURAL LEGISLATION

1. 31991 R 2092: Council Regulation (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs (OJ L 198, 22.7.1991, p. 1), as last amended by:

— 32002 R 0 473: Commission Regulation (EC) No 473/2002 of 15.3.2002 (OJ L 75, 16.3.2002, p. 21).

By way of derogation from Article 6(1), (2) and (3) of Regulation (EEC) No 2092/91, the use in organic farming of untreated seeds, planting material and propagating material not produced by the organic production method shall be permitted in Latvia until 1 January 2006.

By way of derogation from Article 6(1) of Regulation (EEC) No 2092/91, the use of non-organic sugar not produced by the organic production method as additional bee-feed in organic apiaries shall be permitted in Latvia until 1 January 2006.

By way of derogation from Article 6(1) and (2) of Regulation (EEC) No 2092/91, the use of potassium permanganate preparation in organic farming shall be permitted in Latvia for a period of 18 months from the date of accession.

2. 31997 R 2597: Council Regulation (EC) No 2597/97 of 18 December 1997 laying down additional rules on the common organisation of the market in milk and milk products for drinking milk (OJ L 351, 23.12.1997, p. 13), as last amended by:

— 31999 R 1602: Council Regulation (EC) No 1602/1999 of 19.7.1999 (OJ L 189, 22.7.1999, p. 43).

By way of derogation from Article 3(1)(b) and (c) of Regulation (EC) No 2597/97, the requirements relating to fat content shall not apply to drinking milk produced in Latvia for a period of five years from the date of accession. Drinking milk which does not comply with the requirements relating to fat content may be marketed only in Latvia or exported to a third country.

3. 31999 R 1254: Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal (OJ L 160, 26.6.1999, p. 21), as last amended by:

— 32001 R 2345: Commission Regulation (EC) No 2345/2001 of 30.11.2001 (OJ L 315, 1.12.2001, p. 29).

By way of derogation from Article 3(f) of Regulation (EC) No 1254/1999, Latvia may until the end of the year 2006 consider cows of the breeds listed in Annex I to Commission Regulation (EC) No 2342/1999 laying down detailed rules for the application of Council Regulation (EC) No 1254/1999 on the common organisation of the market in beef and veal as regards premium schemes<sup>(1)</sup>, as eligible for the suckler cow premium under Subsection 3 of Regulation (EC) No 1254/1999, provided they have been covered or inseminated by bulls of a meat breed.

## B. VETERINARY AND PHYTOSANITARY LEGISLATION

## I. VETERINARY LEGISLATION

1. 31964 L 0433: Council Directive 64/433/EEC on health conditions for the production and marketing of fresh meat (OJ P 121, 29.7.1964, p. 2012 and later amended and consolidated in OJ L 268, 24.9.1991, p. 71), as last amended by:

— 31995 L 0023: Council Directive 95/23/EC of 22.6.1995 (OJ L 243, 11.10.1995, p. 7);

31971 L 0118: Council Directive 71/118/EEC of 15 February 1971 on health problems affecting the production and placing on the market of fresh poultry meat (OJ L 55, 8.3.1971, p. 23 and later amended and updated in OJ L 62, 15.3.1993, p. 6), as last amended by:

— 31997 L 0079: Council Directive 97/79/EC of 18.12.1997 (OJ L 24, 30.1.1998, p. 31);

31977 L 0099: Council Directive 77/99/EEC of 21 December 1976 on health problems affecting the production and marketing of meat products and certain other products of animal origin (OJ L 26, 31.1.1977, p. 85 and later amended and updated in OJ L 57, 2.3.1992, p. 4), as last amended by:

— 31997 L 0076: Council Directive 97/76/EC of 16.12.1997 (OJ L 10, 16.1.1998, p. 25);

31991 L 0493: Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products (OJ L 268, 24.9.1991, p. 15), as last amended by:

— 31997 L 0079: Council Directive 97/79/EC of 18.12.1997 (OJ L 24, 30.1.1998, p. 31);

31992 L 0046: Council Directive 92/46/EEC of 16 June 1992 laying down the health rules for the production and placing on the market of raw milk, heat-treated milk and milk-based products (OJ L 268, 14.9.1992, p. 1), as last amended by:

— 31996 L 0023: Council Directive 96/23/EC of 29.4.1996 (OJ L 125, 23.5.1996, p. 10);

31994 L 0065: Council Directive 94/65/EC of 14 December 1994 laying down the requirements for the production and placing on the market of minced meat and meat preparations (OJ L 368, 31.12.1994, p. 10).

(a) The structural requirements laid down in Annex I to Directive 64/433/EEC, in Annex I to Directive 71/118/EEC, in Annexes A and B to Directive 77/99/EEC, in the Annex to Directive 91/493/EEC, in Annex B to Directive 92/46/EEC and in Annex I to Directive 94/65/EC shall not apply to establishments in Latvia listed in Appendix A to this Annex until 31 December 2005, subject to the conditions laid down below.

(b) As long as the establishments referred to in paragraph (a) above benefit from the provisions of that paragraph, products originating from those establishments shall only be placed on the domestic market or used for further processing in domestic establishments also covered by the provisions of paragraph (a), irrespective of the date of marketing. These products must bear a special health mark.

In the case of fresh, prepared or processed fishery products, these shall only be placed on the domestic market or be handled or further processed in the same establishment, irrespective of the date of marketing. Fresh, prepared or processed fishery products must be wrapped and/or packed in commercial units and must bear a special identification mark.

The first subparagraph also applies to all products originating from integrated meat establishments, where a part of the establishment is subject to the provisions of paragraph (a).

The milk processing establishments listed in Appendix A to this Annex may receive deliveries of raw milk from dairy farms which do not comply with Annex A, Chapter IV, A (1) of Directive 92/46/EEC, provided that those farms are mentioned on a list maintained for that purpose by the Latvian authorities.

In 2005, raw milk delivered from those farms which does not comply with Annex A, Chapter VI, A (1) of Directive 92/46/EEC may only be used for the manufacture of cheese with a ripening period of over 60 days.

(c) Latvia shall ensure gradual compliance with the structural requirements referred to in paragraph (a) in accordance with the deadlines for correcting existing shortcomings set out in Appendix A to this Annex. Latvia shall ensure that only those establishments which fully comply with these requirements by 31 December 2005 may continue to operate. Latvia shall submit annual reports to the Commission on progress made in each of the establishments listed in Appendix A, including a list of the establishments which have completed the developments during the year in question.

(d) The Commission may update Appendix A referred to in paragraph (a) before accession and until 31 December 2005, and in this context may add to a limited extent or delete individual establishments, in the light of progress made in the correction of existing shortcomings and the outcome of the monitoring process.

Detailed implementing rules to ensure the smooth operation of the above transitional regime shall be adopted in accordance with Article 16 of Directive 64/433/EEC, Article 21 of Directive 71/118/EEC, Article 20 of Directive 77/99/EEC, Article 15 of Directive 91/493/EEC, Article 31 of Directive 92/46/EEC and Article 20 of Directive 94/65/EC.

2. 32002 R 1774: Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption (OJ L 273, 10.10.2002, p. 1).

(a) The structural requirements referred to in Appendix B to this Annex in relation to Annex V, Chapter I, and Annex VII, Chapter I, to Regulation (EC) No 1774/2002 shall not apply to establishments in Latvia listed in Appendix B until 31 December 2004, subject to the conditions laid down below.

(b) The establishments referred to in paragraph (a) may handle, process and store only Category 3 material as defined in Article 6 of Regulation (EC) No 1774/2002. As long as the said establishments benefit from the provisions of that paragraph, products originating from those establishments shall only be placed on the domestic market within Latvia and may not be used in products destined for other Member States, irrespective of the date of marketing. Such products must bear a specific label.

(c) Latvia shall ensure gradual compliance with the structural requirements referred to in paragraph (a) in accordance with the deadlines for correcting existing shortcomings set out in Appendix B. Latvia shall ensure that only those establishments which fully comply with these requirements by 31 December 2004 may continue to operate. Latvia shall submit an annual report to the Commission on progress made in each of the establishments listed in Appendix B, including a list of the establishments which have completed the developments during that year.

(d) The Commission may update Appendix B referred to in paragraph (a) before accession and until 31 December 2004, and in this context may add to a limited extent or delete individual establishments, in the light of progress made in the correction of existing shortcomings and the outcome of the monitoring process.

Detailed implementing rules to ensure the smooth operation of the above transitional regime shall be adopted in accordance with the procedure referred to in Article 33(2) of Regulation (EC) No 1774/2002.

## II. PHYTOSANITARY LEGISLATION

32002 L 0053: Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species (OJ L 193, 20.7.2002, p. 1);

32002 L 0055: Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed (OJ L 193, 20.7.2002, p. 33).

Latvia may postpone for a period of five years following the date of accession the application of Directives 2002/53/EC and 2002/55/EC with regard to the marketing in its territory of seeds of varieties listed in its respective national catalogues of varieties of agricultural plant species and varieties of vegetable plant species which have not been officially accepted in accordance with the provisions of those Directives. During that period, such seeds shall not be marketed in the territory of other Member States.

(<sup>1</sup>) OJ L 281, 4.11.1999, p. 30.

## 5. FISHERIES

31992 R 3760: Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture (OJ L 389, 31.12.1992, p. 1), as last amended by:

— 31998 R 1181: Council Regulation (EC) No 1181/98 of 4.6.1998 (OJ L 164, 9.6.1998, p. 1).

Regulation (EEC) No 3760/92 shall apply to Latvia subject to the following specific provisions.

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

Species	ICES or IBSFC Area	Shares for Latvia (%)
Herring	III b, c, d <sup>(1)</sup> , except Management Unit 3 of IBSFC	7,280
Sprat	III b, c, d <sup>(1)</sup>	13,835
Salmon	III b, c, d <sup>(1)</sup> , excluding Sub-Division 32 of IBSFC	13,180
Cod	III b, c, d <sup>(1)</sup>	7,126

<sup>(1)</sup> Community Waters.

These shares shall be used for the first allocation of fishing opportunities to Latvia in accordance with the procedure provided for in Article 8(4) of Regulation (EEC) No 3760/92.

Additionally, Latvia's share of the Community's fishing possibilities in the NAFO Regulatory Area will be determined by the Council acting by a qualified majority on a proposal from the Commission, on the basis of the balance in force within NAFO during a period immediately preceding the date of accession.

## 6. TRANSPORT POLICY

1. 31985 R 3821: Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport (OJ L 370, 31.12.1985, p. 8), as last amended by:

— 32002 R 1360: Commission Regulation (EC) No 1360/2002 of 13.6.2002 (OJ L 207, 5.8.2002, p. 1).

By way of derogation from Article 3(1) of Regulation (EEC) No 3821/85, the requirement of installation and use of recording equipment in vehicles registered for the carriage of passengers or goods by road shall not apply in Latvia until 1 January 2005 to vehicles registered before 1 January 2001 and engaged exclusively in domestic transport operations. Drivers of such vehicles shall record their driving times and rest periods using a personal log book.

2. 31993 R 3118: Council Regulation (EEC) No 3118/93 of 25 October 1993 laying down the conditions under which non-resident carriers may operate national road haulage services within a Member State (OJ L 279, 12.11.1993, p. 1), as last amended by:

— 32002 R 0484: Regulation (EC) No 484/2002 of the European Parliament and of the Council of 1.3.2002 (OJ L 76, 19.3.2002, p. 1).

(a) By way of derogation from Article 1 of Regulation (EEC) No 3118/93 and until the end of the second year following the date

of accession, carriers established in Latvia shall be excluded from the operation of national road haulage services in the other Member States, and carriers established in the other Member States shall be excluded from the operation of national road haulage services in Latvia.

(b) Before the end of the second year following the date of accession, Member States shall notify the Commission whether they will prolong this period for a maximum of two years or whether they will fully apply Article 1 of the Regulation henceforth. In the absence of such notification, Article 1 of the Regulation shall apply. Only carriers established in those Member States in which Article 1 of the Regulation applies may perform national road haulage services in those other Member States in which Article 1 also applies.

(c) Before the end of the fourth year following the date of accession, in case of serious disturbances, or threat thereof, in the national road haulage market, Member States in which Article 1 of the Regulation does not apply by virtue of paragraph (b) above shall notify the Commission whether they will prolong this period for a maximum of one year or whether they will fully apply Article 1 of the Regulation henceforth. In the absence of such notification, Article 1 of the Regulation shall apply. Only carriers established in those Member States in which Article 1 of the Regulation applies may perform national road haulage services in those other Member States in which Article 1 also applies.

(d) As long as Article 1 of the Regulation does not fully apply in all Member States, those Member States in which Article 1 of the Regulation applies by virtue of paragraph (b) or (c) above may resort to the procedure set out below.

When a Member State referred to in the preceding subparagraph undergoes a serious disturbance of its national market or parts thereof due to or aggravated by cabotage, such as serious excess of supply over demand or a threat to the financial stability or survival of a significant number of road haulage undertakings, that Member State shall inform the Commission and the other Member States thereof and shall supply them with all relevant particulars. On the basis of this information, the Member State may request the Commission to suspend, in whole or in part, the application of Article 1 of the Regulation, in order to restore to normal the situation.

The Commission shall examine the situation on the basis of data provided by the Member State concerned and shall decide within one month of receipt of the request on the need for the adoption of safeguard measures. The procedure laid down in the second, third and fourth subparagraphs of paragraph 3, as well as paragraphs 4, 5 and 6 of Article 7 of the Regulation shall apply.

A Member State referred to in the first subparagraph above may, in urgent and exceptional cases, suspend the application of Article 1 of the Regulation, followed by a reasoned ex-post notification to the Commission.

(e) As long as Article 1 of the Regulation is not applied by virtue of paragraphs (a) to (c) above, Member States may regulate access to their national road haulage services by progressively exchanging cabotage authorisations on the basis of bilateral agreements. This may include the possibility of full liberalisation.

(f) The effect of the application of paragraphs (a) to (d) shall not lead to more restrictive access to national road haulage services than that prevailing on the date of signature of the Treaty of Accession.

3. 31996 L 0026: Council Directive 96/26/EC of 29 April 1996 on admission to the occupation of road haulage operator and road passenger transport operator and mutual recognition of diplomas, certificates and other evidence of formal qualifications intended to facilitate for these operators the right to freedom of establishment in national and international transport operations (OJ L 124, 23.5.1996, p. 1), as last amended by:

— 31998 L 0076: Council Directive 98/76/EC of 1.10.1998 (OJ L 277, 14.10.1998, p. 17).

Until 31 December 2006, Article 3(3)(c) of Directive 96/26/EC shall not apply in Latvia to transport undertakings engaged exclusively in domestic road haulage and passenger transport operations.

The available capital and the reserves of those undertakings shall gradually reach the minimum rates laid down in that Article in accordance with the following schedule:

— by 1 January 2004, the undertaking must have available capital and reserves of at least EUR 3 000 per vehicle used or EUR 150 per tonne of the maximum authorised weight of the road haulage vehicles used by the undertaking, or EUR 150 per seat of the passenger transport vehicles used by the undertaking, whichever is the lower;

— by 1 January 2005, the undertaking must have available capital and reserves of at least EUR 6 750 when only one vehicle is used and at least EUR 3 750 for each additional vehicle.

## 7. TAXATION

1. 31977 L 0388: Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes – Common system of value added tax: uniform basis of assessment (OJ L 145, 13.6.1977, p. 1), as last amended by:

— 32002 L 0038: Council Directive 2002/38/EC of 7.5.2002 (OJ L 128, 15.5.2002, p. 41).

(a) By way of derogation from Article 12(3)(a) of Directive 77/388/EEC, Latvia may maintain an exemption from value added tax on the supply of heating sold to households until 31 December 2004.

(b) Without prejudice to the procedure set out in Article 27 of Directive 77/388/EEC, Latvia may continue to apply a simplified procedure for charging value added tax on timber transactions until one year after the date of accession.

For the purposes of applying Article 28(3)(b) of Directive 77/388/EEC, Latvia may maintain an exemption from value

added tax on services supplied by authors, artists and performers, referred to in point 2 of Annex F of the Directive, until the condition set out in Article 28(4) of the Directive is fulfilled or so long as the same exemptions are applied by any of the present Member States, whichever is the earlier.

For the purposes of applying Article 28(3)(b) of Directive 77/388/EEC, Latvia may also maintain an exemption from value added tax on international transport of passengers referred to in point 17 of Annex F of the Directive, until the condition set out in Article 28(4) of the Directive is fulfilled or so long as the same exemptions are applied by any of the present Member States, whichever is the earlier.

2. 31992 L 0079: Council Directive 92/79/EEC of 19 October 1992 on the approximation of taxes on cigarettes (OJ L 316, 31.10.1992, p. 8) as last amended by:

— 32002 L 0010: Council Directive 2002/10/EC of 12.2.2002 (OJ L 46, 16.2.2002, p. 26).

By way of derogation from Article 2(1) of Directive 92/79/EEC, Latvia may postpone the application of the overall minimum excise duty on the retail selling price (inclusive of all taxes) for cigarettes of the price category most in demand until 31 December 2009, provided that during this period Latvia gradually adjusts its excise duty rates towards the overall minimum excise duty provided for in the Directive.

Without prejudice to Article 8 of Council Directive 92/12/EEC of 25 February 1992 on the general arrangements for products subject to excise duty and on the holding, movement and monitoring of such products <sup>(1)</sup> and having informed the Commission, Member States may,

as long as the above derogation applies, maintain the same quantitative limits for cigarettes which may be brought into their territories from Latvia without further excise duty payment as those applied to imports from third countries. Member States making use of this possibility may carry out the necessary checks provided that these checks do not affect the proper functioning of the internal market.

<sup>(1)</sup> OJ L 76, 23.3.1992, p. 1. Directive as last amended by Directive 2000/47/EC (OJ L 193, 29.7.2000, p. 73).

## 8. SOCIAL POLICY AND EMPLOYMENT

### HEALTH AND SAFETY

1. 31989 L 0654: Council Directive 89/654/EEC of 30 November 1989 concerning the minimum safety and health requirements for the workplace (first individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) (OJ L 393, 30.12.1989, p. 1).

In Latvia, Directive 89/654/EEC shall not apply until 31 December 2004 in respect of installations already in use on 27 March 2002.

As from the date of accession and until the end of the above period, Latvia will continue to provide the Commission with regularly updated information on the timetable and the measures taken to ensure compliance with the Directive.

2. 31989 L 0655: Council Directive 89/655/EEC of 30 November 1989 concerning the minimum safety and health requirements for the use of work equipment by workers at work (second individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) (OJ L 393, 30.12.1989, p. 13), as last amended by:

— 32001 L 0045: Directive 2001/45/EC of the European Parliament and of the Council of 27.6.2001 (OJ L 195, 19.7.2001, p. 46).

In Latvia, Directive 89/655/EEC shall not apply until 1 July 2004 in respect of work equipment already in use on 13 December 2002.

As from the date of accession and until the end of the above period, Latvia will continue to provide the Commission with regularly updated information on the timetable and the measures taken to ensure compliance with the Directive.

3. 31990 L 0270: Council Directive 90/270/EEC of 29 May 1990 on the minimum safety and health requirements for work with display screen equipment (fifth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) (OJ L 156, 21.6.1990, p. 14).

In Latvia, Directive 90/270/EEC shall not apply until 31 December 2004 in respect of equipment already in use on 1 June 2001.

As from the date of accession and until the end of the above period, Latvia will continue to provide the Commission with regularly updated information on the timetable and the measures taken to ensure compliance with the Directive.

## 9. ENERGY

31968 L 0414: Council Directive 68/414/EEC of 20 December 1968 imposing an obligation on Member States of the EEC to maintain minimum stocks of crude oil and/or petroleum products (OJ L 308, 23.12.1968, p. 14), as last amended by:

— 31998 L 0093: Council Directive 98/93/EC of 14.12.1998 (OJ L 358, 31.12.1998, p. 100).

By way of derogation from Article 1(1) of Directive 68/414/EC, the minimum level of stocks of petroleum products shall not apply in Latvia until 31 December 2009. Latvia shall ensure that its minimum level of stocks of petroleum products corresponds, for each of the categories of petroleum products listed in Article 2, to at least the following number of days' average daily internal consumption as defined in Article 1(1):

— 40 days of product category 'fuel oils' and 23 days of the remaining product categories by the date of accession;

— 50 days of product category 'fuel oils' and 30 days of the remaining product categories by 31 December 2004;

— 55 days of product category 'fuel oils' and 35.5 days of the remaining product categories by 31 December 2005;

— 60 days of product category 'fuel oils' and 41 days of the remaining product categories by 31 December 2006;

— 70 days of product category 'fuel oils' and 49 days of the remaining product categories by 31 December 2007;

— 80 days of product category 'fuel oils' and 67 days of the remaining product categories by 31 December 2008;

— 90 days for all product categories by 31 December 2009.

## 10. ENVIRONMENT

## A. AIR QUALITY

31994 L 0063: European Parliament and Council Directive 94/63/EC of 20 December 1994 on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations (OJ L 365, 31.12.1994, p. 24).

1. By way of derogation from Article 3 and Annex I of Directive 94/63/EC, the requirements for existing storage installations at terminals shall not apply in Latvia:

- until 31 December 2005 to 17 storage installations with a throughput loaded less than 25 000 tonnes/year;
- until 31 December 2006 to a further 3 storage installations with a throughput loaded less than 25 000 tonnes/year;
- until 31 December 2008 to a further 19 storage installations with a throughput loaded less than 25 000 tonnes/year.

2. By way of derogation from Article 4 and Annex II of Directive 94/63/EC, the requirements for loading and unloading equipment at terminals shall not apply in Latvia:

- until 31 December 2005 to 1 terminal with a throughput less than 25 000 tonnes/year;
- until 31 December 2006 to 17 terminals with a throughput less than 25 000 tonnes/year;
- until 31 December 2007 to 1 terminal with a throughput less than 25 000 tonnes/year;
- until 31 December 2008 to 20 terminals with a throughput less than 25 000 tonnes/year.

3. By way of derogation from Article 5 of Directive 94/63/EC, the requirements for existing mobile containers at terminals shall not apply in Latvia until 31 December 2008 to 68 road tankers.

4. By way of derogation from Article 6 and Annex III of Directive 94/63/EC, the requirements for loading into existing storage installations at service stations shall not apply in Latvia:

- until 31 December 2004 to 56 service stations with a throughput greater than 1 000 m<sup>3</sup>/year but less than or equal to 2 000 m<sup>3</sup>/year;
- until 31 December 2008 to 112 service stations with a throughput greater than 500 m<sup>3</sup>/year but less than or equal to 1 000 m<sup>3</sup>/year, and to 290 service stations with a throughput less than 500 m<sup>3</sup>/year.

## B. WASTE MANAGEMENT

1. 31993 R 0259: Council Regulation (EEC) No 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the European Community (OJ L 30, 6.2.1993, p. 1), as last amended by:

— 32001 R 2557: Commission Regulation (EC) No 2557/2001 of 28.12.2001 (OJ L 349, 31.12.2001, p. 1).

(a) Until 31 December 2010, all shipments to Latvia of waste for recovery listed in Annexes II, III and IV to Regulation (EEC) No 259/93 and shipments of waste for recovery not listed in those Annexes shall be notified to the competent authorities and processed in conformity with Articles 6, 7 and 8 of the Regulation.

(b) By way of derogation from Article 7(4) of Regulation (EEC) No 259/93, the competent authorities shall object to shipments of waste for recovery listed in Annexes II, III and IV to the Regulation and shipments of waste for recovery not listed in those Annexes destined for a facility benefiting from a temporary derogation from certain provisions of Directive 96/61/EC<sup>(1)</sup> concerning integrated pollution prevention and control, during the period in which the temporary derogation is applied to the facility of destination.

2. 31994 L 0062: European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste (OJ L 365, 31.12.1994, p. 10).

By way of derogation from Article 6(1)(a) and (b) of Directive 94/62/EC, Latvia shall attain the recovery and recycling targets for the following packaging materials by 31 December 2007 in accordance with the following intermediate targets:

- recycling of plastics: 11 % by weight by the date of accession, 12 % for 2004, 13 % for 2005 and 14 % for 2006;
- overall recovery rate: 33 % by weight by the date of accession, 37 % for 2004, 42 % for 2005 and 46 % for 2006.

3. 31999 L 0031: Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182, 16.7.1999, p. 1).

By way of derogation from the second indent of Article 2(g) of Directive 1999/31/EC, and without prejudice to Council Directive 75/442/EEC<sup>(2)</sup> on waste and Council Directive 91/689/EEC<sup>(3)</sup> on hazardous waste, a permanent site which is used for temporary storage of hazardous waste generated within Latvia will not be considered as a landfill in Latvia until 31 December 2004.

## C. WATER QUALITY

1. 31991 L 0271: Council Directive 91/271/EEC of 21 May 1991 concerning urban waste water treatment (OJ L 135, 30.5.1991, p. 40), as amended by:

— 31998 L 0015: Commission Directive 98/15/EC of 27.2.1998 (OJ L 67, 7.3.1998, p. 29).

By way of derogation from Articles 3, 4 and 5(2) of Directive 91/271/EEC, the requirements for collecting systems and treatment of urban waste water shall not fully apply in Latvia until 31 December 2015 in accordance with the following intermediate targets:

- by 31 December 2008, compliance with the Directive shall be achieved for agglomerations with a population equivalent of more than 100 000;
- by 31 December 2011, compliance with the Directive shall be achieved for agglomerations with a population equivalent between 10 000 and 100 000.

2. 31998 L 0083: Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption (OJ L 330, 5.12.1998, p. 32).

By way of derogation from Articles 5(2) and 8, and from Annex I, Part B and Part C of Directive 98/83/EC, the values set for bromate, trihalomethanes – total, aluminium, iron, manganese and oxidisability parameters shall not fully apply in Latvia until 31 December 2015 in accordance with the following intermediate targets:

- until 31 December 2008 for municipalities with more than 100 000 inhabitants;
- until 31 December 2011 for municipalities with between 10 000 and 100 000 inhabitants.

#### D. INDUSTRIAL POLLUTION CONTROL AND RISK MANAGEMENT

1. 31987 L 0217: Council Directive 87/217/EEC of 19 March 1987 on the prevention and reduction of environmental pollution by asbestos (OJ L 85, 28.3.1987, p. 40), as last amended by:

- 11994 N: Act concerning the conditions of accession and the adjustments to the Treaties – Accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden (OJ C 241, 29.8.1994, p. 21).

By way of derogation from the second indent of Article 8 of Directive 87/217/EEC, the requirements for waste containing asbestos fibres or dust which is landfilled shall not apply in Latvia until 31 December 2004. Waste containing asbestos fibres or dust shall be packed in double plastic bags and buried separately at marked burial sites.

2. 31996 L 0061: Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control (OJ L 257, 10.10.1996, p. 26).

By way of derogation from Article 5(1) of Council Directive 96/61/EC, the requirements for the granting of permits for existing installations shall not apply in Latvia to the following installations until the date indicated for each installation, insofar as the obligation to operate these installations in accordance with emission limit values, equivalent parameters or technical measures based on the best available techniques according to Article 9(3) and (4) is concerned:

- ME 'Jūrmalas ST', SC 'Kauguri', 31 December 2010;

- Ventspils ME 'Siltums', 31 December 2010;
- Ventspils Ltd. 'Pārventas siltums', 31 December 2010;
- JSC 'Latvenergo', Rīgas TEC-2, 31 December 2010;
- Liepāja SEZ JSC 'Liepājas Metalurģis', 31 December 2008;
- JSC 'Daugavpils pievadķēžu rūpnīca', 31 December 2010;
- JSC 'Lokomotīve', 31 December 2009;
- JSC 'Valmieras stikla šķiedra', 31 December 2010;
- JSC 'Medpro Inc.', 31 December 2010;
- JSC 'Jelgavas cukurfabrika', 31 December 2008;
- JSC 'Putnu fabrika Ķekava', 31 December 2009;
- Ltd 'Druvas Unguri', 31 December 2010;
- Ltd 'Korkalns', 31 December 2010;
- Ltd 'Grīģis un Ko', 31 December 2010;
- Ltd 'Nīckrasti', 31 December 2010.

Fully coordinated permits will be issued for these installations before 30 October 2007, containing individually binding timetables for the achievement of full compliance. These permits shall ensure compliance with the general principles governing the basic obligations of the operators as set out in Article 3 of the Directive by 30 October 2007.

#### E. NUCLEAR SAFETY AND RADIATION PROTECTION

31997 L 0043: Council Directive 97/43/Euratom of 30 June 1997 on health protection of individuals against the dangers of ionising radiation in relation to medical exposure, and repealing Directive 84/466/Euratom (OJ L 180, 9.7.1997, p. 22).

By way of derogation from Articles 8 and 9(1) of Directive 97/43/Euratom, the provisions on radiological equipment and on special practices shall not apply in Latvia until 31 December 2005. Such equipment shall not be placed on the market of other Member States.

<sup>(1)</sup> OJ L 257, 10.10.1996, p. 26.

<sup>(2)</sup> OJ L 194, 25.7.1975, p. 39. Directive as last amended by Commission Decision 96/350/EC (OJ L 135, 6.6.1996, p. 32).

<sup>(3)</sup> OJ L 377, 31.12.1991, p. 20. Directive as last amended by Council Directive 94/31/EC (OJ L 168, 2.7.1994, p. 28).

Appendix A

*referred to in Chapter 4, Section B, Subsection I, point 1 of Annex VIII (\*)*

**List of establishments, including shortcomings and deadlines for the correction of these shortcomings**

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(\*) See OJ C 227 E, 23.9.2003, p. 104.

Appendix B

*referred to in Chapter 4, Section B, Subsection I, point 2 of Annex VIII (\*)*

**Animal waste processing establishments (including shortcomings and deadlines for the correction of these shortcomings)**

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(\*) See OJ C 227 E, 23.9.2003, p. 114.