

**DECISION No 1/2004 OF THE EU-BULGARIA ASSOCIATION COUNCIL
of 28 September 2004**

amending Articles 2 and 3 of the Additional Protocol to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part, with regard to an extension of the period laid down in Article 9(4) of Protocol 2 to the Europe Agreement

(2005/208/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 Bulgaria, of the other part⁽¹⁾ (hereinafter Europe Agreement),

Having regard to the Additional Protocol to the Europe Agreement, and in particular Article 4 thereof,

Whereas:

- (1) An Additional Protocol to the Europe Agreement has been signed between the Parties on 21 November 2002.
- (2) According to its Article 5, the Additional Protocol applies provisionally from the date of signature.
- (3) Recent changes in the Bulgarian legislation modified the distribution of functions between implementing institutions.
- (4) In order to ensure conformity between the Additional Protocol and the Bulgarian institutional changes, it is appropriate to amend Article 2 and Article 3 of the Additional Protocol by adapting the references to the relevant Bulgarian institutions. This is necessary to allow the implementation in Bulgaria of the Additional Protocol.
- (5) According to its Article 4, the Additional Protocol may be amended by decision of the Association Council,

HAS DECIDED AS FOLLOWS:

Article 1

Articles 2 and 3 of the Additional Protocol to the Europe Agreement establishing an association between the European

Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part, with regard to an extension of the period laid down in Article 9(4) of Protocol 2 to the Europe Agreement, shall be replaced by the following:

'Article 2

The Republic of Bulgaria shall submit to the European Commission a restructuring programme and business plans that meet the requirements listed in Article 9(4) of Protocol 2, and that have been assessed and agreed by its Commission on Protection of Competition.

Article 3

The Commission shall provide a final assessment of whether the restructuring programme and business plans meet the requirements listed in Article 9(4) of Protocol 2. The Council of the European Union shall decide whether the programme and the plans are in compliance with the requirements of the abovementioned Article.

The Commission shall regularly monitor the implementation of the plans on behalf of the Community, and the Ministry of Finance shall do so for the Republic of Bulgaria.'

Article 2

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

Done at Brussels, 28 September 2004.

For the Association Council

The President

S. PASSY

⁽¹⁾ OJ L 358, 31.12.1994, p. 3.