Chapter VIII
Cyprus as EU Member State

A. THE FACTS

On 1 May 2004, the Accession Treaty entered into force after having been ratified by the fifteen old Member States and the ten new ones, including Cyprus. Besides its general provisions the Treaty contains two important Protocols that deal with specific legal issues arising out of Cyprus’ EU membership.

1. Rights and obligations of the Republic of Cyprus

According to Article 2 of the Act of Accession, the provisions of the original Treaties and the acts adopted by the institutions and the European Central Bank became binding on Cyprus as from that date “under the conditions laid down in those Treaties and in this Act”. These bodies of law contain rights and obligations for Cyprus.

1 The Cypriot House of Representatives ratified the Accession Treaty in an extra-ordinary session on 14 July 2003. The instrument of ratification was submitted to the EU Presidency on 5 August 2003.
1.1. Rights

Under the Accession Treaty Cyprus received the right to take part in the internal market and EU policies. As EU citizens, Cypriots may derive individual rights from primary Community law, including the four freedoms and the right not be discriminated against on the basis of nationality. In addition, many rights flow from pieces of secondary EC law, including entitlements to agricultural subsidies, regional funds or structural aid. Sometimes, these rights are subject to specific conditions over time. Such conditions are contained, inter alia, in Annex VII listing the transitional periods for Cyprus under Article 24 of the Act.

From an institutional perspective, Cyprus may elect six representatives for the European Parliament (Article 11 AA). When the Council takes decisions by qualified majority, the Cyprus government votes with 4 votes (like Latvia, Estonia, Slovenia and Luxembourg). Cyprus may nominate a judge for the European Court of Justice and the Court of First Instance (Article 13 AA). One Cypriot national is eligible for the European Commission (Article 45 AA). Cyprus has six members in the Economic and Social Committee and the Committee of Regions. The transitional periods agreed for Cyprus are laid down in Article 24 AA in combination with the relevant Annexes.

The Cyprus government nominated Mr. M. Kyprianou for the Commission. During the interim period from May 2004 to November 2004 he assisted Mrs. Schreyer in the portfolio on budget. As from December 2004 he holds the portfolio on public health and consumer protection in the Barroso Commission. The six Cypriot Members of Parliament were duly elected in June 2004, among them the former Foreign Minister, Mr. Y. Kassoulides. The Cypriot judges at the European Court of Justice and the Court of First Instance are Mr. G. Arestis and Mr. S.S. Papasavvas.

1.2. Obligations

Cyprus also committed under the Accession Treaty to respect primary and secondary EC law. It shall contribute to the EC budget, implement EC policies and treat other EU citizens in conformity with Community law.

On 8 November 2005, the Supreme Court had to decide about the transferral of a Cypriot national, suspected of tax evasion in the United Kingdom, under the procedures foreseen in the EU arrest warrant.\(^2\) It held that Article 14 of the Cypriot constitution\(^3\) forbids such transferral, notwithstanding Cyprus’ obligation under EU law. As a reaction to that judgment, the Attorney General prepared a constitutional amendment to be adopted in the House of Representatives in 2006.


\(^3\) Article 14 of the 1960 Constitution reads: “No citizen shall be banished or excluded from the Republic under any circumstances”.