TREATY OF ACCESSION: PROTOCOL, ANNEX VI

DRAFT LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Delegations will find attached the draft Treaty of Accession of Bulgaria and Romania to the European Union: **PROTOCOL, ANNEX VI**.

LIST REFERRED TO IN ARTICLE 19 OF THE PROTOCOL: BULGARIA

1. FREEDOM OF MOVEMENT FOR PERSONS

Treaty establishing a Constitution for Europe

31968 R 1612: Regulation (EEC) No 1612/68 of the Council 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:

– 32004 L 0038: Directive 2004/38/EC of the European Parliament and of the Council of 29.4.2004 (OJ L 158, 30.4.2004, p. 77);

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);

32004 L 0038: Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ L 158, 30.4.2004, p. 77).

1. Article **III-133** and the first paragraph of Article **III-144** of the **Constitution** 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 Bulgaria on the one hand, and each of the present Member States 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 Bulgarian nationals. The present Member States may continue to apply such measures until the end of the five year period following the date of accession.

Bulgarian 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.

Bulgarian 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 Bulgarian 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.

Bulgarian 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 the request of Bulgaria, 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 the request from Bulgaria.

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 Bulgarian nationals, and which are issuing work permits to nationals of Bulgaria 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 Bulgarian 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 23 of Directive 2004/38/EC shall apply in Bulgaria with regard to nationals of the present Member States, and in the present Member States with regard to Bulgarian nationals, under the following conditions, so far as the right of family members of workers to take up employment is concerned:

– the spouse of a worker and their descendants who are under 21 years of age or are dependants, 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 spouse of a worker and their descendants who are under 21 years of age or are dependants, 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 provisions of Directive 2004/38/EC which take over provisions of

Directive 68/360/EEC [1] 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, Bulgaria 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, Bulgaria 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, Bulgaria may resort to the procedures laid down in paragraph 7 with respect to Romania. During any such period work permits issued by Bulgaria for monitoring purposes to nationals of Romania 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.

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[1] 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). Directive as last amended by the Act concerning the conditions of accession and the adjustments to the Treaties - Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic (OJ L 236, 23.9.2003, p. 33) and repealed with effect from 30 April 2006 by Directive 2004/38/EC of the European Parliament and of the Council of 29.4.2004 (OJ L 158, 30.4.2004, p. 77).

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 Bulgarian workers, Germany and Austria may, after notifying the Commission, derogate from the first paragraph of Article **III-144 of the Constitution** with a view to limit**,** in the context of the provision of services by companies established in Bulgaria, 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 * 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* 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

* 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 32003 R 1882: Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29.9.2003 (OJ L 284, 31.10.2003, p. 1).

To the extent that Germany or Austria derogate from the first paragraph of Article **III-144** of the **Constitution** in accordance with the preceding subparagraphs, Bulgaria 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 Bulgaria 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 Bulgarian 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.
Bulgarian 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 Bulgaria shall not be treated in a more restrictive way than those from third countries resident and working in that Member State or Bulgaria respectively. Furthermore, in application of the principle of Community preference, migrant workers from third countries resident and working in Bulgaria shall not be treated more favourably than nationals of Bulgaria.

2. FREEDOM TO PROVIDE SERVICES

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 Bulgaria until 31 December 2009. Bulgaria shall ensure that its investor-compensation scheme provides for cover of not less than EUR 12 000 from 1 January 2007 until 31 December 2007 and of not less than EUR 15 000 from 1 January 2008 until 31 December 2009.

During the transitional period the other Member States will retain the right to prevent a branch of a Bulgarian 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 Bulgarian level of compensation and the minimum level referred to in Article 4(1) of Directive 97/9/EC.

3. FREE MOVEMENT OF CAPITAL

Treaty establishing **a Constitution for Europe**

1. Notwithstanding the obligations under the Treaties on which the European Union is founded, Bulgaria may maintain in force for five years from the date of accession the restrictions laid down in its legislation existing at the time of signature of this **Protocol** on the acquisition of ownership over land for secondary residences by nationals of the Member States or the States which are a party to the European Economic Area Agreement (EEAA) non-resident in Bulgaria and by legal persons formed in accordance with the laws of another Member State or of an EEAA State.

   Nationals of the Member States and nationals of the States which are a party to the European Economic Area Agreement who are legally resident in Bulgaria shall not be subject to the provisions of the preceding subparagraph or to any rules and procedures other than those to which nationals of Bulgaria are subject.

2. Notwithstanding the obligations under the Treaties on which the European Union is founded, Bulgaria may maintain in force for seven years from the date

of accession the restrictions laid down in its legislation existing at the time of signature of this Protocol on the acquisition of agricultural land, forests and forestry land by nationals of another Member State, by nationals of the States which are a party to the European Economic Area Agreement and by legal persons formed in accordance with the laws of another Member State or an EEAA State. In no instance may a national of a Member State be treated less favourably in respect of the acquisition of agricultural land, forests and forestry land 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.

Self-employed farmers who are nationals of another Member State and who wish to establish themselves and legally reside in Bulgaria, shall not be subject to the provisions of the preceding subparagraph or to any procedures other than those to which nationals of Bulgaria 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 subparagraph.

4. AGRICULTURE

A. AGRICULTURAL LEGISLATION

31997 R 2597: Council Regulation (EC) No 2597/97 of 18 December 1997 laying down additional rules on the common organization 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

Bulgaria until 30 April 2009, in that milk with a fat content of 3% (m/m) may be marketed as whole milk, and milk with a fat content of 2% (m/m) may be marketed as semi-skimmed milk. Drinking milk which does not comply with the requirements relating to fat content may be marketed only in Bulgaria or exported to third countries.

B. VETERINARY **AND PHYTOSANITARY** LEGISLATION

32004 R 0853: Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (OJ L 139, 30.4.2004, p. 55).

(a) The milk processing establishments listed in **Chapters I and II of the** Appendix to this Annex may until 31 December 2009 receive deliveries of raw milk that does not comply with or has not been handled in accordance with the requirements in Regulation (EC) No 853/2004, Annex III, Section IX, Chapter I, subchapters II and III provided that those farms from which the milk is delivered are mentioned on a list maintained for that purpose by the Bulgarian authorities.

(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 establishments in Bulgaria also covered by the provisions of paragraph (a), irrespective of the date of marketing. These products must bear a different identification mark to that provided for in Article 5 of Regulation (EC) No 853/2004.

(c) The establishments listed in Chapter II of **the** Appendix to this Annex may until 31 December 2009 process EU compliant and EU non-compliant milk on separate production lines. In this context EU non-compliant milk is understood as the milk referred to in paragraph (a). Such establishments must fully comply with the EU requirements for establishments, including the implementation of the Hazard Analysis and Critical Control Point (HACCP) principles (referred to

in Article 5 of Regulation (EC) No 852/2004 [2] and must demonstrate their capacity to fully comply with the following conditions, including designating their relevant production lines:

— take all necessary measures to allow for the proper observance of in-house procedures for the separation of milk starting from collection up to the final product stage, including routes of milk collection, separate storage and treatment of EU compliant and non-compliant milk, specific packaging and labelling of products based on EU non-compliant milk as well as separate storage of such products,

— establish a procedure ensuring raw material traceability, including the necessary documentary evidence of product movements and the accountancy for products and reconciliation of compliant and non-compliant raw materials with the categories of products produced,

— expose all raw milk to heat treatment at a temperature of minimum 71,7 °C for 15 seconds, and

— take all appropriate measures to ensure that the identification marks are not used fraudulently.

The Bulgarian authorities shall:

— ensure that the operator or manager of each establishment concerned takes all necessary measures to allow for the proper observance of in-house procedures for the separation of milk;

— conduct tests and unannounced controls relating to the observance of milk separation; and

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[2] Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs (OJ L 139, 30.4.2004, p. 1).

— conduct tests in approved laboratories on all raw and finished products to verify their compliance with the requirements of Regulation (EC) No 853/2004, Annex III, Section IX, Chapter II including the microbiological criteria for milk based products.

The milk and/or milk-based products originating from separate production lines processing EU non-compliant raw milk in EU-approved milk processing establishments may only be placed on the market subject to the conditions laid down in paragraph (b). Products based on compliant raw milk processed on a separate production line in an establishment listed in Chapter II of **the** Appendix to this Annex can be marketed as compliant products as long as all conditions regarding separation of product lines are maintained.

(d) Milk and milk products produced under the provisions referred to in paragraph (c) shall only be granted support under Title I, Chapters II and III, except Article 11 thereof, and Title II of Regulation (EC) No 1255/1999 [3] if they carry the oval identification mark referred to in Annex II, Section I of Regulation (EC) No 853/2004.

(e) Bulgaria shall ensure gradual compliance with the requirements referred to in paragraph (a) and shall submit annual reports to the Commission on progress made in upgrading dairy farms and the milk collection system. Bulgaria shall ensure that these requirements are fully complied with by 31 December 2009.

(f) The Commission may, in accordance with the procedure referred to in Article 58 of Regulation (EC) No 178/2002 [4], update **the** Appendix to this Annex

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[3] 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). Regulation as last amended by Commission Regulation (EC) 186/2004 of 2.2.2004 (OJ L 29, 3.2.2004, p. 6).

[4] Regulation (EC) 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1). Regulation as last amended by Regulation (EC) No 1642/2003 of the European Parliament and of the Council of 22.7.2003 (OJ L 245, 29.9.2003, p. 4).

before accession and until 31 December 2009 and in this context add or delete individual establishments in the light of progress made in the correction of existing shortcomings and the outcome of the monitoring process.

Detailed implementation rules to ensure the smooth operation of the above transitional regime may be adopted in accordance with the procedure referred to in Article 58 of Regulation (EC) No 178/2002.

5. TRANSPORT POLICY

1. 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:

1) –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 third year following the date of accession, carriers established in Bulgaria 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 Bulgaria.

(b) Before the end of the third 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) Those Member States in which, by virtue of paragraph (b) above, Article 1 of the Regulation applies, may resort to the procedure set out below until the end of the fifth year following the date of accession.

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.

(d) As long as Article 1 of the Regulation is not applied by virtue of paragraphs (a) and (b) 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.

(e) The effect of the application of paragraphs (a) to (c) 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.

2. 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:

– 32004 L 0066: Council Directive 2004/66/EC of 26.4.2004 (OJ L 168, 1.5.2004, p.35).

Until 31 December 2010, Article 3(3)(c) of Directive 96/26/EC shall not apply in Bulgaria 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:

2) – by 1 January 2007, the undertaking must have available capital and reserves of at least EUR 5850 for the first and at least EUR 3250 for each additional vehicle;

– by 1 January 2008, the undertaking must have available capital and reserves of at least EUR 6750 for the first and at least EUR 3750 for each additional vehicle;

– by 1 January 2009, the undertaking must have available capital and reserves of at least EUR 7650 for the first and at least EUR 4250 for each additional vehicle;

– by 1 January 2010, the undertaking must have available capital and reserves of at least EUR 8550 for the first and at least EUR 4750 for each additional vehicle.

3. 31996 L 0053: Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic (OJ L 235, 17.9.1996, p. 59), as last amended by:

3) –32002 L 0007: Directive 2002/7/EC of the European Parliament and of the Council of 18.2.2002 (OJ L 67, 9.3.2002, p. 47).

By way of derogation from Article 3(1) of Directive 96/53/EC, vehicles complying with the limit values of categories 3.2.1, 3.4.1, 3.4.2, and 3.5.1, specified in Annex I to that Directive may only use non-upgraded parts of the Bulgarian road network until 31 December 2013 if they comply with Bulgarian axle-weight limits.

As from the date of accession, no restrictions may be imposed on the use, by vehicles complying with the requirements of Directive 96/53/EC, of the main transit routes set out in Annex I to Decision 1692/96/EC of the European Parliament and of the Council of 23 July 1996 on Community guidelines for the development of the trans-European transport network [5].

Bulgaria shall adhere to the timetable set out in the tables below for the upgrading of its main road network. Any infrastructure investments involving the use of funds from the Community budget shall ensure that the arteries are constructed or upgraded to a load bearing capacity of 11,5 tonnes per axle.
In line with the completion of the upgrading, there shall be a progressive opening of the Bulgarian road network, including the network as contained in Annex I **to** Decision 1692/96/EC, for vehicles in international traffic complying with the limit values of the Directive. For the purpose of loading and unloading, where technically possible, the use of non-upgraded parts of the secondary road network shall be allowed during the entire transitional period.

As from the date of accession, all vehicles in international traffic fitted with air-

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[5] OJ L 228, 9.9.1996, p. 1. Decision as last amended by Decision No 884/2004/EC (OJ L 167, 30.4.2004, p.1).

suspension complying with the limit values of Directive 96/53/EC shall not be subject to any temporary additional charges on the entire Bulgarian road transport network.

Temporary additional charges for using non-upgraded parts of the network with vehicles in international traffic not fitted with air-suspension and complying with the limit values of the Directive shall be levied in a non-discriminatory manner. The charging regime shall be transparent, and payment of these charges shall not place an undue administrative burden or delay on the user, nor shall the payment of these charges lead to a systematic check of axle load limits at the border. Enforcement of axle load limits shall be assured in a non-discriminatory manner throughout the territory and be effective also as regards vehicles registered in Bulgaria.

Road upgrading programme (km)

Table 1

N	ROAD	SECTION	LENGTH /KM/	OPEN TO TRAFFIC	MEASURE
1	2	3	4	5	6
1	I-5/E-85/	GABROVO - SHIPKA	18	2014	NEW CONSTRUCTION
2	I-5/E-85/	KARDJALI - PODKOVA (MAKAZA)	18	2008	NEW CONSTRUCTION
		SUBTOTAL	36		
3	I-6	SOFIA - PIRDOP	56	2009	REHABILITATION
4	I-7	SILISTRA - SHUMEN	88	2011	REHABILITATION
5	I-7	PRESLAV - E-773	48	2010	RECONSTRUCTION
		SUBTOTAL	136		
6	I-9 /E-87/	ROMANIAN BORDER - BALCHIK	60	2009	REHABILITATION
7	II-12	VIDIN - SERBIA AND MONTENEGRO BORDER	26	2008	RECONSTRUCTION
8	II-14	VIDIN - KULA - SERBIA AND MONTENEGRO BORDER	42	2009	RECONSTRUCTION
9	II-18	SOFIA RING ROAD - NORTH ARCH	24	2014	NEW CONSTRUCTION
10	II-19	SIMITLI - GOTZE DELCHEV - GREEK BORDER	91	2008	REHABILITATION
11	II-29	DOBRITCH - VARNA	21	2010	REHABILITATION
12	II-35	LOVETCH - KARNARE	28	2011	RECONSTRUCTION
13	II-53	SLIVEN - JAMBOL	25	2010	REHABILITATION
14	II-55	GURKOVO - NOVA ZAGORA	26	2010	REHABILITATION
15	II-55	NOVA ZAGORA - SVILENGRAD	81	2012	REHABILITATION
		SUBTOTAL	107		
16	II-57	STARA ZAGORA - RADNEVO	42	2010	REHABILITATION
17	II-62	KJUSTENDIL - DUPNITZA	26	2011	RECONSTRUCTION
18	II-63	PERNIK - SERBIA AND MONTENEGRO BORDER	20	2010	RECONSTRUCTION
19	II-73	SHUMEN - KARNOBAT	44	2012	RECONSTRUCTION
20	II-73	SHUMEN - KARNOBAT	19	2011	RECONSTRUCTION
		SUBTOTAL	63		
21	II-78	RADNEVO - TOPOLOVGRAD	40	2013	REHABILITATION

22	II-86	ASENOVGRAD - SMOLJAN	72	2014	RECONSTRUCTION
23	II-98	BURGAS - MALKO TARNOVO	64	2014	RECONSTRUCTION
24	III-197	GOTZE DELCHEV - SMOLJAN	87	2013	RECONSTRUCTION
25	III-198	GOTZE DELCHEV - FORMER YUGOSLAV REPUBLIC OF MACEDONIA BORDER	95	2013	RECONSTRUCTION
26	III-534	ELENA - NOVA ZAGORA	52	2012	RECONSTRUCTION
27	III-534	NOVA ZAGORA - SIMEONOVGRAD	53	2014	RECONSTRUCTION
		SUBTOTAL	105		
28	III-601	KJUSTENDIL - FORMER YUGOSLAV REPUBLIC OF MACEDONIA BORDER	27	2011	NEW CONSTRUCTION
29	III-622	KJUSTENDIL - FORMER YUGOSLAV REPUBLIC OF MACEDONIA BORDER	31	2013	NEW CONSTRUCTION
30	III-865	SMOLJAN - MADAN	15	2011	RECONSTRUCTION
31	III-867	SMOLIAN - KARDJALI	69	2014	RECONSTRUCTION
32	III-868	BYPASS SMOLJAN	40	2012	NEW CONSTRUCTION
33	IV-410068	SIMITLI - FORMER YUGOSLAV REPUBLIC OF MACEDONIA BORDER	28	2009	NEW CONSTRUCTION
34		BYPASS PLOVDIV	4	2014	NEW CONSTRUCTION
	A1	"TRAKIA" MOTORWAY - STARA ZAGORA - KARNOBAT			
35		LOT 2	33	2010	NEW CONSTRUCTION
36		LOT 3	37	2011	NEW CONSTRUCTION
37		LOT 4	48	2014	NEW CONSTRUCTION
		SUBTOTAL	118		
		TOTAL	1598		

Table 2

	2008	2009	2010	2011	2012	2013	2014	
MEASURE								
REHABILITATION	91	116	114	88	81	40	0	
RECONSTRUCTION	26	42	68	88	96	182	258	
NEW CONSTRUCTION	18	28	33	64	40	31	94	
	135	186	215	240	217	253	352	1598 km

6. 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:

– 32004 L 0066 : Council Directive 2004/66/EC of 26.4.2004 (OJ L 168, 1.5.2004, p. 35).

For the purposes of applying Article 28(3)(b) of Directive 77/388/EEC, Bulgaria 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:

– 32003 L 0117 : Council Directive 2003/117/EC of 5.12.2003 (OJ L 333, 20.12.2003, p. 49).

By way of derogation from Article 2(1) of Directive 92/79/EEC, Bulgaria 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 Bulgaria 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 of 25 February 1992 on the general arrangements for products subject to excise duty and on the holding, movement and monitoring of such products [6], 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 Bulgaria 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.

3. 32003 L 0049: Council Directive 2003/49/EC of 3 June 2003 on a common system of taxation applicable to interest and royalty payments made between associated companies of different Member States (OJ L 157, 26.6.2003, p. 49), as last amended by:

– 32004 L 0076: Council Directive 2004/76/EC of 29.4.2004 (OJ L 157, 30.4.2004, p. 106).

Bulgaria shall be authorised not to apply the provisions of Article 1 of Directive 2003/49/EC until 31 December 2014. During that transitional period, the rate of tax on payments of interest or royalties made to an associated company of another Member State or to a permanent establishment situated in another Member State of an associated company of a Member State must not exceed 10 % until 31 December 2010 and must not exceed 5 % for the following years until 31 December 2014.

4. 32003 L 0096: Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity (OJ L 283, 31.10.2003, p. 51), as last amended by:

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[6] OJ L 76, 23.3.1992, p. 1. Directive as last amended by Council Regulation (EC) No 807/2003 of 14.4.2003 (OJ L 122, 16.5.2003, p. 36).

– 32004 L 0075: Council Directive 2004/75/EC of 29.4.2004 (OJ L 157, 30.4.2004, p. 100).

(a) By way of derogation from Article 7 of Directive 2003/96/EC, Bulgaria may apply the following transitional periods:

– until 1 January 2011 to adjust the national level of taxation on unleaded petrol used as propellant to the minimum level of EUR 359 per 1 000 l. The effective tax rate applied to unleaded petrol used as propellant shall not be less than EUR 323 per 1 000 l as from 1 January 2008,

– until 1 January 2010 to adjust the national level of taxation on gas oil and kerosene used as propellant to the minimum level of EUR 302 per 1 000 l and until 1 January 2013 to reach the minimum level of EUR 330 per 1 000 l. The effective tax rate applied to gas oil and kerosene used as propellant shall not be less than EUR 274 per 1 000 l as from 1 January 2008.

(b) By way of derogation from Article 9 of Directive 2003/96/EC, Bulgaria may apply the following transitional periods:

– until 1 January 2010 to adjust the national level of taxation on coal and coke used for district heating purposes to the minimum levels of taxation laid down in Annex I, Table C,

– until 1 January 2009 to adjust the national level of taxation on coal and coke used for purposes other than district heating to the minimum levels of taxation laid down in Annex I, Table C.

The effective tax rates applied to the energy products concerned shall not be less than 50% of the relevant Community minimum rate as from 1 January 2007.

(c) By way of derogation from Article 10 of Directive 2003/96/EC, Bulgaria may

apply a transitional period until 1 January 2010 to adjust the national levels of taxation on electricity to the minimum levels of taxation laid down in Annex I, Table C. The effective tax rates applied to electricity shall not be less than 50% of the relevant Community minimum rate as from 1 January 2007.

7. SOCIAL POLICY AND EMPLOYMENT

32001 L 0037: Directive 2001/37/EC of the European Parliament and of the Council of 5 June 2001 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products (OJ L 194, 18.7.2001, p. 26).

By way of derogation from Article 3 of Directive 2001/37/EC, the date of application of the maximum tar yield of cigarettes manufactured and marketed within the territory of Bulgaria, shall be 1 January 2011. During the transitional period:

– cigarettes manufactured in Bulgaria with a tar yield greater than 10 mg per cigarette shall not be marketed in other Member States;

– cigarettes manufactured in Bulgaria with a tar yield greater than 13 mg per cigarette shall not be exported to third countries; this limit shall be reduced to 12 mg from 1 January 2008 and to 11 mg from 1 January 2010;

– Bulgaria shall provide the Commission with regularly updated information on the timetable and measures taken to ensure compliance with the Directive.

8. 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 14.12.1998 (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 Bulgaria until 31 December 2012. Bulgaria 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):

– 30 days by 1 January 2007;
– 40 days by 31 December 2007;
– 50 days by 31 December 2008;
– 60 days by 31 December 2009;
– 70 days by 31 December 2010;
– 80 days by 31 December 2011;
– 90 days by 31 December 2012.

9. TELECOMMUNICATIONS AND INFORMATION TECHNOLOGIES

32002 L 0022: Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive) (OJ L 108, 24.4.2002, p. 51).

By way of derogation from Article 30(1) of Directive 2002/22/EC, Bulgaria may postpone the introduction of number portability to no later than 1 January 2009.

10. ENVIRONMENT

A. AIR QUALITY

1. 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), as amended by:

– 32003 R 1882: Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29.9.2003 (OJ L 284, 31.10.2003, p. 1).

(a) By way of derogation from Article 3 and Annex I to Directive 94/63/EC, the requirements for existing storage installations at terminals shall not apply in Bulgaria:

– until 31 December 2007 for storage installations at 6 terminals with a throughput loaded greater than 25 000 tonnes/year but less than or equal to 50 000 tonnes/year;

– until 31 December 2009 for storage installations at 19 terminals with a throughput loaded less than or equal to 25 000 tonnes/year.

(b) By way of derogation from Article 4 and Annex II to Directive 94/63/EC, the requirements for loading and unloading of existing mobile containers at terminals shall not apply in Bulgaria:

– until 31 December 2007 to 12 terminals with a throughput greater than 25 000 tonnes/year but less than or equal to 150 000 tonnes/year;

– until 31 December 2009 to 29 terminals with a throughput less than or equal to 25 000 tonnes/year.

(c) By way of derogation from Article 5 of Directive 94/63/EC, the requirements for existing mobile containers at terminals shall not apply in Bulgaria:

– until 31 December 2007 to 50 road tankers;

– until 31 December 2009 to a further 466 road tankers.

(d) By way of derogation from Article 6 and Annex III to Directive 94/63/EC, the requirements for loading into existing storage installations at service stations

shall not apply in Bulgaria:

– until 31 December 2007 to 355 service stations with a throughput greater than 500 m^3/year but less than or equal to 1 000 m^3/year;

– until 31 December 2009 to 653 service stations with a throughput less than or equal to 500 m^3/year.

2. 31999 L 0032: Council Directive 1999/32/EC of 26 April 1999 relating to a reduction in the sulphur content of certain liquid fuels amending Directive 93/12/EEC (OJ L 121, 11.5.1999, p.13), as amended by:

– 32003 R 1882: Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29.9.2003 (OJ L 284, 31.10.2003, p. 1).

(a) By way of derogation from Article 3(1) of Directive 1999/32/EC, the requirements for the sulphur content of heavy fuel oils shall not apply in Bulgaria until 31 December 2011 for local use. During this transitional period the sulphur content shall not exceed 3,00% by mass.

(b) By way of derogation from Article 4(1) of Directive 1999/32/EC, the requirements for the sulphur content of gas oils shall not apply in Bulgaria until 31 December 2009 for local use. During this transitional period the sulphur content shall not exceed 0,20% by mass.

B. WASTE MANAGEMENT

1. 31993 R 0259: Council Regulation (EEC) No 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the European Community (OJ L 30, 6.2.1993, p.1), as last amended by:

– 32001 R 2557: Commission Regulation (EC) No 2557/2001 of 28.12.2001 (OJ L 349, 31.12.2001, p.1).

(a) Until 31 December 2014, all shipments to Bulgaria of waste for recovery listed in Annex II, to Regulation (EEC) No 259/93 shall be notified to the competent authorities and processed in conformity with Articles 6, 7 and 8 of the Regulation.

(b) By way of derogation from Article 7(4) of Regulation (EEC) No 259/93, until 31 December 2009 the Bulgarian competent authorities may raise objections to shipments to Bulgaria for recovery of the following wastes listed in Annex III in conformity with the grounds for objection laid down in Article 4(3) of the Regulation. Such shipments shall be subject to Article 10 of the Regulation.

AA. METAL-BEARING WASTES

– AA 090 Arsenic waste and residues
– AA 100 Mercury waste and residues
– AA 130 Liquors from the pickling of metals

AB. WASTES CONTAINING PRINCIPALLY INORGANIC CONSTITUENTS, WHICH MAY CONTAIN METALS AND ORGANIC MATERIALS

AC. WASTES CONTAINING PRINCIPALLY ORGANIC CONSTITUENTS, WHICH MAY CONTAIN METALS AND INORGANIC MATERIALS

– AC 040 Leaded petrol (gasoline) sludges
– AC 050 Thermal (heat transfer) fluids
– AC 060 Hydraulic fluids
– AC 070 Brake fluids
– AC 080 Antifreeze fluids
– AC 110 Phenols, phenol compounds including chlorophenol in the form of liquids or sludges
– AC 120 Polychlorinated naphthalenes
– AC 150 Chlorofluorocarbons
– AC 160 Halons
– AC 190 Fluff-light fraction from automobile shredding
– AC 200 Organic phosphorous compounds

– AC 230 Halogenated or unhalogenated non-aqueous distillation residues arising from organic solvent recovery operations

– AC 240 Wastes arising from the production of aliphatic halogenated hydrocarbons (such as chloromethanes, dichloro-ethane, vinyl chloride, vinylidene chloride, allyl chloride and epichlorhydrin)

– AC 260 Liquid pig manure, faeces

AD. WASTES WHICH MAY CONTAIN EITHER INORGANIC OR ORGANIC CONSTITUENTS

– AD 010 Wastes from the production and preparation of pharmaceutical products

Wastes that contain consist of or are contaminated with any of the following:

- AD 040 - Inorganic cyanides, excepting precious metal-bearing residues in solid form containing traces of inorganic cyanides
- AD 050 - Organic cyanides

– AD 060 Waste oils/water, hydrocarbons/water mixtures, emulsions

– AD 070 Wastes from production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish

– AD 150 Naturally occurring organic material used as a filter medium (such as biofilters)

– AD 160 Municipal/household wastes

This period may be extended until no later than 31 December 2012 under the procedure defined in Article 18 of Council Directive 75/442/EEC of 15 July 1975 on waste [7], as amended by Council Directive 91/156/EEC [8].

(c) By way of derogation from Article 7(4) of Regulation (EEC) No 259/93, until 31 December 2009 the Bulgarian competent authorities may raise objections to shipments to Bulgaria of waste for recovery listed in Annex IV to the Regulation and shipments of waste for recovery not listed in the Annexes to the Regulation

[7] OJ L 194, 25.7.1975, p. 39. Directive as last amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).

[8] OJ L 78, 26.3.1991, p. 32.

in conformity with the grounds for objection laid down in Article 4(3) of the Regulation.

(d) By way of derogation from Article 7(4) of Regulation (EEC) No 259/93, the Bulgarian competent authorities shall object to shipments of waste for recovery listed in Annexes II, III and IV to the Regulation and shipments of waste for recovery not listed in those Annexes destined for a facility benefiting from a temporary derogation from certain provisions of Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control [9] or 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 [10], during the period in which the temporary derogation is applied to the facility of destination.

2. 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), as last amended by:

– 32004 L 0012: Directive 2004/12/EC of the European Parliament and of the Council of 11.2.2004 (OJ L 47, 18.2.2004, p.26).

(a) By way of derogation from Article 6(1)(a) of Directive 94/62/EC, Bulgaria shall attain the overall rate for recovery or incineration at waste incineration plants with energy recovery by 31 December 2011 in accordance with the following intermediate targets:

  – 35% by weight by 31 December 2006, 39% for 2007, 42% for 2008, 46% for 2009 and 48% for 2010.

(b) By way of derogation from Article 6(1)(b) of Directive 94/62/EC, Bulgaria shall attain the overall rate for recovery or incineration at waste incineration plants

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[9] OJ L 257, 10.10.1996, p. 26.

[10] OJ L 309, 27.11.2001, p. 1. Directive as last amended by the 2003 Act of Accession.

with energy recovery by 31 December 2014 in accordance with the following intermediate targets:

– 50% by weight for 2011, 53% for 2012 and 56% for 2013.

(c) By way of derogation from Article 6(1)(c) of Directive 94/62/EC, Bulgaria shall attain the recycling target for plastics by 31 December 2009 in accordance with the following intermediate targets:

– 8% by weight by 31 December 2006, 12% for 2007, and 14,5% for 2008.

(d) By way of derogation from Article 6(1)(d) of Directive 94/62/EC, Bulgaria shall attain the overall recycling target by 31 December 2014 in accordance with the following intermediate targets:

– 34% by weight by 31 December 2006, 38% for 2007, 42% for 2008, 45% for 2009, 47% for 2010, 49% for 2011, 52% for 2012 and 54,9% for 2013.

(e) By way of derogation from Article 6(1)(e)(i) of Directive 94/62/EC, Bulgaria shall attain the recycling target for glass by 31 December 2013 in accordance with the following intermediate targets:

– 26% by weight by 31 December 2006, 33% for 2007, 40% for 2008, 46% for 2009, 51% for 2010, 55% for 2011 and 59,6% for 2012.

(f) By way of derogation from Article 6(1)(e)(iv) of Directive 94/62/EC, Bulgaria shall attain the recycling target for plastics, counting exclusively material that is recycled back into plastics, by 31 December 2013 in accordance with the following intermediate targets:

– 17% by weight for 2009, 19% for 2010, 20% for 2011 and 22% for 2012.

3. 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), as amended by:

– 32003 R 1882: Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29.9.2003 (OJ L 284, 31.10.2003, p. 1).

By way of derogation from Article 5(3)(a) and (b) and Annex I, point 2, second indent to Directive 1999/31/EC and without prejudice to Article 6(c)(ii) of the Directive and Council Directive 75/442/EEC on waste [11](1), the requirements for liquid, corrosive and oxidising waste, and as regards prevention of surface water entering into the landfilled waste shall not apply to the following 14 existing facilities until 31 December 2014:

1. "Polimeri" sludge pond, Varna, Devnya;
2. "Solvey Sod", "Deven" and "Agropolichim" combined **ash-sludge pond**, Varna, Devnya at the municipality of Varna;
3. "TPP Varna" ashpond, Varna, Beloslav;
4. "Sviloza" ashpond, Veliko Tarnovo, Svistov;
5. TPP at "Zaharni zavodi" ashpond, Veliko Tarnovo, Gorna Oryahovitsa;
6. "Vidachim v likvidatsia" ashpond, Vidin, Vidin;
7. "Toplofikatsia-Ruse TPP East" ashpond, Ruse, Ruse;
8. TPP "Republika", "COF-Pernik" and "Kremikovtsi-Rudodobiv" ashpond, Pernik, Pernik;
9. "Toplofikatsia Pernik" and "Solidus" Pernik ashpond, Pernik, Pernik;
10. TPP "Bobov dol" ashpond, Kyustendil, Bobov dol;
11. "Brikel" ashpond, Stara Zagora, Galabovo;
12. Toplofikatsia Sliven ashpond, Sliven, Sliven;
13. "TPP Maritsa 3" ashpond, Haskovo, Dimitrovgrad;
14. "TPP Maritsa 3" ashpond, Haskovo, Dimitrovgrad.

Bulgaria shall ensure a gradual reduction of waste landfilled in these 14 existing non-compliant facilities in accordance with the following annual maximum quantities:

– by 31 December 2006: 3 020 000 tonnes;

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[11] OJ L 194, 25.7.1975, p. 39. Directive as amended by Directive 91/156/EEC, and as last amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).

- by 31 December 2007: 3 010 000 tonnes;
- by 31 December 2008: 2 990 000 tonnes;
- by 31 December 2009: 1 978 000 tonnes;
- by 31 December 2010: 1 940 000 tonnes;
- by 31 December 2011: 1 929 000 tonnes;
- by 31 December 2012: 1 919 000 tonnes;
- by 31 December 2013: 1 159 000 tonnes;
- by 31 December 2014: 1 039 000 tonnes.

4. 32002 L 0096: Directive 2002/96/EC of the European Parliament and Council of 27 January 2003 on waste electrical and electronic equipment (WEEE) (OJ L 37, 13.2.2003, p.24), as amended by:

- 32003 L 0108: Directive 2003/108/EC of the European Parliament and Council of 8.12.2003 (OJ L 345, 31.12.2003, p. 106).

By way of derogation from Articles 5(5) and 7(2) of Directive 2002/96/EC, Bulgaria shall attain the rate of separate collection of at least four kilograms on average per inhabitant per year of WEEE from private households, the rate of recovery and the rate of component, material and substance reuse and recycling by 31 December 2008.

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 last amended by:

- 32003 R 1882: Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29.9.2003 (OJ L 284, 31.10.2003, p. 1).

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 Bulgaria until 31 December 2014, in accordance with the following intermediate target:

– by 31 December 2010, compliance with the Directive shall be achieved in agglomerations with a population equivalent of more than 10 000.

D. INDUSTRIAL POLLUTION AND RISK MANAGEMENT

1. 31996 L 0061: Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control (OJ L 257, 10.10.1996, p. 26), as last amended by:

– 32003 R 1882: Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29.9.2003 (OJ L 284, 31.10.2003, p. 1).

By way of derogation from Article 5(1) of Council Directive 96/61/EC, the requirements for the granting of permits for existing installations shall not apply in Bulgaria to the following installations until the date indicated for each installation, insofar as the obligation to operate these installations in accordance with emission limit values, equivalent parameters or technical measures based on the best available techniques according to Article 9(3) and (4) is concerned:

Until 31 December 2008:
– Yambolen – Yambol (activity 4.1 h)
– Verila – Ravno Pole (activity 4.1)
– Lakprom – Svetovrachane (activity 4.1 b)
– Orgachim – Ruse (activity 4.1 j)
– Neochim – Dimitrovgrad (activity 4.1 b)

Until 31 December 2009:
– Eliseyna Gara Eliseyna (activity 2.5 a)

Until 31 December 2011:
– TPP Ruse East – Ruse (activity 1.1)
– TPP Varna – Varna (activity 1.1)
– TPP Bobov Dol – Sofia (activity 1.1)

- TPP Lukoil Neftochim – Burgas (activity 1.1)
- Lukoil Neftochim – Burgas (activity 1.2)
- Kremikovtsi – Sofia (activity 2.2)
- Radomir Metali – Radomir (activity 2.3 b)
- Solidus – Pernik (activity 2.4)
- Berg Montana Fitingi – Montana (activity 2.4)
- Energoremont – Kresna (activity 2.4)
- Chugunoleene – Ihtiman (activity 2.4)
- Alkomet – Shumen (activity 2.5 b)
- Start – Dobrich (activity 2.5 b)
- Alukom – Pleven (activity 2.5 b)
- Energia – Targovishte (activity 2.5 b)
- Uspeh – Lukovit (activity 3.5)
- Keramika – Burgas (activity 3.5)
- Stroykeramika – Mezdra (activity 3.5)
- Straldja Keramika – Straldja (activity 3.5)
- Balkankeramiks – Novi Iskar (activity 3.5)
- Shamot – Elin Pelin (activity 3.5)
- Ceramics plant – Dragovishtitsa (activity 3.5)
- Fayans – Kaspichan (activity 3.5)
- Solvey Sodi – Devnya (activity 4.2 d)
- Polimeri – Devnya (activity 4.2 c)
- Agropolichim – Devnya (activity 4.3)
- Neochim – Dimitrovgrad (activity 4.3)
- Agriya – Plovdiv (activity 4.4)
- Balkanpharma – Razgrad (activity 4.5)
- Biovet – Peshtera (activity 4.5)
- Catchup-frukt – Aitos (activity 6.4 b)
- Bulgarikum – Burgas (activity 6.4 c)
- Serdika 90 – Dobrich (activity 6.4 c)
- Ekarisaj – Varna (activity 6.5)
- Ekarisaj Bert – Bourgas (activity 6.5)

Fully coordinated permits shall be issued for these installations before 30 October

2007, containing individually binding timetables for the achievement of full compliance. These permits shall ensure compliance with the general principles governing the basic obligations of operators as set out in Article 3 of the Directive by 30 October 2007.

2. 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), as amended by:

– 12003 T: Act concerning the conditions of accession and the adjustments to the Treaties - Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic (OJ L 236, 23.9.2003, p. 33).

(a) By way of derogation from Article 4(3) and part A of Annexes III, IV and VII to Directive 2001/80/EC, the emission limit values for sulphur dioxide and for dust shall not apply in Bulgaria to the following plants until the date indicated for each unit of the plant:

- TPP Varna:
  - Unit 1 until 31 December 2009
  - Unit 2 until 31 December 2010
  - Unit 3 until 31 December 2011
  - Unit 4 until 31 December 2012
  - Unit 5 until 31 December 2013
  - Unit 6 until 31 December 2014
- TPP Bobov dol:
  - Unit 2 until 31 December 2011
  - Unit 3 until 31 December 2014

- TPP Ruse East:
  - Units 3 and 4 until 31 December 2009
  - Units 1 and 2 until 31 December 2011

- TPP Lukoil Neftochim Burgas:
  - Units 2, 7, 8, 9, 10 and 11 until 31 December 2011.

During this transitional period, sulphur dioxide and dust emissions from all combustion plants pursuant to Directive 2001/80/EC shall not exceed the following intermediate ceilings:

- by 2008: 179 700 tonnes SO_2 / year; 8 900 tonnes dust / year;
- by 2012: 103 000 tonnes SO_2 / year; 6 000 tonnes dust / year.

(b) By way of derogation from Article 4(3) and part A of Annex VI to Directive 2001/80/EC, the emission limit values for nitrogen oxides shall not apply in Bulgaria until 31 December 2011 for Units 2, 7, 8, 9, 10 and 11 of the combustion plant TPP Lukoil Neftochim Burgas.
During this transitional period, nitrogen oxides emissions from all combustion plants pursuant to Directive 2001/80/EC shall not exceed the following intermediate ceilings:

- by 2008: 42 900 tonnes / year;
- by 2012: 33 300 tonnes / year.

(c) By 1 January 2011, Bulgaria shall submit an updated plan to the Commission, including an investment plan, for the gradual alignment of the remaining non-compliant plants with clearly defined stages for the application of the *acquis*. These plans shall ensure a further reduction of the emissions to a level significantly below the intermediate targets specified in paragraphs (a) and (b) above, in particular for emissions in the period 2012 to 2014. 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 measures, considers that these plans are not sufficient to meet these objectives, it shall inform Bulgaria. Within the subsequent three months, Bulgaria shall communicate the measures it has taken in order to meet these objectives. If subsequently the Commission, in consultation with the Member

States, considers these measures are not sufficient to meet these objectives, it shall commence infringement proceedings under Article III-360 of the Constitution.

Appendix to Annex VI

Chapter I

List of milk processing establishments processing non-compliant milk referred to in Chapter **4, Section B, paragraph (a) of** Annex **VI**

No	Vet. No	Name and address of establishment	Site of premises concerned
Blagoevgrad Region – No 1			
1	BG 0112004	"Matand" EOOD gr. Pernik ul. "Lenin" 111	s. Eleshnitsa
Burgas Region – No 2			
2	BG 0212013	ET "Marsi-Mincho Bakalov" gr. Burgas j.k. "Vazrajdane" bl. 1	Burgas j.k. "Pobeda" ul. "Baykal" 9
3	BG 0212027	DZZD "Mlechen svyat" gr. Burgas j.k. "Izgrev" ul. "Malchika" 3	s. Debelt ul. "Indje voyvoda" 5 obl. Burgaska
4	BG 0212028	"Vester" OOD gr. Burgas ul. "Fotinov" 36	s. Sigmen
5	BG 0212047	"Complektstroy" EOOD gr. Burgas ul. "Aleksandar Stamboliiski" 17	s. Veselie
Vidin Region – No 5			
6	BG 0512025	"El Bi Bulgarikum" EAD gr. Vidin	gr. Vidin Yujna promishlena zona
Vratsa Region – No. 06			
7	BG 0612010	"Hadjiiski i familiya" EOOD s. Gradeshnitsa	s. Gradeshnitsa

8	BG 0612027	"Mlechen ray 99" EOOD gr. Vratsa j.k. "Dabnika" bl. 48 ap. 3	gr. Vratsa j.k. Bistrets Stopanski dvor
9	BG 0612035	ET "Nivego" s. Chiren	s. Chiren
Gabrovo Region – No 7			
10	BG 0712001	"Ben Invest" OOD s. Kostenkovtsi obsht. Gabrovo	s. Kostenkovtsi obsht. Gabrovo
11	BG 0712002	"Shipka 97" AD gr. Gabrovo ul. "V. Levski" 2	gr. Gabrovo ul. "V. Levski" 2
12	BG 0712003	"Elvi" OOD s. Velkovtsi obsht. Gabrovo	s. Velkovtsi obsht. Gabrovo
13	BG 0712008	"Milkieks" OOD gr. Sevlievo j.k. "d-r Atanas Moskov"	gr. Sevlievo j.k. "Atanas Moskov"
Dobrich Region – No 8			
14	BG 0812002	"AVITA" OOD gr. Sofia ul. "20-ti April" 6	s. Tsarichino
15	BG 0812008	"Roles 2000" OOD gr. Varna ul. "Tsar Ivan Shishman" 13	s. Kardam
16	BG 0812019	"Filipopolis" OOD gr. Plovdiv ul. "Hristo Danov" 2	s. Jeglartsi
17	BG 0812029	"AKURAT – MLECHNA PROMISHLENOST" OOD gr. Sofia ul. "Baba Vida 2"	gr. Dobrich j.k. "Riltsi"
18	BG 0812030	"FAMA" AD	gr. Dobrich

		gr. Varna ul. "Evlogi Georgiev" 23	bul. "Dobrudja" 2
Kardjali Region – No 9			
19	BG 0912004	ET "Rado" s. Byal izvor	s. Byal izvor obsht. Ardino
Kyustendil Region – No 10			
20	BG 1012012	"Galkom" OOD gr. Dupnitsa	gr. Dupnitsa ul. "Venelin" 57
21	BG 1012008	ET "Nikolay Kolev" s. Konyavo	s. Konyavo
Lovech Region – No 11			
22	BG 1112001	"Prima Lakta" Ltd. gr. Lovech ul. "Troyansko shose" 1	gr. Lovech ul. "Troyansko shose"
23	BG 1112004	"Mlekoprodukt" OOD gr. Lovech	s. Goran
24	BG 1112008	"Plod" AD gr. Apriltsi	gr. Apriltsi
25	BG 1112012	"Stilos" OOD gr. Dupnitsa ul. "Batenberg" 64	s. Lesidren
Pazardjik Region – No 13			
26	BG 1312011	"Eko-F" EAD gr. Sofia ul. "Stara planina" 34	s. Karabunar
27	BG 1312015	"Mevgal Bulgaria" EOOD gr. Velingrad	gr. Velingrad j.k. "Industrialen"
28	BG 1312022	ET "Palmite-Vesela Popova" gr. Plovdiv ul. "Koprivkite" 23	gr. Strelcha ul. "Osvobojdenie" 17
Pleven Region – No 15			
29	BG 1512003	"Mandra 1" EOOD gr. Obnova	s. Tranchovitsa

30	BG 1512006	"Mandra" OOD gr. Obnova	s. Obnova
31	BG 1512008	ET "Viola" gr. Koynare	gr. Koynare ul. "Hristo Botev" 16
32	BG 1512010	ET "Militsa Lazarova - 90" gr. Slavyanovo	gr. Slavyanovo ul. "Asen Zlatarev" 2
Plovdiv Region – No 16			
33	BG 1612009	ET "D.Madjarov" gr. Plovdiv	gr. Stamboliiski-mandra
34	BG 1612013	ET "Polidey - EI" gr. Karlovo	s. Domlyan
35	BG 1612017	"Snep" OOD gr. Rakovski	gr. Rakovski ul. "F.Stanislavov" 57
36	BG 1612020	ET "Bor -Chvor" s. Dalbok izvor	s. Dalbok izvor
37	BG 1612023	"Vanela" OOD gr. Plovdiv bul. "Bulgaria" 170	s. Tsarimir
38	BG 1612024	SD "Kostovi - EMK" gr. Saedinenie	gr. Saedinenie
39	BG 1612039	"Topolovo-Agrokomers" OOD gr. Sofia z.k. Dianabad, bl.20	s. Topolovo Stopanski dvor
40	BG 1612040	"Mlechni produkti" OOD gr. Plovdiv	s. Manole
Razgrad Region – No 17			
41	BG 1712002	ET "Rosver" gr. Tsar Kaloyan ul. "Ivan Vazov" 4	gr. Tsar Kaloyan ul. "Sofia" 41
42	BG 1712010	"Bulagrotreyd" OOD gr. Ruse ul. "Elin Pelin" 15A	s. Juper

43	BG 1712020	ET "Prelest-Sevim Ahmed" s. Podayva ul. "Struma" 12	s. Lavino Stopanski dvor
44	BG 1712042	ET "Madar" s. Madrevo ul. "Han Kubrat" 65	s. Terter Stopanski dvor
Ruse Region – No 18			
45	BG 1812002	"Laktis-Byala" AD gr. Byala	gr. Byala ul. "Stefan Stambolov" 75
46	BG 1812005	ET "DAV" gr. Ruse ul. "6-ti Septemvri" 43	gr. Vetovo
47	BG 1812022	ZKPU "Tetovo" s. Tetovo	s. Tetovo ul. "Tsar Osvoboditel" 5
48	BG 1812011	ET "Georgi Bojinov-Gogo" s. Nikolovo	s. Nikolovo
Silistra Region – No 19			
49	BG 1912004	ET "Merone-Hristo Kunev" gr. Silistra bul. "Makedonia" 150	gr. Alfatar
50	BG 1912013	"JOSI" OOD gr. Sofia ul. "Hadji Dimitar" 142 vh.A	s. Chernolik
51	BG 1912024	"Buldeks" OOD gr. Silistra ul. "D.Donchev" 6	s. Belitsa
Sliven Region – No 20.			
52	BG 2012007	"Delta lakt" OOD gr. Stara Zagora ul. "Tsar Kaloyan" 20	s. Stoil Voyvoda
53	BG 2012020	"Yotovi" OOD gr. Sliven	gr. Sliven j.k. Rechitsa

		j.k. Rechitsa ul. "Kosharite" 12	
54	BG 2012022	"Bratya Zafirovi" OOD gr. Sliven ul. "Treti mart" 7	gr. Sliven Industrialna zona Zapad
55	BG 2012030	"Agroprodukt" OOD gr. Sliven ul. "Oreshak" 24	s. Dragodanovo
56	BG 2012036	"Minchevi" OOD s. Korten obl. Sliven	s. Korten obl. Sliven
Smolyan Region – No 21			
57	BG 2112001	"Belev" EOOD gr. Smolyan	gr. Smolyan ul. "Trakiya" 15
58	BG 2112021	"Rossi" EOOD gr. Dospat	gr. Dospat
59	BG 2112018	ET "Rosen Atanasov-Komers" s. Kutela	s. Kutela
60	BG 2112023	ET "Iliyan Isakov" s. Trigrad	s. Trigrad obsht. Devin
Sofia City Region – No 22			
61	BG 2212001	"Danon – Serdika" AD gr. Sofia ul. "Ohridsko ezero" 3	ul. "Ohridsko ezero" 3
62	BG 2212002	"Formalat" EOOD s. G.Lozen ul. "Saedinenie" 132	s. G. Lozen ul. "Saedinenie" 132
63	BG 2212009	"Serdika-94" OOD j.k. Jeleznitsa	j.k. Jeleznitsa
64	BG 2212022	"Megle - MJ" OOD ul. "Probuda" 14	ul. "Probuda" 12-14
65	BG 2212023	"EL BI BULGARIKUM" EAD gr. Sofia	ul. "Malashevska" 12A

		ul. "Saborna" 9	
Sofia District Region – No 23			
66	BG 2312013	ET "Dobrev" s. Dragushinovo	s. Dragushinovo
67	BG 2312016	AD "Bovis" s. Trudovets	s. Trudovets
68	BG 2312026	"Dyado Liben" OOD gr. Sofia ul. "Hubcha" 2	gr. Koprivshtitsa bul. "H.Nencho Palaveev" 137
69	BG 2312033	"Balkan Spetsial" OOD gr. Sofia	s. Gorna Malina
70	BG 2312002	ET "Danim" gr. Elin Pelin	gr. Elin Pelin bul. "Vitosha" 18A
Stara Zagora Region – No 24			
71	BG 2412019	"Dekada" OOD gr. Stara Zagora bul. "Ruski" 41 et.3 ap.9	s. Elhovo
72	BG 2412023	Agricultural Institute gr. Stara Zagora	gr. Stara Zagora
73	BG 2412033	"Gospodinovi" OOD gr. Stara Zagora pl. "Beroe" 1 ap.21	s. Julievo
Targovishte Region – No 25			
74	BG 2512004	"PIP Trade" OOD gr. Sofia ul. "Baba Vida" 2	s. Davidovo
75	BG 2512006	"Hadad" OOD s. Makariopolsko	s. Makariopolsko
76	BG 2512016	"Milktreyd-BG" OOD gr. Sofia obsht. "Studentska" 58-A-115	s. Saedinenie obl. Targovishte
77	BG 2512017	"YU E S - Komers" OOD	s. Golyamo Gradishte

		gr. Opaka	ul. "Rakovski" 2
Yambol Region – No 28			
78	BG 2812002	"Arachievi" OOD gr. Elhovo ul. "Bakalov" 19	s. Kirilovo
79	BG 2812003	"Balgarski jogurt" OOD s. Ravda ul. "Struma" 8	s. Veselinovo Kompleks "Ekaterina"
80	BG 2812025	"Sakarela" OOD gr. Yambol ul. "Hr. Botev" 24-B-15	gr. Yambol ul. "Preslav" 269

Chapter II

List of milk establishments for dual milk processing - compliant and non-compliant milk
referred to in Chapter **4, Section B, paragraphs (a) and (c)** of Annex **VI**

No	Vet. No	Name and address of establishment	Site of premises concerned
Veliko Turnovo Region – No 4			
1	BG 0412002	"Sofbiolayf-BG" OOD gr. Svishtov	gr. Svishtov ul. "33-ti svishtovski polk." 67
2	BG 0412009	"Milki-luks" OOD gr. Plovdiv	s. Byala Cherkva
3	BG 0412010	"Bi Si Si Handel" OOD gr. Elena	gr. Elena ul. "Treti mart" 19
Vratsa Region – No 6			
4	BG 0612012	ET "Zorov -97" gr. Vratsa j.k. Kulata ul. "Palkovitsa" 7	Vrachanski balkan, mestnost "Parshevitsa"
Dobrich Region – No 8			
5	BG 0812009	"Serdika - 90" AD gr. Dobrich	gr. Dobrich ul. "25 septemvri" 100
Lovech Region – No 11			
6	BG 1112006	"Kondov Ekoproduktsiya" OOD gr. Sofia	s. Staro selo
Plovdiv Region – No 16			

7	BG 1612001	"OMK" gr. Sofia	gr. Plovdiv bul. "Dunav" 3
8	BG 1612002	"Shipka 99" OOD gr. Parvomay	gr. Parvomay
9	BG 1612037	"Filipopolis-RK" OOD gr. Plovdiv	gr. Plovdiv j.k. "Proslav" ul. "Prosveta" 2A
10	BG 1612041	"Elit-95" EOOD s. Dalbok izvor	s. Dalbok izvor
Ruse Region – No 18			
11	BG 1812003	"Sirma Prista" AD gr. Ruse	gr. Ruse bul. "3-ti mart" 1
Sliven Region – No 20			
12	BG 2012006	"Mlechen pat" AD gr. Sofia ul. "Vasil Levski" 109	gr. Nova Zagora j.k. Industrialen
13	BG 2012009	"Vangard" OOD gr. Sliven ul. "Al. Stamboliiski" 1	s. Jelyo voyvoda obl. Sliven
14	BG 2012019	"Hemus milk komers" OOD gr. Sliven ul. "Neofit Rilski" 3a	gr. Sliven Industrialna zona Zapad j.k. 10
15	BG 2012042	"Tirbul" EAD gr. Sliven	"Tirbul" EAD gr. Sliven

Stara Zagora Region – No 24			
16	BG 2412005	"Markeli" AD gr. Stara Zagora ul. "Sv.Kn.Boris" 67 et.3 ap.6	gr. Kazanlak j.k. Industrialen
Targovishte Region – No 25			
17	BG 2512001	"Mladost -2002" OOD gr. Targovishte	gr. Targovishte bul. "29-ti yanuari" 7
18	BG 2512020	"Mizia-Milk" OOD gr. Targovishte ul. "Rodopi" 5	gr. Targovishte Industrialna zona
Haskovo Region – No 26			
19	BG 2612047	"Balgarsko sirene" OOD gr. Harmanli ul. "Gotse Delchev" 1	gr. Haskovo bul. "Saedinenie" 94
Yambol Region – No 28			
20	BG 2812022	"Karil i Tanya" OOD gr. Yambol	gr. Yambol ul. "Graf Ignatiev" 189