

ANNEX IX

List referred to in Article 24 of the Act of Accession: Lithuania**1. FREE MOVEMENT OF GOODS**

1. 32001 L 0082: Directive 2001/82/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to veterinary medicinal products (OJ L 311, 28.11.2001, p. 1).

By way of derogation from the requirements of quality, safety and efficacy laid down in Directive 2001/82/EC, marketing authorisations for the pharmaceutical products on the list (in Appendix A to this Annex as provided by Lithuania in one language) issued under Lithuanian law prior to the date of accession, shall remain valid until they are renewed in compliance with the *acquis* and in accordance with the timeframe set out in the abovementioned list, or until 1 January 2007, whichever is the earlier. Notwithstanding the provisions of Title III, Chapter 4, of the Directive, marketing authorisations covered by this derogation shall not benefit from mutual recognition in the Member States.

2. 32001 L 0083: Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p. 67).

By way of derogation from the requirements of quality, safety and efficacy laid down in Directive 2001/83/EC, marketing authorisations for the pharmaceutical products on the list (in Appendix A to this Annex as provided by Lithuania in one language) issued under Lithuanian law prior to the date of accession, shall remain valid until they are renewed in compliance with the *acquis* and in accordance with the timeframe set out in the abovementioned list, or until 1 January 2007, whichever is the earlier. Notwithstanding the provisions of Title III, Chapter 4, of the Directive, marketing authorisations covered by this derogation shall not benefit from mutual recognition in the Member States.

2. 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 Lithuania on the one hand, and Belgium, the Czech Republic, Denmark, Germany, Estonia, Greece, Spain, France, Ireland, Italy, Latvia, 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 Lithuanian 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.

Lithuanian 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.

Lithuanian 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 Lithuanian 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.

Lithuanian 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 Lithuania'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 Lithuania'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 Lithuanian nationals, and which are issuing work permits to nationals of Lithuania 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 Lithuanian 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 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 Lithuania with regard to nationals of the present Member States, and in the present Member States with regard to Lithuanian 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, Lithuania 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, Lithuania 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, Lithuania may resort to the procedures laid down in paragraph 7 with respect to the Czech Republic, Estonia, Latvia, Hungary, Poland, Slovenia or Slovakia. During any such period work permits issued by Lithuania for monitoring purposes to nationals of the Czech Republic, Estonia, Latvia, 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 Lithuanian 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 Lithuania, 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, Lithuania 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 Lithuania 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 Lithuanian 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.

Lithuanian 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 Lithuania shall not be treated in a more restrictive way than those from third countries resident and working in that Member State or Lithuania respectively. Furthermore, in application of the principle of Community preference, migrant workers from third countries resident and working in Lithuania shall not be treated more favourably than nationals of Lithuania.

⁽¹⁾ 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).

3. 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 Lithuania until 31 December 2007. Lithuania shall ensure that its deposit-guarantee scheme provides for cover of not less than EUR 14 481 until 31 December 2006, and of not less than EUR 17 377 from 1 January 2007 until 31 December 2007.

During the transitional period the other Member States will retain the right to prevent a branch of a Lithuanian 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 Lithuanian 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 Lithuania until 31 December 2007. Lithuania shall ensure that its investor-compensation scheme provides for cover of not less than EUR 5 792 until 31 December 2005, and of not less than EUR 11 585 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 Lithuanian 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 Lithuanian level of compensation and the minimum level referred to in Article 4(1).

4. 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, Lithuania 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 Lithuania. 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 Lithuania, and who have been legally resident and active in farming in Lithuania 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 Lithuania 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 Lithuania, the Commission, at the request of Lithuania, shall decide upon the extension of the transitional period for up to a maximum of three years.

5. 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 0473: 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 seed and vegetative propagating material not produced by the organic production method shall be permitted in Lithuania until 1 January 2006.

By way of derogation from Article 6(1) of Regulation (EEC) No 2092/91, the use of non-organic sugar for bee-feeding preparations in certified organic apiaries shall be permitted in Lithuania until 1 January 2006.

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 Lithuania until 1 January 2009, in that Lithuania may attribute milk with a fat content of 3,2 % (m/m) to the category of whole milk, and milk with a fat content of at least 1,0 % (m/m) and at most 2,5 % to the category of semi-skimmed milk. Drinking milk which does not comply with the requirements relating to fat content may be marketed only in Lithuania 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, Lithuania may until the end of 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⁽¹⁾, 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

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 Lithuania listed in Appendix B to this Annex until 31 December 2006, 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 B 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 Lithuanian authorities.

Milk processing establishments not covered by the transitional regime 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 the list referred to in the previous subparagraph and that the raw milk delivered is used exclusively for the manufacture of cheese with a ripening period of over 60 days.

- (c) Lithuania shall ensure gradual compliance with the structural requirements referred to in paragraph (a) in accordance with the deadlines for correcting existing shortcomings set in Appendix B to this Annex. Lithuania shall ensure that only those establishments which fully comply with these requirements by 31 December 2006 may continue to operate. Lithuania shall submit annual reports 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 the year in question.

- (d) The Commission may update Appendix B to this Annex referred to in paragraph (a) before accession and until 31 December 2006, 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 of the outcome of the monitoring process.

Detailed implementing rules in order 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/EEC.

II. PHYTOSANITARY LEGISLATION

1. 31993 L 0085: Council Directive 93/85/EEC of 4 October 1993 on the control of potato ring rot (OJ L 259, 18/10/1993 p. 1).

Lithuania may postpone the application of Article 7(2) and 7(4) of Directive 93/85/EEC until 1 January 2006. During that period, potatoes produced in Lithuania shall not be introduced into the territory of other Member States.

2. 31994 R 2100: Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights (OJ L 227, 1.9.1994, p. 1), as last amended by:

- 31995 R 2506: Council Regulation (EC) No 2506/95 of 25.10.1995 (OJ L 258, 28.10.1995, p. 3).

By way of derogation from Article 14(3), fourth indent of Regulation (EC) No 2100/94, the requirement to pay an equitable remuneration to the holder of a Community plant variety right shall not apply until 31 December 2010 to Lithuanian farmers who continue to use an established variety in accordance with the authorisation provided for in Article 14(1) if, before the date of accession, they have already used that variety for the purposes described in Article 14(1) without payment of remuneration.

(¹) OJ L 281, 4.11.1999, p. 30.

6. 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 Lithuania subject to the following specific provisions.

The share of Community fishing opportunities to be allocated to Lithuania 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 Lithuania (%)
Herring	III b, c, d (¹), except Management Unit 3 of IBSFC	2,271
Sprat	III b, c, d (¹)	5,004
Salmon	III b, c, d (¹), excluding Sub-Division 32 of IBSFC	1,549
Cod	III b, c, d (¹)	4,684

(¹) Community waters.

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

Additionally, Lithuania'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.

7. 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 Lithuania until 31 December 2005 to vehicles produced before 1987 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. 31992 L 0014: Council Directive 92/14/EEC of 2 March 1992 on the limitation of the operation of aeroplanes covered by Part II, Chapter 2, Volume 1 of Annex 16 to the Convention on International Civil Aviation, second edition (1988) (OJ L 76, 23.3.1992, p. 21), as last amended by:

— 32001 R 0991: Commission Regulation (EC) No 991/2001 of 21.5.2001 (OJ L 138, 22.5.2001, p. 12).

By way of derogation from Article 2(2) of Directive 92/14/EEC, the conditions laid down in Article 2(1)(a) of that Directive shall not apply in Lithuania at Kaunas International Airport until 31 December 2004 in respect of aircraft on the register of, and operated by natural or legal persons established in, third countries that are not members of the European Union. Lithuania will adhere to the following timetable for the gradual reduction of the ratio of movements with aircraft exceeding the established noise limits: from 80 % of total landings in 2001 to 70 % by the end of 2002, 45 % by the end of 2003 and 25 % by the end of 2004.

3. 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 Lithuania 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 Lithuania.

(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 paragraphs (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.

4. 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 Lithuania 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 5 000 for each vehicle.

8. 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).

For the purposes of applying Article 28(3)(b) of Directive 77/388/EEC, Lithuania may maintain an exemption from value added tax on international transport of passengers, referred to in point 17 of Annex F to the Directive, until the condition set out in Article 28(4) of the Directive is fulfilled or for as long as the same exemption is 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, Lithuania 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 Lithuania 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 on the general arrangements for products subject to excise duty and on the holding, movement and monitoring of such products⁽¹⁾, 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 Lithuania 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.

⁽¹⁾ 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).

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 14.12.98 (OJ L 358, 31.12.1998, p. 100).

By way of derogation from Article 1(1) of Directive 68/414/EEC, the minimum level of stocks of petroleum products shall not apply in Lithuania until 31 December 2009. Lithuania 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):

— 49 days by the date of accession;

— 56 days by 31 December 2004;

— 63 days by 31 December 2005;

— 69 days by 31 December 2006;

— 76 days by 31 December 2007;

— 83 days by 31 December 2008;

— 90 days 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 Lithuania until 31 December 2007 to storage installations with a throughput loaded less than or equal to 50 000 tonnes/year.

2. By way of derogation from Article 4 and Annex II of Directive 94/63/EC, the requirements for loading and unloading of existing mobile containers at terminals shall not apply in Lithuania until 31 December 2007 to 12 terminals with a throughput less than or equal to 150 000 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 Lithuania until 31 December 2005 to 140 road tankers and 1 900 rail 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 Lithuania until 31 December 2007 to service stations with a throughput less than or equal to 1 000 m³/year.

B. WASTE MANAGEMENT

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, Lithuania shall attain the recovery and recycling targets for the following packaging materials by 31 December 2006 in accordance with the following intermediate targets:

- recycling of plastics: 10 % by weight by the date of accession, and 15 % for 2004;
- recycling of metals: 10 % by weight by the date of accession, and 15 % for 2004;
- overall recycling rate: 25 % as a minimum by weight for 2004;
- overall recovery rate: 21 % by weight by the date of accession, 32 % for 2004, and 37 % for 2005.

C. WATER QUALITY

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 Lithuania until 31 December 2009 in accordance with the following intermediate target:

- by 31 December 2007, compliance with Articles 4 and 5(2) of the Directive shall be achieved for agglomerations with a population equivalent of more than 10 000.

D. INDUSTRIAL POLLUTION CONTROL AND RISK MANAGEMENT

32001 L 0080: Directive 2001/80/EC of the European Parliament and of the Council of 23 October 2001 on the limitation of emissions of certain pollutants into the air from large combustion plants (OJ L 309, 27.11.2001, p. 1).

By way of derogation from Article 4(3) and part A of Annex IV and VI of Directive 2001/80/EC, the emission limit values for sulphur dioxide and for nitrogen oxides shall not apply in Lithuania until 31 December 2015 for the combustion plants Vilnius Combined Heat and Power Plant CHP-3, Kaunas Combined Heat and Power Plant and Mažeikiai Combined Heat and Power Plant.

During this transitional period, total sulphur dioxide and nitrogen oxide emissions relating to electricity generation from the Lithuanian Thermal Power Plant, the Vilnius Combined Heat and Power Plant CHP-3, the Kaunas Combined Heat and Power Plant and the Mažeikiai Combined Heat and Power Plant (excluding heat generation and other sources) shall not exceed the following ceilings:

- 2005: 28 300 tonnes SO₂/ year; 4 600 tonnes NO_x/ year
- 2008: 21 500 tonnes SO₂/ year; 5 000 tonnes NO_x/ year
- 2010: 30 500 tonnes SO₂/ year; 10 500 tonnes NO_x/ year
- 2012: 29 000 tonnes SO₂/ year; 10 800 tonnes NO_x/ year

By 1 January 2007, and again by 1 January 2012, Lithuania shall present to the Commission an updated plan, including an investment plan, for the gradual alignment of remaining non-compliant plants with clearly defined stages for the application of the acquis. The EU considers that the expected overall economic development in Lithuania, the resulting possibilities to finance further investments earlier than currently scheduled, and the foreseen changes in the energy sector should allow further emission reductions per unit of electricity produced. The EU therefore expects that these plans should ensure a further reduction of the emissions to a level significantly below the above intermediate targets, in particular for emissions in the period 2012 to 2015.

If the Commission, having regard in particular to the environmental effects and to the need to reduce distortions of competition in the internal market due to the transitional arrangement, considers that these plans are not sufficient to meet these objectives, it shall inform Lithuania. Within the following three months, Lithuania shall communicate the measures it has taken in order to meet these objectives. If subsequently the Commission, in consultation with the Member States, considers that these measures are not sufficient to meet these objectives, it shall commence infringement proceedings under Article 226 of the EC Treaty.

Appendix A
referred to in Chapter 1 of Annex IX ()*

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(*) See OJ C 227 E, 23.9.2003, p. 115.

*Appendix B**referred to in Chapter 5, Section B, Subsection I of Annex IX (*)***List of establishments, including shortcomings and deadlines for the correction of these shortcomings**

(*) See OJ C 227 E, 23.9.2003, p. 438.