

Treaty
concerning the accession of
the Republic of Bulgaria and Romania
to the European Union

signed in Luxembourg on 25 April 2005

Note: the Accession Protocol and the Act of Accession together with their Annexes form an integral part of the Treaty of Accession

TREATY

BETWEEN

THE KINGDOM OF BELGIUM, THE CZECH REPUBLIC,
THE KINGDOM OF DENMARK, THE FEDERAL REPUBLIC OF GERMANY,
THE REPUBLIC OF ESTONIA, THE HELLENIC REPUBLIC,
THE KINGDOM OF SPAIN, THE FRENCH REPUBLIC, IRELAND,
THE ITALIAN REPUBLIC, THE REPUBLIC OF CYPRUS,
THE REPUBLIC OF LATVIA, THE REPUBLIC OF LITHUANIA,
THE GRAND DUCHY OF LUXEMBOURG, THE REPUBLIC OF HUNGARY,
THE REPUBLIC OF MALTA, THE KINGDOM OF THE NETHERLANDS,
THE REPUBLIC OF AUSTRIA, THE REPUBLIC OF POLAND,
THE PORTUGUESE REPUBLIC, THE REPUBLIC OF SLOVENIA,
THE SLOVAK REPUBLIC, THE REPUBLIC OF FINLAND,
THE KINGDOM OF SWEDEN,
THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
(MEMBER STATES OF THE EUROPEAN UNION)

AND

THE REPUBLIC OF BULGARIA AND ROMANIA,

CONCERNING THE ACCESSION OF THE REPUBLIC OF BULGARIA
AND ROMANIA TO THE EUROPEAN UNION

HIS MAJESTY THE KING OF THE BELGIANS,

THE REPUBLIC OF BULGARIA,

THE PRESIDENT OF THE CZECH REPUBLIC,

HER MAJESTY THE QUEEN OF DENMARK,

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY,

THE PRESIDENT OF THE REPUBLIC OF ESTONIA,

THE PRESIDENT OF THE HELLENIC REPUBLIC,

HIS MAJESTY THE KING OF SPAIN,

THE PRESIDENT OF THE FRENCH REPUBLIC,

THE PRESIDENT OF IRELAND,

THE PRESIDENT OF THE ITALIAN REPUBLIC,

THE PRESIDENT OF THE REPUBLIC OF CYPRUS,

THE PRESIDENT OF THE REPUBLIC OF LATVIA,

THE PRESIDENT OF THE REPUBLIC OF LITHUANIA,

HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG,

THE PRESIDENT OF THE REPUBLIC OF HUNGARY,

THE PRESIDENT OF MALTA,

HER MAJESTY THE QUEEN OF THE NETHERLANDS,

THE FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA,

THE PRESIDENT OF THE REPUBLIC OF POLAND,

THE PRESIDENT OF THE PORTUGUESE REPUBLIC,

THE PRESIDENT OF ROMANIA,

THE PRESIDENT OF THE REPUBLIC OF SLOVENIA,

THE PRESIDENT OF THE SLOVAK REPUBLIC,

THE PRESIDENT OF THE REPUBLIC OF FINLAND,

THE GOVERNMENT OF THE KINGDOM OF SWEDEN,

HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND,

UNITED in their desire to pursue the attainment of the objectives of the European Union,

DETERMINED to continue the process of creating an ever closer union among the peoples of Europe on the foundations already laid,

CONSIDERING that Article I-58 of the Treaty establishing a Constitution for Europe, like Article 49 of the Treaty on European Union, affords European States the opportunity of becoming members of the Union,

CONSIDERING that the Republic of Bulgaria and Romania have applied to become members of the Union,

CONSIDERING that the Council, after having obtained the opinion of the Commission and the assent of the European Parliament, has declared itself in favour of the admission of these States,

CONSIDERING that, at the time of signature of this Treaty, the Treaty establishing a Constitution for Europe was signed but not yet ratified by all Member States of the Union and that the Republic of Bulgaria and Romania will join the European Union as constituted on 1 January 2007,

HAVE AGREED on the conditions and arrangements for admission, and to this end have designated as their Plenipotentiaries:

HIS MAJESTY THE KING OF THE BELGIANS,

Karel DE GUCHT

Minister for Foreign Affairs

Didier DONFUT

State Secretary for European Affairs, attached to the Ministry of Foreign Affairs

THE REPUBLIC OF BULGARIA,

Georgi PARVANOV

President

Simeon SAXE-COBURG

Prime Minister

Solomon PASSY

Minister of Foreign Affairs

Meglana KUNEVA

Minister of European Affairs

THE PRESIDENT OF THE CZECH REPUBLIC,

Vladimír MÜLLER

Deputy Minister for Union Affairs

Jan KOHOUT

Ambassador Extraordinary and Plenipotentiary,

Permanent Representative of the Czech Republic to the European Union

HER MAJESTY THE QUEEN OF DENMARK,

Friis Arne PETERSEN

Permanent Secretary of State

Claus GRUBE

Ambassador Extraordinary and Plenipotentiary,

Permanent Representative of the Kingdom of Denmark to the European Union

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY,

Hans Martin BURY

Minister of State for Europe

Wilhelm SCHÖNFELDER

Ambassador Extraordinary and Plenipotentiary,

Permanent Representative of the Federal Republic of Germany to the European Union

THE PRESIDENT OF THE REPUBLIC OF ESTONIA,

Urmas PAET

Minister for Foreign Affairs

Väino REINART,

Ambassador Extraordinary and Plenipotentiary,

Permanent Representative of the Republic of Estonia to the European Union

THE PRESIDENT OF THE HELLENIC REPUBLIC,

Yannis VALINAKIS

Deputy Minister for Foreign Affairs

Vassilis KASKARELIS

Ambassador Extraordinary and Plenipotentiary,

Permanent Representative of the Hellenic Republic to the European Union

HIS MAJESTY THE KING OF SPAIN,

Miguel Angel MORATINOS CUYAUBÉ

Minister for External Affairs and Cooperation

Alberto NAVARRO GONZÁLEZ

Secretary of State for the European Union

THE PRESIDENT OF THE FRENCH REPUBLIC,

Claudie HAIGNERÉ

Minister with responsibility for European Affairs, attached to the Minister for Foreign Affairs

Pierre SELLAL

Ambassador Extraordinary and Plenipotentiary,

Permanent Representative of the French Republic to the European Union

THE PRESIDENT OF IRELAND,

Dermot AHERN

Minister for Foreign Affairs

Noel TREACY

Minister of State for European Affairs

THE PRESIDENT OF THE ITALIAN REPUBLIC,

Roberto ANTONIONE

Under Secretary of State for Foreign Affairs

Rocco Antonio CANGELOSI

Ambassador Extraordinary and Plenipotentiary,

Permanent Representative of the Italian Republic to the European Union

THE PRESIDENT OF THE REPUBLIC OF CYPRUS,

George IACOVOU

Minister for Foreign Affairs

Nicholas EMILIOU

Ambassador Extraordinary and Plenipotentiary,

Permanent Representative of the Republic of Cyprus to the European Union

THE PRESIDENT OF THE REPUBLIC OF LATVIA,

Artis PABRIKS

Minister for Foreign Affairs

Eduards STIPRAIS

Ambassador Extraordinary and Plenipotentiary,

Permanent Representative of the Republic of Latvia to the European Union

THE PRESIDENT OF THE REPUBLIC OF LITHUANIA,

Antanas VALIONIS

Minister of Foreign Affairs

Albinas JANUSKA

Under-secretary at the Ministry of Foreign Affairs

HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG,

Jean-Claude JUNCKER

Prime Minister, Ministre d'Etat, Minister for Finance

Jean ASSELBORN

Deputy Prime Minister, Minister for Foreign Affairs and Immigration

THE PRESIDENT OF THE REPUBLIC OF HUNGARY,

Dr. Ferenc SOMOGYI

Minister for Foreign Affairs

Dr. Etele BARÁTH

Minister without portfolio responsible for European Union Affairs

THE PRESIDENT OF MALTA,

The Hon Michael FRENDU

Minister for Foreign Affairs

Richard CACHIA CARUANA

Ambassador Extraordinary and Plenipotentiary,

Permanent Representative of Malta to the European Union

HER MAJESTY THE QUEEN OF THE NETHERLANDS,

Dr. B.R. BOT

Minister for Foreign Affairs

Atzo NICOLAÏ

Minister for European Affairs

THE FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA,

Hubert GORBACH

Vice Chancellor

Dr. Ursula PLASSNIK

Federal Minister for Foreign Affairs

THE PRESIDENT OF THE REPUBLIC OF POLAND,

Adam Daniel ROTFELD

Minister of Foreign Affairs

Jarosław PIETRAS

Secretary of State for European Affairs

THE PRESIDENT OF THE PORTUGUESE REPUBLIC,

Diogo PINTO DE FREITAS DO AMARAL

Minister of State and Foreign Affairs

Fernando Manuel de MENDONÇA D'OLIVEIRA NEVES

Secretary of State for European Affairs

THE PRESIDENT OF ROMANIA,

Traian BĂSESCU

President

Călin POPESCU - TĂRICEANU

Prime Minister

Mihai - Răzvan UNGUREANU

Minister of Foreign Affairs

Leonard ORBAN

Chief Negotiator with the European Union

THE PRESIDENT OF THE REPUBLIC OF SLOVENIA,

Božo CERAR

State Secretary at the Ministry of Foreign Affairs

THE PRESIDENT OF THE SLOVAK REPUBLIC,

Eduard KUKAN

Minister of Foreign Affairs

József BERÉNYI

State Secretary of Foreign Affairs

THE PRESIDENT OF THE REPUBLIC OF FINLAND,

Eikka KOSONEN

Ambassador Extraordinary and Plenipotentiary,

Permanent Representative of the Republic of Finland to the European Union

THE GOVERNMENT OF THE KINGDOM OF SWEDEN,

Laila FREIVALDS

Minister for Foreign Affairs

Sven-Olof PETERSSON

Ambassador Extraordinary and Plenipotentiary,

Permanent Representative of the Kingdom of Sweden to the European Union

HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND,

Sir John GRANT KCMG

Ambassador Extraordinary and Plenipotentiary,

Permanent Representative of the United Kingdom of Great Britain and Northern Ireland
to the European Union

WHO, having exchanged their full powers found in good and due form,

HAVE AGREED AS FOLLOWS:

ARTICLE 1

1. The Republic of Bulgaria and Romania hereby become members of the European Union.
2. The Republic of Bulgaria and Romania become Parties to the Treaty establishing a Constitution for Europe and to the Treaty establishing the European Atomic Energy Community as amended or supplemented.
3. The conditions and arrangements for admission are set out in the Protocol annexed to this Treaty. The provisions of that Protocol shall form an integral part of this Treaty.
4. The Protocol, including its Annexes and Appendices, shall be annexed to the Treaty establishing a Constitution for Europe and to the Treaty establishing the European Atomic Energy Community, and its provisions shall form an integral part of those Treaties.

ARTICLE 2

1. In the event that the Treaty establishing a Constitution for Europe is not in force on the date of accession, the Republic of Bulgaria and Romania become Parties to the Treaties on which the Union is founded, as amended or supplemented.

In such event Article 1(2) to (4) shall become applicable from the date of entry into force of the Treaty establishing a Constitution for Europe.

2. The conditions of admission and the adjustments to the Treaties on which the Union is founded, entailed by such admission, which will apply from the date of accession until the date of entry into force of the Treaty establishing a Constitution for Europe, are set out in the Act annexed to this Treaty. The provisions of that Act shall form an integral part of this Treaty.

3. In the event that the Treaty establishing a Constitution for Europe enters into force after accession, the Protocol referred to in Article 1(3) shall replace the Act referred to in Article 2(2) on the date of entry into force of the said Treaty. In such event, the provisions of the aforementioned Protocol shall not be considered as creating a new legal effect, but as preserving, under the conditions laid down in the Treaty establishing a Constitution for Europe, the Treaty establishing the European Atomic Energy Community and that Protocol, the legal effects which have already been created by the provisions of the Act referred to in Article 2(2).

Acts adopted prior to the entry into force of the Protocol referred to in Article 1(3) on the basis of this Treaty or the Act referred to in paragraph 2 shall remain in force and their legal effects shall be preserved until those acts are amended or repealed.

ARTICLE 3

The provisions concerning the rights and obligations of the Member States and the powers and jurisdiction of the institutions of the Union as set out in the Treaties to which the Republic of Bulgaria and Romania become Parties shall apply in respect of this Treaty.

ARTICLE 4

1. This Treaty shall be ratified by the High Contracting Parties in accordance with their respective constitutional requirements. The instruments of ratification shall be deposited with the Government of the Italian Republic by 31 December 2006 at the latest.
2. This Treaty shall enter into force on 1 January 2007 provided that all the instruments of ratification have been deposited before that date.

If, however, a State referred to in Article 1(1) has not deposited its instrument of ratification in due time, this Treaty shall enter into force for the other State which has deposited its instrument. In that case, the Council, acting unanimously, shall decide immediately upon such adjustments as have become indispensable to this Treaty, to Articles 10, 11(2), 12, 21(1), 22, 31, 34 and 46, Annex III, point 2(1)(b), 2(2) and 2(3) and Annex IV, section B, of the Protocol referred to in Article 1(3) and, as the case may be, to Articles 9 to 11, 14(3), 15, 24(1), 31, 34, 46 and 47, Annex III, point 2(1)(b), 2(2) and 2(3) and Annex IV, section B, of the Act referred to in Article 2(2); acting unanimously, it may also declare that those provisions of the aforementioned Protocol, including its Annexes and Appendices and, as the case may be, of the aforementioned Act, including its Annexes and Appendices, which refer expressly to a State which has not deposited its instrument of ratification have lapsed, or it may adjust them.

Notwithstanding the deposit of all necessary instruments of ratification in accordance with paragraph 1, this Treaty shall enter into force on 1 January 2008, if the Council adopts a decision concerning both acceding States under Article 39 of the Protocol referred to in Article 1(3), or under Article 39 of the Act referred to in Article 2(2) prior to the entry into force of the Treaty establishing a Constitution for Europe.

If such a decision is taken with respect to only one of the acceding States this Treaty shall enter into force for that State on 1 January 2008.

3. Notwithstanding paragraph 2, the institutions of the Union may adopt before accession the measures referred to in Articles 3(6), 6(2) second subparagraph, 6(4) second subparagraph, 6(7) second and third subparagraphs, 6(8) second subparagraph, 6(9) third subparagraph, 17, 19, 27(1) and (4), 28(4) and (5), 29, 30(3), 31(4), 32(5), 34(3) and (4), 37, 38, 39(4), 41, 42, 55, 56, 57 and Annexes IV to VIII of the Protocol referred to in Article 1(3). Such measures shall be adopted under the equivalent provisions in Articles 3(6), 6(2) second subparagraph, 6(4) second subparagraph, 6(7) second and third subparagraphs, 6(8) second subparagraph, 6(9) third subparagraph, 20, 22, 27(1) and (4), 28(4) and (5), 29, 30(3), 31(4), 32(5), 34(3) and (4), 37, 38, 39(4), 41, 42, 55, 56, 57 and Annexes IV to VIII of the Act referred to in Article 2(2), prior to the entry into force of the Treaty establishing a Constitution for Europe.

These measures shall enter into force only subject to and on the date of the entry into force of this Treaty.

ARTICLE 5

The text of the Treaty establishing a Constitution for Europe drawn up in the Bulgarian and Romanian languages shall be annexed to this Treaty. Those texts shall be authentic under the same conditions as the texts of the Treaty establishing a Constitution for Europe drawn up in the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Slovak, Slovenian, Spanish and Swedish languages.

The Government of the Italian Republic shall remit to the Governments of the Republic of Bulgaria and Romania a certified copy of the Treaty establishing a Constitution for Europe in all the languages referred to in the first paragraph.

ARTICLE 6

This Treaty, drawn up in a single original in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, the texts in each of these languages being equally authentic, shall be deposited in the archives of the Government of the Italian Republic, which will remit a certified copy to each of the Governments of the other Signatory States.