

ANNEX VI

List referred to in Article 24 of the Act of Accession: Estonia**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 Estonia on the one hand, and Belgium, the Czech Republic, Denmark, Germany, Greece, Spain, France, Ireland, Italy, Latvia, 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 Estonian 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.

Estonian 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.

Estonian 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 Estonian 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.

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

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

(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).

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 Estonia until 31 December 2007. Estonia shall ensure that its deposit-guarantee scheme provides for cover of not less than EUR 6 391 until 31 December 2005, and of not less than EUR 12 782 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 an Estonian 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 Estonian level of guarantee and the minimum level referred to in Article 7(1). The requirement for a branch of an Estonian credit institution operating in the Member State concerned to provide the minimum level of guarantee referred to in Article 7(1) may also be satisfied through the Estonian deposit-guarantee scheme.

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 Estonia until 31 December 2007. Estonia shall ensure that its investor-compensation scheme provides for cover of not less than EUR 6 391 until 31 December 2005, and of not less than EUR 12 782 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 an Estonian 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 Estonian level of compensation and the minimum level referred to in Article 4(1). The requirement for a branch of an Estonian investment firm operating in the Member State concerned to provide the minimum level of compensation referred to in Article 4(1) may also be satisfied through the Estonian investor-compensation scheme.

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, Estonia 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 Estonia. 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 Estonia, and who have been legally

resident and active in farming in Estonia 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 Estonia 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 Estonia, the Commission, at the request of Estonia, shall decide upon the extension of the transitional period for up to a maximum of three years.

4. AGRICULTURE

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) and (2) of Regulation (EEC) No 2092/91, the unlimited use of domestic peat in organic farming shall be permitted in Estonia for a period of 18 months from the date of accession.

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

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 Estonia until 1 January 2006.

2. 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, Estonia 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⁽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.

3. 31999 R 1255: Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products (OJ L 160, 26.6.1999, p. 48), as last amended by:

— 32002 R 0509: Commission Regulation (EC) No 509/2002 of 21.3.2002 (OJ L 79, 22.3.2002, p. 15).

By way of derogation from Article 38(1) of Regulation (EC) No 1255/1999, Estonia may during the marketing year 2004/2005 grant national payments for milk cows up to the level granted in the year before the date of accession.

Estonia shall submit a report to the Commission on the implementation of these State aid measures, indicating the form of the aid and the amounts.

⁽¹⁾ 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 Estonia subject to the following specific provisions.

The share of Community fishing opportunities to be allocated to Estonia 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 Estonia (%)
Herring	III b, c, d ⁽¹⁾ , except Management Unit 3 of IBSFC	10,761
Sprat	III b, c, d ⁽¹⁾	11,455

Salmon	III b, c, d ⁽¹⁾ excluding Sub-Division 32 of IBSFC	2,106
Salmon	III d Sub-Division 32 of IBSFC ⁽¹⁾	10,254
Cod	III b, c, d ⁽¹⁾	1,874

⁽¹⁾ Community Waters.

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

Additionally, Estonia'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

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 13.3.2002 (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 Estonia 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 Estonia;
- (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.

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, Estonia may maintain a reduced rate of value added tax of not less than 5 % on the supply of heating sold to natural persons, housing associations, apartment associations, churches, congregations, and institutions or bodies financed from the state, rural municipality or city budget, as well as on the supply of peat, fuel briquettes, coal and firewood to natural persons, until 30 June 2007;
- (b) For the purposes of applying Article 28(3)(b) of Directive 77/388/EEC, Estonia 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. 31990 L 0435: Council Directive 90/435/EEC of 23 July 1990 on the common system of taxation applicable in the case of parent companies and subsidiaries of different Member States (OJ L 225, 20.8.1990, p. 6), 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 Article 5(1) of Directive 90/435/EEC, Estonia may, for as long as it charges income tax on distributed profits without taxing undistributed profits, and at the latest until 31 December 2008, continue to apply that tax to profits distributed by Estonian subsidiaries to their parent companies established in other Member States.

3. 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, Estonia 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 Estonia 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 Estonia 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.

4. 31992 L 0080: Council Directive 92/80/EEC of 19 October 1992 on the approximation of taxes on manufactured tobacco other than cigarettes (OJ L 316, 31.10.1992, p. 10), 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 3(1) of Directive 92/80/EEC, Estonia may postpone the application of the overall minimum excise duty levied on smoking tobacco until 31 December 2009.

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 smoking tobacco which may be brought into their territories from Estonia 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).

8. ENERGY

1. 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/EEC, the minimum level of stocks of petroleum products shall not apply in Estonia until 31 December 2009. Estonia 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):

- 10 days by the date of accession,
- 20 days by 31 December 2004,

— 35 days by 31 December 2005,

— 45 days by 31 December 2006,

— 50 days by 31 December 2007,

— 65 days by 31 December 2008,

— 90 days by 31 December 2009.

2. 31996 L 0092: Directive 96/92/EC of the European Parliament and of the Council of 19 December 1996 concerning common rules for the internal market in electricity (OJ L 27, 30.1.1997, p. 20).

In Estonia, Article 19(2) of Directive 96/92/EC shall not apply until 31 December 2008.

9. 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 Estonia:

- until 31 December 2005 for the storage installations OÜ Tarkoil, Rakvere and OÜ Tarkoil, Haapsalu,

— until 31 December 2006 for the storage installation AS Tartu Terminaal, Kärkna, Tartu maakond.

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 Estonia:

- until 31 December 2005 for the terminals OÜ Tarkoil, Rakvere and OÜ Tarkoil, Haapsalu,

— until 31 December 2006 for AS Tartu Terminaal, Kärkna, Tartu maakond.

3. 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 with a throughput smaller than 1 000 m³/year shall not apply in Estonia until 31 December 2006.

B. WASTE MANAGEMENT

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 Articles 5(3)(a), 5(3)(b) and 14(d)(i) of Directive 1999/31/EC and without prejudice to Council Directive 75/442/EEC⁽¹⁾ on waste, and Council Directive 91/689/EEC⁽²⁾ on hazardous waste, the requirements for liquid and corrosive waste will not apply to oil-shale ash put on existing landfills in Estonia until 16 July 2009. Estonia shall ensure a gradual reduction of oil shale ash landfilled in non-compliance with the aforementioned provisions of the Directive in accordance with the following annual maximum quantities:

- by the date of accession: 3 930 000 tonnes,
- by 31 December 2004: 3 570 000 tonnes,
- by 31 December 2005: 3 090 000 tonnes,
- by 31 December 2006: 2 120 000 tonnes,
- by 31 December 2007: 920 000 tonnes,
- by 31 December 2008: 350 000 tonnes.

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 apply in Estonia until 31 December 2010, in accordance with the following intermediate target: for agglomerations with a population equivalent of more than 10 000, Estonia shall ensure compliance with the provisions of the Directive by 31 December 2009.

2. 31 998 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 Annex I, Part C, of Directive 98/83/EC:

- (a) the values set for the indicator parameters colour, hydrogen ion concentration, iron, manganese, odour and turbidity will not apply in Estonia:
 - until 31 December 2007 to distribution systems serving more than 2 000 persons,
 - until 31 December 2013 to distribution systems serving 2 000 persons or less.

(b) the values set for the indicator parameters chloride, conductivity and sulphate will not apply in Estonia:

- until 31 December 2008 for settlements with more than 2 000 persons,
- until 31 December 2013 for settlements with 2 000 persons or less.

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 Annexes III and VII of Directive 2001/80/EC, the emission limit values for sulphur dioxide and dust shall not apply in Estonia:

- until 31 December 2010 for the combustion plant at Ahtme,
- until 31 December 2015 for the combustion plants at Narva (Eesti and Balti) and Kohtla Järve. However, at Narva (Eesti and Balti) 4 boilers shall be in compliance with the Directive by 31 December 2004 and a further 4 boilers by 31 December 2010. By 1 January 2008, all boilers of type 'TP-17' of the Balti power plant shall be closed.

During the transitional period, these plants shall achieve a minimum rate of desulphurisation of 65 % and the emission limit values for dust shall not exceed 200mg/Nm³.

By 1 January 2008, Estonia shall present to the Commission a plan, including an investment plan, for gradual alignment of the remaining non-compliant boilers at Narva (Eesti and Balti) and at Kohtla Järve for the period between 2010 and 2015.

Estonia shall make all efforts to ensure that in 2012 sulphur dioxide emissions from oil shale fired combustion plants do not exceed 25 000 tonnes and progressively decrease thereafter.

E. NATURE PROTECTION

31992 L 0043: Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7), as last amended by:

- 31997 L 0062: Council Directive 97/62/EC of 27.10.1997 (OJ L 305, 8.11.1997, p. 42).

By 1 May 2009, the Commission shall provide the Council with a report on the further application of the geographical exception for *Lynx lynx* under Annex IV of Directive 92/43/EEC, taking especially into account the sustainability of the population of *Lynx lynx* and its effects of sustainability on other wild species. The Council shall on this basis review the exception and may decide to terminate its further application acting by qualified majority on a proposal from the Commission.

⁽¹⁾ OJ L 194, 25.7.1975, p. 39, as last amended by Commission Decision 96/350/EC (OJ L 135, 6.6.1996, p. 32).

⁽²⁾ OJ L 377, 31.12.1991, p. 20, as last amended by Council Directive 94/31/EC (OJ L 168, 2.7.1994, p. 28).