

## III. EXCHANGE OF LETTERS

**Exchange of Letters between the European Union and the Republic of Bulgaria and Romania on an information and consultation procedure for the adoption of certain decisions and other measures to be taken during the period preceding accession***Letter No 1*

Sir,

I have the honour to refer to the question concerning an information and consultation procedure for the adoption of certain decisions and other measures to be taken during the period preceding the accession of your country to the European Union which was raised in the framework of the accession negotiations.

I hereby confirm that the European Union is able to agree to such a procedure, in the terms set out in the Annex to this letter, which could be applied with effect from 1 October 2004.

I should be obliged if you would confirm that your Government is in agreement with the contents of this letter.

Yours faithfully,

*Letter No 2*

Sir,

I have the honour to acknowledge receipt of your letter which reads as follows:

'I have the honour to refer to the question concerning an information and consultation procedure for the adoption of certain decisions and other measures to be taken during the period preceding the accession of your country to the European Union which was raised in the framework of the accession negotiations.

I hereby confirm that the European Union is able to agree to such a procedure, in the terms set out in the Annex to this letter, which could be applied with effect from 1 October 2004.

I should be obliged if you would confirm that your Government is in agreement with the contents of this letter.'

I have the honour to confirm that my Government is in agreement with the contents of this letter.

Yours faithfully,

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## ANNEX

**Information and consultation procedure for the adoption of certain decisions and other measures to be taken during the period preceding accession****I.**

1. In order to ensure that the Republic of Bulgaria and Romania, hereinafter referred to as the 'accessing States', are kept adequately informed, any proposal, communication, recommendation or initiative which might lead to decisions by the institutions or bodies of the European Union shall be brought to the knowledge of the accessing States after being transmitted to the Council.
2. Consultations shall take place pursuant to a reasoned request by an accessing State, which shall set out expressly therein its interests as a future member of the Union and its observations.
3. Administrative decisions shall not, as a general rule, give rise to consultations.
4. Consultations shall take place within an Interim Committee composed of representatives of the Union and of the accessing States. Save for a reasoned objection from an accessing State, consultations may also take place in the form of the exchange of messages by electronic means, in particular in the common foreign and security policy.
5. On the Union side, the members of the Interim Committee shall be the members of the Permanent Representatives Committee or persons designated by them for this purpose. Where appropriate, the members may be the Members of the Political and Security Committee. The Commission shall be invited to be represented in this work.
6. The Interim Committee shall be assisted by a Secretariat, which shall be that of the Conference, continued for this purpose.
7. Consultations shall normally take place as soon as the preparatory work carried out at Union level with a view to the adoption of decisions or common positions by the Council has produced common guidelines enabling such consultations to be usefully arranged.
8. If serious difficulties remain after consultations, the matter may be raised at ministerial level at the request of an accessing State.
9. The above provisions shall apply mutatis mutandis to the decisions of the Board of Governors of the European Investment Bank.
10. The procedure laid down in the above paragraphs shall also apply to any decision to be taken by the accessing States which might affect the commitments resulting from their position as future members of the Union.

**II.**

11. The Union and the Republic of Bulgaria and Romania shall take the necessary measures to ensure that their accession to the agreements or conventions referred to in Articles 3(3), 6(2) and 6(6) of the Protocol concerning the conditions and arrangements for admission of the Republic of Bulgaria and Romania to the European Union and in Articles 3(3), 6(2) and 6(6) of the Act concerning the conditions of accession of the Republic of Bulgaria

and Romania coincides so far as possible, and under the conditions laid down in that Protocol and in that Act, with the entry into force of the Treaty of Accession.

12. Insofar as the agreements or conventions among Member States exist only in draft and probably cannot be signed in the period before accession, the acceding States will be invited to be associated, after the signature of the Treaty of Accession and in accordance with appropriate procedures, with the preparation of those drafts in a positive spirit and in such manner as to facilitate their conclusion.
13. With regard to the negotiation with the co-contracting parties of the protocols referred to in Article 6(2), second subparagraph, of the Protocol concerning the conditions and arrangements for admission of the Republic of Bulgaria and Romania to the European Union and in Article 6(2), second subparagraph, of the Act concerning the conditions of accession of the Republic of Bulgaria and Romania, the representatives of the acceding States shall be associated with the work as observers, side by side with the representatives of the present Member States.
14. Certain non-preferential agreements concluded by the Community, which remain in force after the date of accession, may be the subject of adaptations or adjustments in order to take account of the enlargement of the Union. These adaptations or adjustments will be negotiated by the Community in association with the representatives of the acceding States in accordance with the procedure referred to in the preceding paragraph.

### III.

15. The institutions shall, in due course, draw up the texts referred to in Articles 58 and 60 of the Protocol concerning the conditions and arrangements for admission of the Republic of Bulgaria and Romania to the European Union and in Articles 58 and 60 of the Act concerning the conditions of accession of the Republic of Bulgaria and Romania. To that end, the Governments of the Republic of Bulgaria and of Romania shall provide the institutions with translations of those texts in a timely manner.
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