

AGREEMENT
ON THE PARTICIPATION
OF THE REPUBLIC OF CROATIA
IN THE EUROPEAN ECONOMIC AREA

THE EUROPEAN UNION,

THE KINGDOM OF BELGIUM,

THE REPUBLIC OF BULGARIA,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

IRELAND,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

HUNGARY,

THE REPUBLIC OF MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

ROMANIA,

THE REPUBLIC OF SLOVENIA,

THE SLOVAK REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

hereinafter referred to as "Member States of the European Union",

ICELAND,

THE PRINCIPALITY OF LIECHTENSTEIN,

THE KINGDOM OF NORWAY,

hereinafter referred to as "EFTA States",

together hereinafter referred to as "Present Contracting Parties",

and

THE REPUBLIC OF CROATIA,

WHEREAS the Treaty concerning the accession of the Republic of Croatia to the European Union (hereinafter referred to as the "Treaty of Accession") was signed in Brussels on 9 December 2011;

WHEREAS, pursuant to Article 128 of the Agreement on the European Economic Area, signed at Oporto on 2 May 1992, any European State becoming a member of the Community shall apply to become a Party to the Agreement on the European Economic Area (hereinafter referred to as the "EEA Agreement");

WHEREAS the Republic of Croatia has applied to become a Contracting Party to the EEA Agreement;

WHEREAS the terms and conditions for such participation are to be the subject of an Agreement between the Present Contracting Parties and the applicant State,

HAVE DECIDED to conclude the following Agreement:

ARTICLE 1

1. The Republic of Croatia hereby becomes a Contracting Party to the EEA Agreement and shall hereinafter be referred to as the "New Contracting Party".
2. From the entry into force of this Agreement, the provisions of the EEA Agreement, as amended by the Decisions of the EEA Joint Committee adopted before 30 June 2011, shall be binding on the New Contracting Party under the same conditions as on the Present Contracting Parties and under the terms and conditions laid down in this Agreement.
3. The Annexes to this Agreement form an integral part of this Agreement.

ARTICLE 2

1. ADJUSTMENTS TO THE MAIN TEXT OF THE EEA AGREEMENT

(a) Preamble:

- (i) The following shall be added in the list of Contracting Parties after the French Republic:

"THE REPUBLIC OF CROATIA,"

- (ii) The words "THE REPUBLIC OF" before HUNGARY shall be deleted;

(iii) The words "THE REPUBLIC OF" before MALTA shall be added;

(b) Article 2:

(i) Paragraph (f) shall be deleted;

(ii) The following shall be added after paragraph (e):

"(f) the term "Act of Accession of 9 December 2011" shall mean the "Act concerning the conditions of accession of the Republic of Croatia and the adjustments to the Treaty on European Union, the Treaty on the Functioning of the European Union and the Treaty establishing the European Atomic Energy Community, signed at Brussels on 9 December 2011.";

(c) Article 117:

The text of Article 117 shall be replaced by the following:

"Provisions governing the Financial Mechanisms are set out in Protocol 38, Protocol 38a, the Addendum to Protocol 38a, Protocol 38b and the Addendum to Protocol 38b.";

(d) Article 129:

- (i) The second subparagraph of paragraph 1 shall be replaced by the following:

"Pursuant to the enlargements of the European Economic Area the versions of this Agreement in the Bulgarian, Croatian, Czech, Estonian, Hungarian, Latvian, Lithuanian, Maltese, Polish, Romanian, Slovak and Slovenian languages shall be equally authentic.";

- (ii) the third subparagraph of paragraph 1 shall be replaced by the following:

"The texts of the acts referred to in the Annexes are equally authentic in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages as published in the *Official Journal of the European Union* and shall for the authentication thereof be drawn up in the Icelandic and Norwegian languages and published in the EEA Supplement to the *Official Journal of the European Union*."

2. ADJUSTMENTS TO PROTOCOLS TO THE EEA AGREEMENT

(a) Protocol 4 on rules of origin shall be amended as follows:

(i) Annex IVa (Text of the invoice declaration) shall be amended as follows:

(aa) The following shall be inserted before the Italian version of the text of the invoice declaration:

"Croatian version

Izvoznik proizvoda obuhvaćenih ovom ispravom (carinsko ovlaštenje br ... ⁽¹⁾)
izjavljuje da su, osim ako je drukčije izričito navedeno, ovi proizvodi... ⁽²⁾
preferencijalnog podrijetla.";

(ii) Annex IVb (Text of the invoice declaration EUR-MED) shall be amended as follows:

(aa) The following shall be inserted before the Italian version of the text of the invoice declaration EUR-MED:

"Croatian version

Izvoznik proizvoda obuhvaćenih ovom ispravom (carinsko ovlaštenje br ... ⁽¹⁾)
izjavljuje da su, osim ako je drukčije izričito navedeno, ovi proizvodi ... ⁽²⁾
preferencijalnog podrijetla.

- cumulation applied with(name of the country/countries)
- no cumulation applied ⁽³⁾".

(b) The following shall be added to Protocol 38b:

"ADDENDUM TO PROTOCOL 38B
ON THE EEA FINANCIAL MECHANISM FOR THE REPUBLIC OF CROATIA

Article 1

1. Protocol 38b shall apply *mutatis mutandis* to the Republic of Croatia.

2. Notwithstanding paragraph 1, the first sentence of paragraph 3 of Article 3 of Protocol 38b shall not apply.

3. Notwithstanding paragraph 1, Article 6 of Protocol 38b shall not apply. No reallocation to any other Beneficiary State shall be applicable in case of available non-committed funds of Croatia.

Article 2

The additional amounts of the financial contribution shall be EUR 5 million for the Republic of Croatia over the period running from 1 July 2013 to 30 April 2014, inclusive; they shall be made available for commitment in a single tranche as from the date of entry into force of the Agreement on the Participation of the Republic of Croatia in the European Economic Area or of an agreement to apply the Agreement provisionally."

(c) The text of Protocol 44 shall be replaced by the following:

"ON SAFEGUARD MECHANISMS PURSUANT TO ENLARGEMENTS OF THE EUROPEAN ECONOMIC AREA

1. Application of Article 112 of the Agreement to the General Economic Safeguard Clause and the safeguard mechanisms contained in certain transitional arrangements in the Field of Free Movement of Persons and Road Transport

Article 112 of the Agreement shall also be applicable to the situations specified or referred to:

- (a) in the provisions of Article 37 of the Act of Accession of 16 April 2003, of Article 36 of the Act of Accession of 25 April 2005 and of Article 37 of the Act of Accession of 9 December 2011, and
- (b) in the safeguard mechanisms contained in the transitional arrangements under the headings "Transition period" in Annex V (Free movement of workers) and Annex VIII (Right of establishment), in point 30 (Directive 96/71/EC of the European Parliament and of the Council) of Annex XVIII (Health and safety at work, labour law, and equal treatment for men and women), in point 26c (Council Regulation (EEC) No 3118/93) and point 53a (Council Regulation (EEC) No 3577/92) of Annex XIII (Transport) with the same time limits, scope and effects as set out in those provisions.

2. Internal Market Safeguard Clause

The general decision-making procedure provided for by the Agreement shall also be applicable to decisions taken by the Commission of the European Communities in application of Article 38 of the Act of Accession of 16 April 2003, of Article 37 of the Act of Accession of 25 April 2005, and of Article 38 of the Act of Accession of 9 December 2011."

ARTICLE 3

1. All amendments to acts adopted by the institutions of the European Union incorporated into the EEA Agreement, made by the Act concerning the conditions of accession of the Republic of Croatia and the adjustments to the Treaty on European Union, the Treaty on the Functioning of the European Union and the Treaty establishing the European Atomic Energy Community (hereinafter referred to as the "Act of Accession of 9 December 2011"), are hereby incorporated into and made part of the EEA Agreement.

2. To this end, the following indent is introduced in the points of the Annexes and Protocols to the EEA Agreement containing the references to the acts adopted by the institutions of the European Union concerned:

"– 1 2012 J003: Act concerning the conditions of accession of the Republic of Croatia and the adjustments to the Treaty on European Union, the Treaty on the Functioning of the European Union and the Treaty establishing the European Atomic Energy Community, adopted on 9 December 2011 (OJ L 112, 24.4.2012, p. 21).".

3. If the indent referred to in paragraph 2 is the first indent in the point in question, it shall be preceded by the words ", as amended by:".

4. Annex A to this Agreement lists the points in the Annexes and Protocols to the EEA Agreement in which the text referred to in paragraphs 2 and 3 shall be introduced.

5. Where acts incorporated into the EEA Agreement prior to the date of entry into force of this Agreement require adaptations by reason of the New Contracting Party's participation, and the necessary adaptations have not been provided for in this Agreement, those adaptations will be addressed in accordance with the procedures laid down in the EEA Agreement.

ARTICLE 4

1. The arrangements contained in the Act of Accession of 9 December 2011 referred to in Annex B to this Agreement are hereby incorporated into and made part of the EEA Agreement.

2. Any of the arrangements of relevance for the EEA Agreement referred to in or adopted on the basis of the Act of Accession of 9 December 2011 which are not reflected in Annex B to this Agreement, will be addressed in accordance with the procedures laid down in the EEA Agreement.

ARTICLE 5

Any Party to this Agreement may bring any matter concerning its interpretation or application before the EEA Joint Committee. The EEA Joint Committee shall examine the matter with a view to finding an acceptable solution in order to maintain the good functioning of the EEA Agreement.

ARTICLE 6

1. This Agreement shall be ratified or approved by the Present Contracting Parties and the New Contracting Party in accordance with their own procedures. The instruments of ratification or approval shall be deposited with the General Secretariat of the Council of the European Union.
2. It shall enter into force on the day following the deposit of the last instrument of ratification or approval of a Present Contracting Party or the New Contracting Party, provided that the following related protocols enter into force on the same day:
 - (a) Additional Protocol to the Agreement between the Kingdom of Norway and the European Union on a Norwegian Financial Mechanism for the period 2009-2014 consequent to the participation of the Republic of Croatia in the European Economic Area;
 - (b) Additional Protocol to the Agreement between the European Economic Community and Iceland consequent to the accession of the Republic of Croatia to the European Union; and
 - (c) Additional Protocol to the Agreement between the European Economic Community and the Kingdom of Norway consequent to the accession of the Republic of Croatia to the European Union.

ARTICLE 7

This Agreement, drawn up in a single original in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish, Icelandic and Norwegian languages, each text being equally authentic, shall be deposited with the General Secretariat of the Council of the European Union, which will remit a certified copy to each of the Governments of the Parties to this Agreement.

ANNEX A

List referred to in Article 3 of the Agreement

PART I

ACTS REFERRED TO IN THE EEA AGREEMENT AMENDED
by the Act of Accession of 9 December 2011

The indent referred to in Article 3(2) shall be inserted in the following locations in the Annexes and Protocols to the EEA Agreement:

In Chapter XXVII (Spirit drinks) of Annex II (Technical Regulations, Standards, Testing and Certification):

– Point 3 (Council Regulation (EEC) No 1601/91)

In Annex VII (Recognition of Professional Qualifications):

Point 1 (Directive 2005/36/EC of the European Parliament and of the Council)

In Annex XVII (Intellectual Property):

Point 6a (Regulation (EC) No 1610/96 of the European Parliament and of the Council)

In Annex IX (Financial Services):

Point 14 (Directive 2006/48/EC of the European Parliament and of the Council)

In Annex XX (Environment):

Point 21al (Directive 2003/87/EC of the European Parliament and of the Council)

PART II

OTHER AMENDMENTS TO THE ANNEXES TO THE EEA AGREEMENT

The following amendments shall be made to the Annexes to the EEA Agreement:

In Annex II (Technical Regulations, Standards, Testing and Certification – Part II):

In chapter XV, point 12a (Council Directive 91/414/EEC), the words "or, as the case may be, to the Protocol of Accession of 25 April 2005" shall be deleted;

In chapter XVII, point 7 (Directive 94/62/EC of the European Parliament and of the Council), the words "or, as the case may be, to the Protocol of Accession of 25 April 2005" shall be deleted;

In chapter XVII, point 8 (Directive 94/63/EC of the European Parliament and of the Council), the words "or, as the case may be, to the Protocol of Accession of 25 April 2005" shall be deleted;

In chapter XXV, point 3 (Directive 2001/37/EC of the European Parliament and of the Council), the words "or, as the case may be, to the Protocol of Accession of 25 April 2005" shall be deleted.

In Annex V (Free Movement of Workers):

Under the heading "TRANSITION PERIOD", the words "or, as the case may be, to the Protocol of Accession of 25 April 2005" shall be deleted.

In Annex VIII (Right of Establishment):

Under the heading "TRANSITION PERIOD", the words "or, as the case may be, to the Protocol of Accession of 25 April 2005" shall be deleted.

In Annex IX (Financial Services):

In point 31b (Directive 97/9/EC of the European Parliament and of the Council), the words "or, as the case may be, to the Protocol of Accession of 25 April 2005" shall be deleted.

In Annex XI (Electronic Communication, Audiovisual Services and Information Society):

In point 5cm (Directive 2002/22/EC of the European Parliament and of the Council), the words "or, as the case may be, to the Protocol of Accession of 25 April 2005" shall be deleted.

In Annex XII (Free Movement of Capital):

Under the heading "TRANSITION PERIOD", the words "or, as the case may be, to the Protocol of Accession of 25 April 2005" shall be deleted.

In Annex XIII (Transport):

In point 15a (Council Directive 96/53/EC), the words "or, as the case may be, to the Protocol of Accession of 25 April 2005" shall be deleted;

In point 18a (Directive 1999/62/EC of the European Parliament and of the Council), the words "or, as the case may be, to the Protocol of Accession of 25 April 2005" shall be deleted;

In point 19 (Council Directive 96/26/EC), the words "or, as the case may be, to the Protocol of Accession of 25 April 2005" shall be deleted;

In point 26c (Council Regulation (EEC) No 3118/93), the words "or, as the case may be, to the Protocol of Accession of 25 April 2005" shall be deleted.

In Annex XV (State Aid):

Under the heading "SECTORAL ADAPTATIONS", the words "or, as the case may be, to the Protocol of Accession of 25 April 2005" shall be deleted;

Under the heading "TRANSITION PERIOD", the words "or, as the case may be, to the Protocol of Accession of 25 April 2005" shall be deleted.

In Annex XVII (Intellectual Property):

Under the heading "SECTORAL ADAPTATIONS", the words "or, as the case may be, to the Protocol of Accession of 25 April 2005" shall be deleted.

In Annex XVIII (Health and Safety at Work, Labour Law, and Equal Treatment for Men and Women):

In point 30 (Directive 96/71/EC of the European Parliament and of the Council), the words "or, as the case may be, to the Protocol of Accession of 25 April 2005" shall be deleted.

In Annex XX (Environment):

In point 1f (Directive 2008/1/EC of the European Parliament and of the Council), the words "or, as the case may be, to the Protocol of Accession of 25 April 2005" shall be deleted;

In point 7a (Council Directive 98/83/EC), the words "or, as the case may be, to the Protocol of Accession of 25 April 2005" shall be deleted;

In point 13 (Council Directive 91/271/EEC), the words "or, as the case may be, to the Protocol of Accession of 25 April 2005" shall be deleted;

In point 19a (Directive 2001/80/EC of the European Parliament and of the Council), the words "or, as the case may be, to the Protocol of Accession of 25 April 2005" shall be deleted;

In point 21ad (Council Directive 1999/32/EC), the words "or, as the case may be, to the Protocol of Accession of 25 April 2005" shall be deleted;

In point 32d (Council Directive 1999/31/EC), the words "or, as the case may be, to the Protocol of Accession of 25 April 2005" shall be deleted;

In point 32f (Directive 2000/76/EC of the European Parliament and of the Council), the words "or, as the case may be, to the Protocol of Accession of 25 April 2005" shall be deleted;

In point 32fa (Directive 2002/96/EC of the European Parliament and of the Council), the words "or, as the case may be, to the Protocol of Accession of 25 April 2005" shall be deleted.

ANNEX B

List referred to in Article 4 of the Agreement

The Annexes and Protocols to the EEA Agreement shall be amended as follows:

Annex I (Veterinary and Phytosanitary Matters):

1. In Chapter I, Part 1.1, point 4 (Council Directive 97/78/EC), the following shall be inserted before the adaptation text:

"The transitional arrangements set out in the Annexes to the Act of Accession of 9 December 2011 for Croatia (Annex V, Chapter 5, Section IV) shall apply."

2. In Chapter I, Part 6.1, point 16 (Regulation (EC) No 852/2004 of the European Parliament and of the Council), the following shall be inserted after the paragraph regarding the transitional arrangements:

"The transitional arrangements set out in the Annexes to the Act of Accession of 9 December 2011 for Croatia (Annex V, Chapter 5, Section II) shall apply."

3. In Chapter I, Part 6.1, point 17 (Regulation (EC) No 853/2004 of the European Parliament and of the Council), the following shall be inserted after the paragraph regarding the transitional arrangements and before the adaptation text:

"The transitional arrangements set out in the Annexes to the Act of Accession of 9 December 2011 for Croatia (Annex V, Chapter 5, Section II) shall apply."

4. In Chapter I, Part 9.1, point 8 (Council Directive 1999/74/EC), the following shall be inserted after the paragraph regarding the transitional arrangements:

"The transitional arrangements set out in the Annexes to the Act of Accession of 9 December 2011 for Croatia (Annex V, Chapter 5, Section I) shall apply."

5. In Chapter III, Part 1, point 10 (Council Directive 2002/53/EC), the following shall be inserted after the paragraphs regarding the transitional arrangements and before the adaptation text:

"The transitional arrangements set out in the Annexes to the Act of Accession of 9 December 2011 for Croatia (Annex V, Chapter 5, Section III) shall apply."

6. In Chapter III, Part 1, point 12 (Council Directive 2002/55/EC), the following shall be inserted after the paragraph regarding transitional arrangements and before the adaptation text:

"The transitional arrangements set out in the Annexes to the Act of Accession of 9 December 2011 for Croatia (Annex V, Chapter 5, Section III) shall apply."

Annex II (Technical Regulations, Standards, Testing and Certification):

1. In Chapter XII, point 54zr (Council Directive 2001/113/EC), the following shall be added:

"The transitional arrangements set out in the Annexes to the Act of Accession of 9 December 2011 for Croatia (Annex V, Chapter 4, Section I, Point 1) shall apply."

2. In Chapter XIII, point 15q (Directive 2001/83/EC of the European Parliament and of the Council), the following shall be inserted after the paragraph regarding the transitional arrangements and before the adaptation text:

"The transitional arrangements set out in the Annexes to the Act of Accession of 9 December 2011 for Croatia (Annex V, Chapter 1) shall apply."

3. In Chapter XV, point 12zc (Regulation (EC) No 1907/2006 of the European Parliament and of the Council), the following shall be inserted before the adaptation text:

"The transitional arrangements set out in the Annexes to the Act of Accession of 9 December 2011 for Croatia (Annex V, Chapter 10, Section VI) shall apply."

Annex V (Free Movement of Workers):

Under the heading "TRANSITION PERIOD" the following shall be inserted between the paragraphs regarding the transitional arrangements and the paragraph regarding the safeguard mechanisms:

"The transitional arrangements set out in the Annexes to the Act of Accession of 9 December 2011 for Croatia (Annex V, Chapter 2) shall apply."

Annex VIII (Right of Establishment):

Under the heading "TRANSITION PERIOD" the following shall be inserted between the paragraphs regarding the transitional arrangements and the paragraph regarding the safeguard mechanisms:

"The transitional arrangements set out in the Annexes to the Act of Accession of 9 December 2011 for Croatia (Annex V, Chapter 2) shall apply."

Annex XII (Free Movement of Capital):

The following shall be inserted after the paragraphs under the heading "TRANSITION PERIOD":

"The transitional arrangements set out in the Annexes to the Act of Accession of 9 December 2011 for Croatia (Annex V, Chapter 3) shall apply."

Annex XIII (Transport):

In point 53a (Council Regulation (EEC) No 3577/92), the following paragraphs shall be inserted before the adaptation text:

"The transitional arrangements set out in the Annexes to the Act of Accession of 9 December 2011 for Croatia (Annex V, Chapter 7, Point 1) shall apply."

With regard to the safeguard mechanisms contained in the transitional arrangements referred to in the previous paragraphs, PROTOCOL 44 ON SAFEGUARD MECHANISMS PURSUANT TO ENLARGEMENTS OF THE EUROPEAN ECONOMIC AREA shall apply."

Annex XV (State Aid):

The following shall be added under the heading "SECTORAL ADAPTATIONS":

"The arrangements regarding the existing aid schemes set out in Chapter 2 (Competition policy) of Annex IV to the Act of Accession of 9 December 2011 shall apply between the Contracting Parties."

Annex XVII (Intellectual Property):

The following shall be added under the heading "SECTORAL ADAPTATIONS":

"The specific mechanisms set out in Chapter 1 (Intellectual property law) of Annex IV to the Act of Accession of 9 December 2011 shall apply between the Contracting Parties."

Annex XVIII (Health and Safety at Work, Labour Law, and Equal Treatment for Men and Women):

In point 30 (Directive 96/71/EC of the European Parliament and of the Council), the following shall be inserted between the paragraphs regarding the transitional arrangements and the paragraph regarding the safeguard mechanisms:

"The transitional arrangements set out in the Annexes to the Act of Accession of 9 December 2011 for Croatia (Annex V, Chapter 2) shall apply."

Annex XX (Environment):

1. In point 7a (Council Directive 98/83/EC), the following shall be inserted after the paragraphs regarding the transitional arrangements:

"The transitional arrangements set out in the Annexes to the Act of Accession of 9 December 2011 for Croatia (Annex V, Chapter 10, Section IV, Point 2) shall apply."

2. In point 13 (Council Directive 91/271/EEC), the following shall be inserted after the paragraphs regarding the transitional arrangements and before the adaptation text:

"The transitional arrangements set out in the Annexes to the Act of Accession of 9 December 2011 for Croatia (Annex V, Chapter 10, Section IV, Point 1) shall apply."

3. In point 19a (Directive 2001/80/EC of the European Parliament and of the Council), the following shall be inserted after the paragraphs regarding transitional arrangements and before the adaptation text:

"The transitional arrangements set out in the Annexes to the Act of Accession of 9 December 2011 for Croatia (Annex V, Chapter 10, Section V, Point 2) shall apply."

4. In point 21ab (Council Directive 1999/13/EC), the following shall be added:

"The transitional arrangements set out in the Annexes to the Act of Accession of 9 December 2011 for Croatia (Annex V, Chapter 10, Section V, Point 1) shall apply."

5. In point 21al (Directive 2003/87/EC of the European Parliament and of the Council), the following shall be inserted before the adaptation text:

"The transitional arrangements set out in the Annexes to the Act of Accession of 9 December 2011 for Croatia (Annex V, Chapter 10, Section I, Point 1) shall apply."

6. In point 32d (Council Directive 1999/31/EC), the following shall be inserted after the paragraphs regarding the transitional arrangements:

"The transitional arrangements set out in the Annexes to the Act of Accession of 9 December 2011 for Croatia (Annex V, Chapter 10, Section III) shall apply."
