

MEMORANDUM TO THE COMMISSION

On 31 March 2004, UN Secretary-General Kofi Annan submitted to the parties concerned the finalized "Comprehensive Settlement of the Cyprus Problem". His proposal shall be submitted for approval at separate simultaneous referenda in both Cypriot communities on 24 April 2004 as already agreed by all parties in New York on 13 February 2004. After successful outcome of the referenda a reunited island will join the European Union.

In order to ensure the proper participation of a United Cyprus Republic in the institutions of the Union, *e.g.* the European Parliament elections to be held on 13 June 2004, the application of the institutional *acquis* and of general provisions need to be extended to the (future) Turkish Cypriot constituent state in a first step. The legal basis for the withdrawal of the suspension of the *acquis* is Article 1 paragraph 2 of Protocol No. 10. This draft Decision should be submitted to the Council without delay for its immediate adoption by the Council after a successful outcome of the referenda, so that it could enter into force by 1 May 2004.

The Commission is therefore invited to adopt the attached proposal and authorise its transmission to the Council for adoption.



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, xxx
COM(2004) yyy final

Proposal for a

COUNCIL DECISION

**concerning the first partial withdrawal of the suspension of the acquis in the Turkish
Cypriot constituent state**

(presented by the Commission)

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EXPLANATORY MEMORANDUM

On 31 March 2004, UN Secretary-General Kofi Annan submitted to the parties concerned the finalized "Comprehensive Settlement of the Cyprus Problem". His proposal shall be submitted for approval at separate simultaneous referenda in both Cypriot communities on 24 April 2004 as already agreed by all parties in New York on 13 February 2004. After successful outcome of the referenda a reunited island will join the European Union.

In order to ensure the proper participation of a United Cyprus Republic in the institutions of the Union, *e.g.* the European Parliament elections to be held on 13 June 2004, the application of the institutional *acquis* and of general provisions need to be extended to the (future) Turkish Cypriot constituent state in a first step. The legal basis for the withdrawal of the suspension of the *acquis* is Article 1 paragraph 2 of Protocol No. 10. This draft Decision should be submitted to the Council without delay for its immediate adoption by the Council after a successful outcome of the referenda, so that it could enter into force by 1 May 2004.

Following the reunification of the island, the application of the *acquis* in other areas would need to be extended step by step to the Turkish Cypriot constituent state.

Proposal for a

COUNCIL DECISION

concerning the first partial withdrawal of the suspension of the *acquis* in the Turkish Cypriot constituent state

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Protocol No. 10 of the Act of Accession 2003, and in particular Article 1 (2) thereof,

Having regard to the proposal from the Commission¹,

Whereas:

- (1) The Greek Cypriots and the Turkish Cypriots approved the Foundation Agreement with all its Annexes on 24 April 2004 and brought into being a new state of affairs in which Cyprus joins the European Union on 1 May 2004 united. The United Cyprus Republic consists of a Greek Cypriot and a Turkish Cypriot constituent state.
- (2) According to Article 1 (1) of Protocol No. 10 of the Act of Accession the application of the *acquis* had been suspended for the area of Cyprus which forms now the Turkish Cypriot constituent state.
- (3) Following the reunification of the island, in a first step, the application of the institutional *acquis* as well as general provisions of the EC and the Euratom Treaty need to be extended to the Turkish Cypriot constituent state.

HAS DECIDED AS FOLLOWS:

Article 1

The suspension of the application of the *acquis* pursuant to Article 1 paragraph 1 of Protocol No. 10 of the Act of Accession 2003 is hereby withdrawn concerning

- Title I and Title VIII of the Treaty on European Union

- Part One, Part Two, Part Five, and Part Six of the EC Treaty and the acts adopted on the basis of the relevant treaty articles, with the exception of the acts adopted on the basis of Article 308

- Articles 1 to 3 and Titles 3, 4, 5, Articles 224 and 225 of the Euratom Treaty and the acts based on the relevant treaty articles with the exception of the acts based on Article 203

¹ OJ C , , p. .

- Articles 1 to 3 of the Treaty of Accession 2003 and Part 1 (with the exception of Article 3), 4, 5 (Title 1 and 3 only) and Protocols 1, 3 and 10 of the Act of Accession 2003.

Article 2

This Decision shall enter into force on the day of its publication in the *Official Journal of the European Union*.

Done at Brussels,

*For the Council
The President*