

TRANSPARENCY

Joint communication of Bulgaria, Romania and the European Communities

The following communication, dated 17 October 2006, is being circulated at the request of the Delegations of Bulgaria, Romania and the European Communities.

1. In order to comply with the SPS Agreement Transparency and Notification provisions, as set out in Article 7 and Annex B, and in accordance with the recommendations of the Committee on Sanitary and Phytosanitary Measures (SPS Committee) as included in documents G/SPS/12 and G/SPS/7, G/SPS/7/Rev.1, G/SPS/7/Rev.2 and G/SPS/7/Rev.2/Add.1, Bulgaria, Romania and the European Communities (EC) would like to inform the SPS Committee of the following:

- (i) One of the main principles in the framework of accession negotiations is that the new member States of the European Union (EU) adopt the EU *Acquis*, i.e. the detailed laws and rules adopted on the basis of the EU founding treaties. This principle has become effective for Bulgaria and Romania with the Treaty of Accession and the Act of Accession attached to it which has been signed on 25 April 2005; a part of the EU treaty concerns the European Communities. The foreseen date of accession for Bulgaria and Romania is 1 January 2007.
 - (ii) As a consequence, Bulgaria and Romania have to fully comply with SPS legislation already enforced within the European Communities.
 - (iii) For the sake of transparency, it has been considered useful to use a specific model of notification to be used in the period preceding the date of accession. For this purpose, it should be considered that the relevant EU *Acquis* has been previously notified, as from when the obligation to notify applies i.e. in 1995, and opened to comments, which have been taken into account in the final version of the SPS measures. In this respect Bulgaria, Romania and the European Communities share a common understanding, supporting the view that the ongoing modification of their national SPS regulations, as a consequence of the adoption of the EU *Acquis* will be notified for information (i.e. the comment period as foreseen in box 11 of the notification format will not be applicable.) Therefore the objective of notification, as stipulated under point 7 in the notification form, is the harmonization of legislation in connection with the accession to the European Union.
 - (iv) Once Bulgaria and Romania have joined the European Union, and as specified in G/SPS/W/14, these transitional notifications will be overruled. The EC National Notification Authority (NNA) and Enquiry Point (ENQ) will further act as the single EC NNA and EC ENQ while the Bulgarian and Romanian NNA and ENQ will become "contact points".
-