

**DECISION No 3/2002 OF THE EU-POLAND ASSOCIATION COUNCIL**  
**of 23 October 2002**  
**extending the period set in Article 8(4) of Protocol 2 on European Coal and Steel Community**  
**(ECSC) products to the Europe Agreement**

(2003/545/EC)

THE ASSOCIATION COUNCIL,

Having regard to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part<sup>(1)</sup>, and in particular Article 8(4) of Protocol 2 on European Coal and Steel Community (ECSC) products thereof,

Whereas:

- (1) Article 8(4) of Protocol 2 on European Coal and Steel Community (ECSC) products to the Europe Agreement (Protocol 2) lays down that during the first five years after the entry into force of the Agreement, and by derogation from paragraph 1(iii) of the same Article, Poland may exceptionally, as regards steel products, grant public aid for restructuring purposes, provided that this leads to the viability of the benefiting firms under normal market conditions at the end of the restructuring period, that the amount and intensity of such aid are strictly limited to what is absolutely necessary in order to restore viability and that the aid is progressively reduced, and that the restructuring programme is linked to a global rationalisation and reduction of overall production capacity in Poland.
- (2) The initial period of five years expired on 31 December 1996.
- (3) Poland requested the extension of the abovementioned period in April 1997.
- (4) According to the last sentence of Article 8(4) of Protocol 2, the Association Council shall, taking into account the economic situation of Poland, decide whether the period of five years can be extended.
- (5) It is appropriate to extend the said period for an additional period of eight years starting on 1 January 1997, or until the date of Poland's accession to the European Union, whichever comes first,

HAS DECIDED AS FOLLOWS:

*Article 1*

The period within which Poland may exceptionally, as regards steel products, grant public aid for restructuring purposes under the conditions listed in Article 8(4) of Protocol 2 shall be

extended for a further period of eight years starting on 1 January 1997, or until the date of Poland's accession to the European Union, whichever comes first. This extension shall be subject to the fulfilment of the conditions laid down in Articles 2 and 3 of this Decision.

*Article 2*

Poland shall submit to the Commission of the European Communities (the Commission) a restructuring programme and business plans that meet the requirements listed in Article 8(4) of Protocol 2 and that have been assessed and agreed by its national State aid monitoring authority (the Office for Competition and Consumer Protection).

*Article 3*

The Commission shall provide a final assessment whether the restructuring programme and business plans meet the requirements listed in Article 8(4) of Protocol 2. The Council of the European Union shall act on the compatibility of the programme and of the plans with the requirements of the said Article.

The implementation of the plans shall be regularly monitored by the Commission, for the Community, and by the national State aid monitoring authority (the Office for Competition and Consumer Protection), for the Polish part.

*Article 4*

This Decision shall enter into force on the day of its adoption by the Association Council.

Done at Brussels, 23 October 2002.

*For the Association Council*

*The President*

P. S. MØLLER

<sup>(1)</sup> OJ L 348, 31.12.1993, p. 2.