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Task Force on the Intergovernmental Conference*

WORKING PAPER

DRAFT OF A CONSOLIDATED TREATY OF THE EUROPEAN UNION

POLITICAL SERIES

W - 17/rev.

EXTERNAL STUDY

THIS DOCUMENT IS AVAILABLE IN ALL THE OFFICIAL LANGUAGES OF THE EUROPEAN UNION.

THIS STUDY HAS BEEN DRAWN UP BY PROFESSOR ROLAND BIEBER, WITH THE CONTRIBUTION OF MISS MARIA ISABEL FERNANDEZ UTGES, UNDER THE TERMS OF PROJECT No IV/95/25. THE OPINIONS EXPRESSED IN THIS DOCUMENT ARE THE SOLE RESPONSIBILITY OF THE AUTHOR AND DO NOT NECESSARILY REFLECT THE OFFICIAL POSITION OF THE EUROPEAN PARLIAMENT.

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PREFACE

To assist the various parliamentary committees and bodies in their work on the forthcoming 1996 Intergovernmental Conference, the European Parliament Secretariat's 'Intergovernmental Conference' Task-force, in collaboration with the Political and Institutional Affairs Division of the Directorate-General for Research, has commissioned the present study on a consolidated version of the treaties establishing the European Union.

The general aim of this study is to draw up a consolidated text of the treaties establishing the European Union with a view to assessing certain proposals advanced by the European Parliament in the run-up to the IGC, and to make a valuable and timely contribution to the work currently being carried out by the various parliamentary bodies in preparation for the conference.

The first part consists of an introduction and description of the study's aim, the method used and the analysis of particular problems encountered. The second part contains an initial draft of the consolidated treaty and the third part includes a very useful table of equivalence between the provisions of the treaties in force and a list establishing the foundations of the European Union.

It should be noted that the study takes account of the guidelines proposed in the European Parliament's resolution of 17 May 1995 on the operation of the Treaty on European Union with a view to the 1996 Intergovernmental Conference - implementation and development of the Union.

We hope that this study will make a useful contribution to the current political and legislative debate within the European Parliament.

IGC/96 TASK-FORCE
Secretariat

Luxembourg, March 1996

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I. PART

- 1. INTRODUCTION**
- 2. METHOD**
- 3. SOME PROBLEMS**
- 4. FINAL REMARKS**

1. INTRODUCTION - OBJECT OF THE STUDY

This is the **project of a consolidated treaty establishing the European Union**. It comprises **316 articles**. The project **replaces 742 articles** of the existing law of the Union:

- the **Treaty on the European Union** (36 articles),
- the **Treaty establishing the European Community** (328 articles),
- the **Treaty establishing the European Coal and Steel community** (117 articles),
- the **Treaty establishing the European Atomic Energy Community** (229 articles),
- the **Single European Act** (6 articles),
- parts of the **Act concerning the election of representatives of the European Parliament by direct universal suffrage of 1976** (3 articles),
- parts of the **decision on the Communities system of own resources of 1994** (2 articles).

The preparatory document for this study¹ illustrated the fact that the Treaties establishing the European Union and the three European Communities include over fifteen texts with more than one thousand articles. **This variety, the great number of provisions** and the lacking possibility to distinguish between the respective qualities of the norms (basic provisions or technical regulation) render it more difficult to perceive the Union unequivocally and transparently as an Organisation, established in the name of and for the peoples.

This situation is not an intrinsic characteristic of the Union. It results solely from procedures applied until now to extend the activities of the Union or to introduce new Institutions and procedures. Coherence of texts did not up to now figure among the main objectives of treaty reforms.

However, already on 8 April 1995, in the preamble of the "merger Treaty", the signatory States resolved

"to effect the unification of the three Communities".

The unification of the Communities belongs thus to the "*acquis communautaire*". In the same sense, the Member states confirmed in the preamble and in article

¹ Roland BIEBER, *Simplification of the Treaties, project no IV/95/25* at the request the European Parliament, Lausanne, October 2nd, 1995.

C of the Treaty on the European Union the principle of "a single institutional framework". Yet there is still no single treaty covering the totality of the basic substantive and institutional law.

Notwithstanding the legally binding objective resulting from the "Merger Treaty", the main purpose of a consolidated treaty consists in the **simplification** and **transparency** of the basis of the Union. Prior to deliberations on amendments to the Union's law a unified Treaty can considerably facilitate the reforms.

This study presents the first draft of a treaty, uniting all the fundamental texts of the Union. It aims at achieving a better **structure, hierarchy and consolidation** of the essential provisions.

This study seeks to prove that it is possible and useful to undertake such a project and to identify those problems that call for a political decision.

Priority has been given to safeguarding the existing law of the Union ("*acquis communautaire*") and to maintain as far as possible the original wording of the existing provisions.

The study has been commissioned by the European Parliament in view of the Inter-Governmental Conference of 1996.

2. METHOD

2.1. The texts comprised in this draft Treaty

As shown in the preparatory study, 389 out of 920 articles of the Treaties can be deleted. They either repeat identical provisions (239 articles), or became obsolete (150 articles) due to the fact that they apply only to the initial - long expired - transitional period of the three Communities (EC, ECSC, EAEC).

The study is based on an objective analysis of the texts. There has been no intention to alter the substantive content of the Treaties. As a matter of fact, the elimination of redundant or repeatedly listed provisions does not change the subject of the Treaties more than the cutting of dead branches of a tree. We note

on this point a close correspondence between our position and that taken and by the Secretariat General of the Council in its contribution to the "Reflexion Group" of 17 October 1995.²

The study has been drafted on the basis of those simplifications brought to the existing Treaties.³

The remaining 531 articles of the different treaties⁴ have been analysed according to three principal objectives:

- **regrouping** of all provisions of basic or general importance in a single instrument ("consolidated treaty").
- **separation** of provisions of mere sectoral or "technical" significance from those of a more general and fundamental nature. The former would be contained in several protocols annexed to the consolidated treaty.
- **new systematic structure** of the provisions within the consolidated treaty.

This approach is based on the resolution of the European Parliament of 17 May 1995, concerning the Treaty on the European Union, in view of the Inter-Governmental Conference of 1996,⁵ which states:

"2. Unification of the Treaty would make its structure clearer and more logical. In addition, however, the Treaty should be simplified and made more inspiring for the citizens::

- (i) The existing preamble of the Treaty should be rewritten in more inspiring language, and the provisions concerning citizens rights should be placed at the beginning of the Treaty.
- (ii) The Treaty should provide for a separation between the provisions covering the Institutions and those covering the content of policies.
- (iii) Out-of-date Treaty articles should be deleted.

14. (1) The existing Treaties should be unified by means of:

- relevant features of the ECSC and Euratom Treaties being directly incorporated within the unified Treaty;

² SN/513/95 (Reflex 14).

³ For details, see study "Simplification", p. 13-28.

⁴ Especially the Treaty on the European Union, as well as the Treaties on the three Communities (EC, ECSC, EAEC) an correlated treaties. See the complete list in part III, par. 8.

⁵ OJC 151/1995, p. 51 par. 2 and 14.

- foreign and security policy (including defence) and justice and home affairs being brought within the Community system, but with specific features of the former "pillars" being retained for certain items for a predetermined transitional period: this will mean grouping all the articles of the Treaty concerning foreign policy under a single title.
- (ii) The European Union should be given legal personality in its own right.

2.2 Structure of the unified treaty

In view of a better structuring the contents of the treaties we recommend the division of the consolidated treaty into seven parts. These parts correspond to the characteristics of European and national constitutional law.

- a) principles,
- b) fundamental and civic rights,
- c) relations with Member States,
- d) relations with third countries and international organisations,
- e) institutions and procedures,
- f) principles of substantive law,
- g) "technical" constitutional provisions.

This order is not compulsory. A different ordering within this list, for example among the characteristics listed in (c) to (f), seems to us perfectly possible. In fact, the pre-eminence given to external relations is above all symbolic as a sign of the openness of the Union.

All the provisions of the different treaties which have not been listed in separate protocols have been listed according to the scheme set out above.

Some provisions which share a similar substance have been grouped in a single article.

Example: Articles 235 EC, 203 EAEC and article 95, I ECSC, refer to similar mechanisms for the completion of the Treaties. Accordingly, they have been grouped together in the new article 9 of the consolidated treaty.

Moreover, we have tried to introduce a logical order within each section, and to unite materially correlated provisions. This requires a complete new numbering of the articles, adaptations of the references, occasionally terminological adjustments and the splitting up of existing provisions into several new provisions.

Example: Article F of the Treaty on the European Union relates to four different matters (obligations of the Union towards the Member States, principle of democracy, protection of fundamental rights, means necessary to attain objectives).

We recommend the separation of the provisions contained in par. 2 on the fundamental rights and reference to them in an autonomous article. The rest remains unchanged.

In the same way Art. 140 EC Treaty, which concerns the European Parliament, contains simultaneously a provision on internal organisation (election of the members of its "bureau") and on its power to supervise the Commission and Council. We recommend a more systematic classification. (See Art: 76 and 79 of the consolidated treaty).

We stress the great advantage from the point of view of the Treaty's transparency, in a coherent and new numerical ordering of its provisions. The chaos which results from the successive modifications of the Treaties is considerable.

- The articles of the Treaty on the European Union are designated by letters (A, B, C...) or by a combination of letters and numbers (J. 1, J. 2, K. 1, K. 2...).
- All the other treaties are classified by numbers, each starting at 1, and sometimes with combinations of numbers and letters (8 A, 8 B, 8 C... or 130 U, V, W, X, Y etc.... of the EC Treaty).

We have replaced these different and confusing designations with a single numerical order (1-316) **without** the addition of letters.

2.3. Consequences for the existing Treaties

Consolidating the texts of what have been up to now legally distinct Treaties was done following a traditional method of judicial norms, making a distinction, according to the **principle of speciality**, between provisions of a specific and those of a general character.

The following areas have been treated separately:

- The Common Foreign and Security Policy,
- Cooperation in the fields of Justice and Home Affairs,
- Coal and Steel,
- Nuclear Industry.

In these cases (named "areas") the existing special rules have been maintained in as much as the general rules of the existing EU-Treaty and EC-Treaty are not applicable.

The consolidation into a single Treaty shows that particularities resulting from those areas are limited and do not significantly infringe in a substantive fashion upon the coherence of the new consolidated Treaty. This is also due to the fact that the essentially technical provisions of the EAEC and ECSC Treaties have been transferred to the specific protocols.

Nevertheless, an additional simplification could be achieved by giving up the procedural specifics of certain sectors, notably in the areas covered by the ECSC and EAEC Treaties, but also in the areas of cooperation in the present second and third pillars. Such an approach would, however, need a political decision.

2.4. Protocols and other annexes

Those articles in part or completely excluded from the seven sections, have been moved into one of the following three proposed protocols.

- "Internal Market and Common Policies",
- "Coal and Steel",
- "Nuclear Energy".

Example: Article 24 of the EAEC Treaty regards the defence interests of Member States. Paragraph 1 stipulates the principle of a "security system", whose details are set out in the same article.

This security provision is in fact an implementing regulation, and can be removed from the Treaty itself and put into an annex, i.e. the protocol proposed above. Accordingly, paragraph 1 of article 24 becomes the new article 43 in the consolidated Treaty and paragraphs 1 - 3 are placed in the protocol.

In order to group provisions of implementing quality it is not absolutely necessary to use the form of a protocol, which has the same ranking as a treaty. Alternatively lower ranking instruments could be created. Such an approach would, however, be more radical and would affect the quality of the instrument and would, again, call for a political decision.

The existing protocols annexed to the Treaties have been maintained, if not obsolete, with the exception of the two protocols concerning the Statute of the Court of Justice (ECSC and EAEC), whose specificities have been incorporated into the protocol concerning the Statute of the Court of Justice (EC). These two protocols can therefore be deleted.⁶

The same approach has been followed in regard to the **declarations** and other **annexes** to the existing Treaties.

Finally, we deleted a series of articles with obsolete references. For example: in art. 8B and 8C of the EC Treaty, the dates of 31 December 1994 and 31 December 1993 (arrangements to be adopted for municipal elections and protection by the diplomatic authorities) can be deleted since, in the meantime, the relevant measures have been taken.

2.5. Safeguarding the "*acquis communautaire*"

Simplification and consolidation must not impair the "*acquis communautaire*". It consists of a totality of Treaties, implementing law, case law of the European

⁶ See art. 312 of the consolidated Treaty.

Court of Justice and agreements with third countries and international organisations. The "*acquis communautaire*" has been safeguarded by the following three methods:

- the **wording** of the existing provisions has been maintained as far as possible.⁷ A synopsis attached to the new Treaty guarantees the identity between the old and new articles. The proposed phrasing⁸ corresponds to the legislative technique used by the Council in consolidation of secondary law. For example: art. 44 and annexe IV of the (consolidated) directive 93/16 (free movement of physicians).⁹
- **Express reference** to the jurisprudence of the European Court of Justice.¹⁰
- **Clarification** of the fact that the Union as such, takes on the totality of rights and obligations entered into by the three Communities whether with individuals or with third countries and/or international organisation.¹¹ This latter dispositions would, however, have to be adjusted or even deleted should the legal personality of the three Communities be maintained.¹²

2.6. Consequences for special provisions of constitutional value

The Act introducing the election of the representatives of the European Parliament by direct universal suffrage of 20 September 1976 is not part of the founding Treaties. The same applies to the decision of the Council of 31 October 1994, concerning its own resources.

Both legal acts, however, contain some fundamental provisions,¹³ which we recommended introducing into the consolidated Treaty while keeping the remaining contents of these acts as autonomous instruments.¹⁴

⁷ See however below, chapter 3.3 (editorial errors).

⁸ Art. 313.

⁹ OJ L 165/1993, p. 1.

¹⁰ See art. 313.

¹¹ Articles 309, 310.

¹² See below, paragraphs 3.5. and 3.6.

¹³ For example article 2 of the act on direct universal suffrage, establishing the number of seats for the different States.

¹⁴ See articles 73 and 74 of the draft treaty.

3. SOME PROBLEMS

3.1. The limited approach

Inevitably such study reveals a series of problems to which we could not find a solution during the time available. These difficulties are mostly due to the intentionally "technical" nature of the project. The result of this simplification can therefore not be a truly simple and short text. Furthermore the Treaties inevitably reflect the complexity of the process of European integration.

In any case, we tried to safeguard as far as possible all those provisions that still can be of own use. In other words: no simplification was attempted if it would have interfered with the substance of the Treaties. That is why we touched neither the legislative procedure, nor the substantive law, nor did we seek to fill existing lacunae.

The draft consolidated treaty therefore contains a considerable potential for further simplifications. For example, it should in our view be quite possible to simplify the texts further through deleting the procedural particularities in the Coal and Steel sectors.

In any event, drawing up a single treaty, even limited to existing law, reveals or accentuates some legal problems which result from the multiplicity of the present Treaties. For example, one could cite lack of hierarchy within or between the Treaties, as well as the question of the legal personality of the Union and, more generally, the relation between the "Union" and the "Communities".

3.2. Hierarchy of norms within the Treaties

We have already mentioned that the Treaties establishing the EC, ECSC and EAEC contain, simultaneously and without distinction, rules some of which have a constitutional quality while others are of inferior importance, belonging particularly to the category of economic administrative law. The proposed arrangement where only provisions with constitutional value have been incorporated into the consolidated Treaty, while others have been regrouped in the protocols, in some cases disrupts the present functional links.

This is why the separation has not been applied with absolute rigidity, an approach which inevitably carries with it an element of subjectivity.

Similar problems arise with the rearrangement of provisions between the different proposed sections of the consolidated treaty.

Example: The provisions on economic and monetary Union have been divided among the sections "Institutions, procedures and financial regulations", "Relations between the Union and Member States", "Policies of the Union", as well as the protocol "internal market". The transitional provisions of Articles 109 f - 109 m of the EC Treaty were grouped under the latter protocol. Although a presently coherent section has been disrupted, it creates a parallel, and a context with the rest of the provisions.

3.3. Editorial errors in the existing treaties and sources

Working on this study has allowed us to discover some errors, resulting partly from the preparatory conference to the Treaty on the Union and partly from the official publication of the Treaties.

This is how we discovered that the non-applicability of the Treaties to **Greenland** which has been expressly mentioned since 1984 in article 79 a, ECSC and in article 198 a, EAEC, has apparently been erroneously deleted in the process of amending those provisions through the TEU. We recommend the correction of this error.¹⁵

Another error, committed during the Inter-Governmental Conference on the TEU, concerns the Treaty on the EAEC. Article I, paragraph 18 of the Treaty on the Union repeals among others paragraphs 1 and 2 of article 172 EAEC. According to article 182 EAEC these deleted provisions continue, however, to constitute the basis for financing nuclear research. We recommend overcoming juridical problems resulting by substituting the reference to article 172 by one to the financial regulations.¹⁶

¹⁵ Cf. article 305.

¹⁶ See article 207, paragraph 2 of this draft treaty.

Moreover, the maintenance of article 1 paragraph 3 of the **Single European Act** (i.e. referring to the cooperation in foreign and security policy) is contrary to the wording of Article J of the Treaty on the Union. Clarification is therefore necessary (see article 45, paragraph 2 of this draft treaty).

Equally, the difference in terminology in the **German** version of the Treaty on the Union, designating the actions in the field of common foreign and security policy on the one hand and justice and home affairs on the other, has to be corrected. In both cases it should read "gemeinsame Aktionen". (Presently: gemeinsame Aktionen/gemeinsame Massnahmen). The french (and other) versions of the TEU use an identical terminology.

Finally, we point out that the official publication of the texts of the Treaties by the Office for Official Publications (Luxembourg 1995) contains an incorrect version of Article 18 ECSC (election of the members of the Consultative Committee).

3.4. Preamble

The preamble of the consolidated treaty raises particular problems, since each preamble of the existing Treaties is different and establishes different priorities. This is why we did not delete anything and have simply rearranged all the existing preambles into a single text. The chronological order (ECSC, EC, EAEC,,EU) seemed to be the most logical one.

Following the above principles we completed this text with that part of the preamble of the Merger Treaty concerning the unification of the three Communities. On the other hand we have not kept the preamble of the Single European Act (1986), because it seemed to us to have been absorbed by the preamble to the Treaty on the European Union.

The resulting text is long and does not really fulfill the functions of a preamble which should emphasise the essential common values. That part which comes from the preamble of the EAEC Treaty seems particularly out of date and out of place.

Exceptionally, we have therefore allowed ourselves to present an alternative - succinct - version.

3.5. Legal personality of the Union

The Union has no expressly recognised legal personality.

The Treaty on the European Union, in particular Articles O and N (enlargement, amendment on the Treaties), show, however, that the Union, by way of linking the Member States, is in itself already an autonomous legal order.

The Treaties establishing the EC, EAEC and ECSC explicitly recognise, however a legal personality for each of the three Communities (articles 210 EC, 184 EAEC, 6 ECSC).

It is true that legal personality depends on its acknowledgement by third parties, especially in international law, and does not necessarily need to figure in the founding act of an organisation, especially if it is designed to adopt legal acts. One can not exclude, however, that the difference in terminology between the Treaty on European Union on the one hand and the Treaties establishing the three Communities of the other hand does reflect an intention by the Member States to withhold legal personality from the Union.

But the absence of a legal personality for the Union after its absorption of the three Communities which continue to possess such a personality created complexities which seem to us disproportionate to the sole advantage of such an absence, namely an absolute respect for the substance of the present Treaties.

The recognition of the legal personality to the Union in place of the distinct legal personalities of the three Communities could put an end to the confusion on this point.

For these reasons, and in accordance with the Resolution of European Parliament of 17 May 1995,¹⁷ we have pursued our project on the basis of a

¹⁷ See above, paragraph 2.1

fusion of the legal personalities of the three existing Communities and their replacement with the express recognition of legal personality of the Union.

3.6 One single legal personality, different from that of the Union ?

We would like, nevertheless, to indicate alternatives approaches to this question of legal personality.

It is, for example, possible to merge the legal personalities of the three Communities without at the same time confer such a personality to the Union. It is equally possible to imagine the co-existence of a legal personality conferred upon the Union with one resulting from the merging of legal personalities of the three Communities.

This intermediary solution, however requires the continued use of the notions of "Union" and "Communities" within a consolidated treaty so as to clarify legal implications of their respective actions.

Needless to say, such approaches would considerably diminish the advantages of transparency gained through the consolidation of the Treaties. Hence we advise against such "solutions".

3.7. "Union" or "Community" ?

We do not hide our sympathy for the term "Community". It reflects the central idea of integration namely the pursuit of the "common prosperity" and "general interest" of the European Peoples. The process of European Unification is founded precisely on the concept of "solidarity",¹⁸ a process that seeks not merely the defence of the individual interests of Member States, but the protection and strengthening of Europe's **common values** through **common measures** and within a **common market**.¹⁹

¹⁸ Consideration 4 of the preamble and Article J. 1, paragraph 4 of the Treaty on the EU, Article 2 EC-Treaty.

¹⁹ Article 1 of the Treaty on the ECSC is still a formulation of remarkable clarity of this objective

In European public opinion the term "Union" which could be found already in the preamble to the EC Treaty (at least) in the English version of the Treaty:

"an ever closer Union",

has come to symbolise the ensemble of concepts referred to above. The term has become the modern synonym for the process of integration and, as a result, has largely suppressed previous terminology. That is why we propose to replace systematically the term "Community" by that of "Union".

3.8. Terminology

Accordingly we recommend the substitution of the term "common market" by the term "internal market".

In order to render possible special procedures for cooperation in the fields of the common foreign and security policy, and of justice and home affairs, as well as in the fields of coal, steel and nuclear energy, we use each time the formulation "in the field of..." (for example: "in the field of coal and steel").

4. FINAL REMARK

The following consolidated treaty is a **first draft**, a model. It has been elaborated quickly, at the request of the European Parliament, in order to be ready before the beginning of the Inter-Governmental Conference of 1996.

In these circumstances, certain compromises were necessary in respect of the depth of analysis of possible alternatives and in regard to the formality of the project as a whole. Within the framework of a proposed longer term project, in collaboration with the European University Institute in Florence, it could be possible to examine further and elaborate the model presented.

Without the collaboration of Ms Maria Isabel Fernandez-Utgès and the enthusiastic and active support of all my team at the Centre de droit comparé de Lausanne, namely of Ms Konstanze Sucher, Ms Nicole Lagrotteria, Ms

Camilla Taminelli and Mr Florian Bieber, it would not have been possible to undertake this project in the time given and to present it in five languages of the Union (French, German, English, Italian and Spanish).

We all hope to contribute, through this project to the evolution of an Union reuniting all the citizens of Europe.

Lausanne, 13 December 1995/1 March 1996

Dr. Roland BIEBER

II. PART

5. DRAFT OF A CONSOLIDATED TREATY OF THE EUROPEAN UNION

**6. DRAFT OF PROTOCOLS TO BE ATTACHED TO THE CONSOLIDATED
TREATY**

PREAMBLE

OPTION A

OPTION B

TITLE I BASIC PRINCIPLES**TITLE II BASIC AND CITIZEN'S RIGHTS****TITLE III THE RELATIONS WITH THE MEMBER STATES****TITLE IV COMMON FOREIGN AND SECURITY POLICY, EXTERNAL RELATIONS**

CHAPTER 1 COMMON FOREIGN AND SECURITY POLICY

CHAPTER 2 ASSOCIATION

CHAPTER 3 DEVELOPMENT CO-OPERATION

CHAPTER 4 SECTORIAL RELATIONS

CHAPTER 5 INTERRUPTION OF ECONOMIC RELATIONS

CHAPTER 6 VISA POLICY

CHAPTER 7 GENERAL PROVISIONS

TITLE V INSTITUTIONS, PROCEDURES AND FINANCIAL PROVISIONS

CHAPTER 1 GENERAL PROVISIONS

CHAPTER 2 THE EUROPEAN PARLIAMENT

CHAPTER 3 THE OMBUDSMAN

CHAPTER 4 THE EUROPEAN COUNCIL

CHAPTER 5 THE COUNCIL

CHAPTER 6 THE COMMISSION

CHAPTER 7 THE COURT OF JUSTICE AND THE COURT OF FIRST INSTANCE

CHAPTER 8 THE COURT OF AUDITORS

CHAPTER 9 THE ECONOMIC AND SOCIAL COMMITTEE

CHAPTER 10 COMMITTEE OF REGIONS

CHAPTER 11 THE EUROPEAN SYSTEM OF CENTRAL BANKS - THE EUROPEAN CENTRAL BANK

CHAPTER 12 THE EUROPEAN INVESTMENT BANK

CHAPTER 13 ACTS

CHAPTER 14 LEGISLATIVE PROCEDURES

CHAPTER 15 BUDGETARY PROCEDURES

CHAPTER 16 PROCEDURES FOR THE CONCLUSION OF EXTERNAL AGREEMENTS AND IN THE FIELD OF COMMON FOREIGN AND SECURITY POLICY

CHAPTER 17 COMPULSORY EXECUTION AND SANCTIONS

CHAPTER 18 THE LIABILITY OF THE UNION

CHAPTER 19 FINANCIAL PROVISIONS

CHAPTER 20 GENERAL PROVISIONS

TITLE VI ACTIVITIES OF THE UNION

CHAPTER 1 THE INTERNAL MARKET

CHAPTER 2 THE CUSTOMS UNION

CHAPTER 3 THE FREE MOVEMENT OF GOODS

CHAPTER 4 THE FREE MOVEMENT OF PERSONS AND SERVICES

CHAPTER 5 THE MOVEMENT OF CAPITAL AND PAYMENTS

CHAPTER 6 AGRICULTURE

CHAPTER 7 TRANSPORT

CHAPTER 8 RULES OF COMPETITION

CHAPTER 9 TAX PROVISIONS

CHAPTER 10 APPROXIMATION OF LAWS

CHAPTER 11 ECONOMIC POLICY

CHAPTER 12 MONETARY POLICY

CHAPTER 13 COMMON COMMERCIAL POLICY

CHAPTER 14 SOCIAL POLICY

CHAPTER 15 EDUCATION, VOCATIONAL TRAINING AND YOUTH

CHAPTER 16 CULTURE

CHAPTER 17	PUBLIC HEALTH
CHAPTER 18	CONSUMER PROTECTION
CHAPTER 19	TRANS-EUROPEAN NETWORKS
CHAPTER 20	INDUSTRY, ECONOMIC AND SOCIAL COHESION
CHAPTER 21	RESEARCH AND TECHNOLOGICAL DEVELOPMENT
CHAPTER 22	ENVIRONMENT
CHAPTER 23	CO-OPERATION IN THE FIELD OF JUSTICE AND HOME AFFAIRS
TITLE VII	GENERAL AND FINAL PROVISIONS

Consolidated Treaty of the European Union

Preamble

Option a

new

The diversity of the people of Europe establishes solid ground for exploiting the future, as long as it is united by solidarity and the determination for common action. The solidarity can base itself on a common history and common values. These include the protection of the dignity of men and his unalterable rights, the readiness to help the weak, democracy and the rule of law.

Only through joint efforts these values can be amplified, also towards the outside, to the advantage of all citizens

With this Treaty the people of Europe confirm their intention to joint action through the necessary structures of the European Union

Option b

consolidated

ECSC Preamble

CONSIDERING that world peace can be safeguarded only by creative efforts commensurate with the dangers that threaten it,

CONVINCED that the contribution which an organised and vital Europe can make to civilisation is indispensable to the maintenance of peaceful relations,

RECOGNISING that Europe can be built only through practical achievements which will first of all create real solidarity and through the establishment of common bases for economic development;

ANXIOUS to help, by expanding their basic production, to raise the standard of living and further the works of peace,

RESOLVED to substitute for age-old rivalries the merging of their essential interests; to create, by establishing an economic community, the basis for broad and deeper community among peoples long divided by bloody conflicts; and to lay the foundations for institutions which will give direction to a destiny henceforward shared.

EC Preamble

DETERMINED to lay the foundations of an ever closer union among the peoples of Europe,

RESOLVED to ensure the economic and social progress of their countries by common action to eliminate the barriers which divide Europe,

AFFIRMING as the essential objective of their efforts the constant improvement of the living and working conditions of their peoples,

RECOGNISING that the removal of existing obstacles calls for concerted action in order to guarantee steady expansion, balanced trade and fair competition,

ANXIOUS to strengthen the unity of their economies and to ensure their harmonious development by reducing the differences existing between the various regions and the backwardness of the less favoured regions,

DESIRING to contribute, by means of a common commercial policy, to the progressive abolition of restrictions on international trade,

INTENDING to confirm the solidarity which binds Europe and the overseas countries and desiring to ensure the development of their prosperity, in accordance with the principles of the Charter of the United Nations,

RESOLVED by thus pooling their resources to preserve and strengthen peace and liberty, and calling upon the other peoples of Europe who share their ideal to join in their efforts,

E.A.E.C Preamble

RECOGNISING that nuclear energy represents an essential resource for the development and invigoration of industry and will permit the advancement of the cause of peace,

CONVINCED that only a joint effort undertaken without delay can offer the prospect of achievements commensurate with the creative capacities of their countries,

RESOLVED to create the conditions necessary for the development of a powerful nuclear industry which will provide extensive energy resources, lead to the modernisation of technical processes and contribute through its many other applications, to the prosperity of their peoples,

ANXIOUS to create the conditions of safety necessary to eliminate hazards to the life and health of the public,

DESIRING to associate other countries with their work and to co-operate with international organisations concerned with the peaceful development of atomic energy,

EU Preamble

RESOLVED to mark a new stage in the process of European integration undertaken with the establishment of the European Communities,

RECALLING the historic importance of the ending of the division of the European continent and the need to create firm bases for the construction of the future Europe,

CONFIRMING their attachment to the principles of liberty, democracy and respect for human rights and fundamental freedoms and of the rule of law,

DESIRING to deepen the solidarity between their peoples while respecting their history, their culture and their traditions,

DESIRING to enhance further the democratic and efficient functioning of the institutions so as to enable them better to carry out, within a single institutional framework, the tasks entrusted to them,

RESOLVED to achieve the strengthening and the convergence of their economies and to establish an economic and monetary *Union* including, in accordance with the provisions of this Treaty, a single and stable currency,

DETERMINED to promote economic and social progress for their peoples, within the con of the accomplishment of the internal market and of reinforced cohesion and environmental protection, and to implement policies ensuring that advances in economic integration are accompanied by parallel progress in other fields,

RESOLVED to establish a citizenship common to nationals of their countries,

RESOLVED to implement a common foreign and security policy including the eventual framing of a common defence policy, which might in time lead to a common defence, thereby reinforcing the European identity and its independence in order to promote peace, security and progress in Europe and in the world,

REAFFIRMING their objective to facilitate the free movement of persons, while ensuring the safety and security of their peoples, by including provisions on justice and home affairs in this Treaty;

RESOLVED to continue the process of creating an ever closer *Union* among the peoples of Europe; in which decisions are taken as closely as possible to the citizen in accordance with the principle of subsidiarity.

IN VIEW of further steps to be taken in order to advance European integration,

Fusion Preamble

RESOLVED to effect the unification of the three communities,

HAVE DECIDED, to consolidate all the Treaties on establishing and developing the European Community and European *Union* into one single Treaty

Title I

Basic Principles

Article 1

EUA (1,3) (EC 1, EAEC 1, ECSC 1)

By this Treaty, the high contracting parties establish among themselves *the consolidated foundation of the EUROPEAN UNION*, hereinafter called 'the *Union*'

Its task shall be to organise, in a manner demonstrating consistency and solidarity, relations between the Member States and between their peoples

The Union replaces the European Communities

Article 2

EUA (2)

This Treaty marks a new stage in the process of creating an ever closer *Union* among the peoples of Europe, in which decisions are taken as closely as possible to the citizen.

Article 3

EUB

The *Union* shall set itself the following objectives

- to promote economic and social progress which is balanced and sustainable, in particular through the creation of an area without internal frontiers, through the strengthening of economic and social cohesion and through the establishment of economic and monetary *Union*, ultimately including a single currency in accordance with the provisions of this Treaty,

- to assert its identity on the international scene, in particular through the implementation of a common foreign and security policy including the eventual framing of a common defence policy, which might in time lead to a common defence;

- to strengthen the protection of the rights and interests of the nationals of its Member States through the introduction of a citizenship of the *Union*,

- to develop close co-operation on justice and home affairs,

- to maintain in full the 'acquis communautaire' and build on it with a view to considering, through the procedure referred to in *Article 307 (1,2)*, to what extent the policies and forms of co-operation introduced by this Treaty may need to be revised with the aim of ensuring the effectiveness of the mechanisms and the institutions of the *Union*.

The objectives of the *Union* shall be achieved as provided in this Treaty and in accordance with the conditions and the timetable set out therein while respecting the principle of subsidiarity as defined in *Article 8 of this Treaty*.

Article 4

EUF (1,3)

1. The *Union* shall respect the national identities of its Member States, whose systems of government are founded on the principles of democracy.

2. The *Union* shall provide itself with the means necessary to attain its objectives and carry through its policies.

Article 5

EC 2 (ECSC 2)

1 The *Union* shall have as its task, by establishing a internal market and an economic and monetary union and by implementing the common policies or activities referred to in *Article 6 and 7*, to promote throughout the *Union* a harmonious and balanced development of economic activities, sustainable and non-inflationary growth respecting the environment, a high degree of convergence of economic performance, a high level of employment and of social protection, the raising of the standard of living and quality of life, and economic and social cohesion and solidarity among Member States.

EAEC 1 (2)

2 It shall be the task of the *Union* to contribute to the raising of the standard of living in the Member States and to the development of relations with the other countries by creating the conditions necessary for the speedy establishment and growth of nuclear industries

Article 6

EC 3(a, b)

For the purposes set out in *Article 5*, the activities of the *Union* shall include, as provided by this Treaty and in accordance with the timetable set out therein

- (a) the elimination as between Member States, of customs duties and quantitative restrictions on the import and export of goods, and of all other measures having equivalent effect,
- (b) a common commercial policy,

EC 7a (2)

- (c) the internal market shall comprise an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured in accordance with the provisions of this Treaty.

EC 3 (d-k)

- (d) Measures concerning the entry and movement of persons in the internal market as provided for in *Article 62*,
- (e) a common policy in the sphere of agriculture and fisheries,
- (f) a common policy in the sphere of transport,
- (g) a system ensuring that competition in the internal market is not distorted,
- (h) the approximation of the laws of the Member States to the extent required for the functioning of the internal market,
- (i) a policy in the social sphere comprising a European Social Fund,
- (j) the strengthening of economic and social cohesion,
- (k) a policy in the sphere of the environment.

ECSC 3 (d) i, f

- (l) ensure that conditions are (. .) to promote a policy of rational development of natural resources, while avoiding undue exhaustion of such resources;

EC 3 (l-t)

- (m) the strengthening of the competitiveness of *Union* industry,
- (n) the promotion of research and technological development,
- (o) encouragement for the establishment and development of Trans-European networks;
- (p) a contribution to the attainment of a high level of health protection;
- (q) a contribution to education and training of quality and to the flowering of the cultures of the Member States,
- (r) a policy in the sphere of development co-operation,
- (s) the association of the overseas countries and territories in order to increase trade and promote jointly economic and social development,
- (t) a contribution to the strengthening of consumer protection;
- (u) measures in the spheres of energy, civil protection and tourism.

EAEAC 2 (d, e, f, h)

- (v) ensure that all users in the *Union* receive a regular and equitable *supply* of ores and nuclear fuels,
- (w) make certain, *by appropriate supervision*, that nuclear materials are not diverted to purposes other than those for which they are intended,
- (x) *exercise the right* of ownership conferred upon it with respect to special fissile materials;
- (y) *establish* with other countries and international organisations such relations as will foster progress in the peaceful uses of nuclear energy.

Article 7*EC 5a*

1. For the purposes set out in *Article 5*, the activities of the Member States and the *Union* shall include, as provided in this Treaty and in accordance with the timetable set out therein, the adoption of an economic policy which is based on the close co-ordination of Member States' economic policies, on the internal market and on the definition of common objectives, and conducted in accordance with the principle of an open market economy with free competition.
2. Concurrently with the foregoing, and as provided in this Treaty and in accordance with the timetable and the procedures set out therein, these activities shall include the irrevocable fixing of exchange rates leading to the introduction of a single currency, the ECU, and the definition and conduct of a single monetary policy and exchange rate policy the primary objective of both of which shall be to maintain price stability and, without prejudice to this objective, to support the general economic policies in the *Union*, in accordance with the principle of an open market economy with free competition
3. These activities of the Member States and the *Union* shall entail compliance with the following guiding principles: stable prices, sound public finances and monetary conditions and a sustainable balance of payments

Article 8*EC 3b*

1. The *Union* shall act within the limits of the powers conferred upon it by this Treaty and of the objectives assigned to it therein
2. In areas which do not fall within its exclusive competence, the *Union* shall take action, in accordance with the principle of subsidiarity, only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or effects of the proposed action, be better achieved by the *Union*.
3. Any action by the *Union* shall not go beyond what is necessary to achieve the objectives of this Treaty

Article 9*EC 235 (EAEC 203)*

1. If action by the *Union* should prove necessary to attain, in the course of the operation of the internal market, one of the objectives of the *Union* and this Treaty has not provided the necessary powers, the Council shall, acting unanimously on a proposal from the Commission and after consulting the European Parliament, take the appropriate measures

ECSC 95 (1.2)

2. In all cases not expressly provided for in this Treaty within the field of coal and steel, in which a decision or a recommendation of the Commission appears necessary to fulfil, in the operation of the internal market for coal and steel and in accordance with the provisions of *Article 110*, one of the objectives of the *Union* as defined in *Articles 5 and 6*, such a decision or recommendation may be taken, differing from paragraph 1, with the unanimous agreement of the Council and after consulting the consultative committee.

A similar decision or recommendation, taken in the same manner, shall determine any sanctions to be applied

Article 10*EU C*

The *Union* shall be served by a single institutional framework which shall ensure the consistency and the continuity of the activities carried out in order to attain its objectives while respecting and building upon the 'acquis communautaire'.

The *Union* shall in particular ensure the consistency of its external activities as a whole in the con of its external relations, security, economic and development policies. The Council and the Commission shall be responsible for ensuring such consistency. They shall ensure the implementation of these policies, each in accordance with its respective powers

Article 11

EUD (1)

The European Council shall provide the *Union* with the necessary impetus for its development and shall define the general political guidelines thereof.

Article 12

EC 138a

Political parties at European level are important as a factor for integration within the *Union*. They contribute to forming a European awareness and to expressing the political will of the citizens of the *Union*

Article 13

EC 210 (ECSC 6, EAEC 184)

The *Union* shall have legal personality.

Article 14

EC 219 (EAEC 193)

Member States undertake not to submit a dispute concerning the interpretation or application of this Treaty to any method of settlement other than those provided for therein.

Title II

Basic and Citizen's Rights

Article 15

EC 8

1. Citizenship of the *Union* is hereby established.

Every person holding the nationality of a Member State shall be a citizen of the *Union*

2. Citizens of the *Union* shall enjoy the rights conferred by this Treaty and shall be subject to the duties imposed thereby.

Article 16

EC 8a

1. Every citizen of the *Union* shall have the right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in this Treaty and by the measures adopted to give it effect.

2. The Council may adopt provisions with a view to facilitating the exercise of the rights referred to in paragraph 1, save as otherwise provided in this Treaty, the Council shall act unanimously on a proposal from the Commission and after obtaining the assent of the European Parliament

Article 17

EC 8b

1. Every citizen of the *Union* residing in a Member State of which he is not a national shall have the right to vote and to stand as a candidate at municipal elections in the Member State in which he resides, under the same conditions as nationals of that State. This right shall be exercised subject to detailed arrangements to be adopted (...) by the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament; these arrangements may provide for derogations where warranted by problems specific to a Member State

2. Without prejudice to *Article 73, paragraph 3*, and to the provisions adopted for its implementation, every citizen of the *Union* residing in a Member State of which he is not a national shall have the right to vote and to stand as a candidate in elections to the European Parliament in the Member State in which he resides, under the same conditions as nationals of that State. This right shall be exercised subject to detailed arrangements (...) adopted (...) by the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, these arrangements may provide for derogations where warranted by problems specific to a Member State.

Article 18

EC 8c

Every citizen of the *Union* shall, in the territory of a third country in which the Member State of which he is a national is not represented, be entitled to protection by the diplomatic or consular authorities of any Member State, on the same conditions as the nationals of that State. (...) Member States shall establish the necessary rules among themselves and start the international negotiations required to secure this protection

Article 19*EC 158d (EC 8d (1))*

1 Any citizen of the *Union*, and any natural or legal person residing or having its registered office in a Member State, shall have the right to address, individually or in association with other citizens or persons, a petition to the European Parliament on a matter which comes within the *Union's* fields of activity and which affects him, her or it directly

EC 8d (2)

2 Every citizen of the *Union* may apply to the Ombudsman established in accordance with Article 85.

Article 20*EC 8e*

The Commission shall report to the European Parliament, to the Council and to the Economic and Social Committee (.) every three years on the application of the provisions of the *Articles 15 to 19*. This report shall take account of the development of the *Union*.

On this basis, and without prejudice to the other provisions of this Treaty, the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, may adopt provisions to strengthen or to add to the rights laid down in this Part, which it shall recommend to the Member States for adoption in accordance with their respective constitutional requirements

Article 21*EC 6*

Within the scope of application of this Treaty, and without prejudice to any special provisions contained therein, any discrimination on the grounds of nationality shall be prohibited

The Council, acting in accordance with the procedure referred to in *Article 178* may adopt rules designed to prohibit such discrimination.

Article 22*EC 119*

Each Member State shall (..) ensure and subsequently maintain the application of the principle that men and women should receive equal pay for equal work.

For the purpose of this Article, 'pay' means the ordinary basic or minimum wage or salary and any other consideration, whether in cash or in kind, which the worker receives, directly or indirectly, in respect of his employment from his employer.

Equal pay without discrimination based on sex means:

- (a) that pay for the same work at piece rates shall be calculated on the basis of the same unit of measurement;
- (b) that pay for work at time rates shall be the same for the same job.

Article 23*ECSC 48 (1)*

In the field of coal and steel the right of undertakings to form associations shall not be affected by this Treaty. Membership of such associations must be voluntary. Associations may engage in any activity which is not contrary to the provisions of this Treaty or to the decisions or recommendations of the Commission

Article 24*EU F (2)*

The *Union* shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general principles of *Union* law

Title III

The Relations with the Member States

Article 25

EC 5 (ECSC 86 (1.2), EAEC 192)

1. Member States shall take all appropriate measures, whether general or particular, to ensure fulfilment of the obligations arising out of this Treaty or resulting from action taken by the institutions of the *Union*. They shall facilitate the achievement of the *Union's* tasks.

2. They shall abstain from any measure which could jeopardise the attainment of the objectives of this Treaty

EU J.1 (4)

3 The Member States shall support the *Union's* external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity. They shall refrain from any action which is contrary to the interests of the *Union* or likely to impair its effectiveness as a cohesive force in international relations. The Council shall ensure that these principles are complied with.

EU J 3 (4)

4 Joint actions in the field of foreign and security policy shall commit the Member States in the positions they adopt and in the conduct of their activity.

Article 26

EC 108

Each Member State shall ensure, at the latest at the date of the establishment of the ESCB, that its national legislation including the statutes of its national central bank is compatible with this Treaty and the Statute of the ESCB.

Article 27

EC 209a (EAEC 183a, ECSC 78i)

1. Member States shall take the same measures to counter fraud affecting the financial interests of the *Union* as they take to counter fraud affecting their own financial interests.

2. Without prejudice to other provisions of this Treaty, Member States shall co-ordinate their action aimed at protecting the financial interests of the *Union* against fraud. To this end they shall organise, with the help of the Commission, close and regular co-operation between the competent departments of their administrations.

Article 28

EC 224

Member States shall consult each other with a view to taking together the steps needed to prevent the functioning of the *internal market* being affected by measures which a Member State may be called upon to take in the event of serious internal disturbance affecting the maintenance of law and order, in the event of war or serious international tension constituting a threat of war, or in order to carry out obligations it has accepted for the purpose of maintaining peace and international security.

Article 29*EC 225*

If measures taken in the circumstances referred to in Articles 28 and 30 have the effect of distorting the conditions of competition in the *internal market*, the Commission shall, together with the State concerned, examine how these measures can be adjusted to the rules laid down in this Treaty

By way of derogation from the procedure laid down in Articles 122 and 123, the Commission or any Member State may bring the matter directly before the Court of justice if it considers that another Member State is making improper use of the powers provided for in Articles 28 and 30. The Court of justice shall give its ruling *in camera*.

Article 30*EC 223*

1 The provisions of this Treaty shall not preclude the application of the following rules

- (a) No Member State shall be obliged to supply information the disclosure of which it considers contrary to the essential interests of its security,
- (b) Any Member State may take such measures as it considers necessary for the protection of the essential interests of its security which are connected with the production of or trade in arms, ammunition and war material, such measures shall not, however, adversely affect the conditions of competition in the *internal market* regarding products which are not intended for specifically military purposes.

2 (. .) The Council shall, acting unanimously, draw up a list of products to which the provisions of paragraph 1 (b) shall apply.

3 The Council may, acting unanimously on a proposal from the Commission, make changes in this list

Article 31*EC 109 (5)*

Without prejudice to *Union* competence and *Union* agreements as regards Economic and Monetary Union, Member States may negotiate in international bodies and conclude international agreements.

Article 32*EC 115*

1. In order to ensure that the execution of measures of commercial policy taken in accordance with this Treaty by any Member State is not obstructed by deflection of trade, or where differences between such measures lead to economic difficulties in one or more of the Member States, the Commission shall recommend the methods for the requisite co-operation between Member States. Failing this, the Commission shall authorise Member States to take the necessary protective measures, the conditions and details of which it shall determine.

2. In cases of urgency, Member States shall request authorisation to take the necessary measures from the Commission, which shall take a decision as soon as possible; the Member States concerned shall then notify the measure to the other Member States. The Commission may at any time decide that the Member States concerned shall amend or abolish the measures in question

3. In the selection of such measures, priority shall be given to those which cause the least disturbance to the functioning of the *internal market*.

Article 33*EU J 5 (4)*

1 Without prejudice to *Article 47 (5) and Article 25 (4)*. Member States represented in international organisations or international conferences where not all the Member States participate shall keep the latter informed of any matter of common interest.

2. Member states which are also members of the United Nations Security Council will concert and keep the other Member States fully informed. Member states which are permanent members of the Security Council will, in the execution of their functions, ensure the defence of the positions and the interests of the *Union*, without prejudice to their responsibilities under the provisions of the United Nations charter

Article 34*EU K 5*

Within international organisations and at international conferences in which they take part, Member States shall defend the common positions in the field of justice and home affairs, *adopted in accordance with Article 300 of this Treaty*

Article 35*EU K.7*

1. The co-operation in the field of justice and home affairs shall not prevent the establishment or development of closer co-operation between two or more Member States in so far as such co-operation does not conflict with, or impede, that provided for in this *Treaty*.

EC 233 (EAEC 202)

2 The provisions of this Treaty shall not preclude the existence or completion of regional unions between Belgium, Luxembourg and the Netherlands, to the extent that the objectives of these regional unions are not attained by application of this Treaty

Article 36*EAEC 103*

Member states shall communicate to the Commission draft agreements or contracts with a third state, an international organisation or a national of a third state to the extent that such agreements or contracts concern matters within *the purview of nuclear energy*.

If a draft agreement or contract contains clauses which impede the application of this Treaty, the Commission shall, within one month of receipt of such communication, make its comments known to the state concerned.

The state shall not conclude the proposed agreement or contract until it has satisfied the objections of the Commission or complied with a ruling by the Court of justice, adjudicating urgently upon an application from the state, on the compatibility of the proposed clauses with the provisions of this Treaty. An application may be made to the Court of justice at any time after the state has received the comments of the Commission.

Article 37*ECSC 75*

The Member States bind themselves to keep the Commission informed of proposed commercial agreements or similar arrangements as far as they relate to coal, steel or the importation of the other raw materials and of specialised equipment necessary for the production of coal and steel in the Member States.

If a proposed agreement or arrangement should contain clauses interfering with the application of this Treaty, the Commission shall address the necessary recommendations to the interested state within a period of ten days after receiving notification of the agreement or arrangement, it may in any other case issue opinions.

Article 38*ECSC 86 (3)*

As far as they are competent to do so, the *Member States* shall take any appropriate measures to guarantee the settling of international accounts arising out of trade in coal and steel within the *internal market*, they will lend each other assistance to facilitate such settlements

Article 39*EC 222*

This Treaty shall in no way prejudice the rules in Member States governing the system of property ownership

Article 40*EC 104c (1)*

Member States shall avoid excessive government deficits.

Article 41*EC 211 (ECSC 6, EAEC 185)*

In each of the Member States, the *Union* shall enjoy the most extensive legal capacity accorded to legal persons under their laws; it may, in particular, acquire or dispose of movable and immovable property and may be a party to legal proceedings. To this end, the *Union* shall be represented by the Commission.

Article 42*EC 104b*

1 The *Union* shall not be liable for or assume the commitments of central governments, regional, local or other public authorities, other bodies governed by public law, or public undertakings of any Member State, without prejudice to mutual financial guarantees for the joint execution of a specific project. A Member State shall not be liable for or assume the commitments of central governments, regional, local or other public authorities, other bodies governed by public law or public undertakings of another Member State, without prejudice to mutual financial guarantees for the joint execution of a specific project.

2. If necessary, the Council, acting in accordance with the procedure referred to in *Article 178*, may specify definitions for the application of the prohibitions referred to in *Article 268* and in this Article.

Article 43*EAEC 24 (1)*

Information which the *Union* acquires as a result of carrying out its research programme in the field of nuclear energy, and the disclosure of which is liable to harm the defence interests of one or more Member States, shall be subject to a security system in accordance with the (...) provisions laid out in one of the Protocols to this Treaty

Article 44*EAEC 27*

Compensation for any damage suffered by the applicant as a result of classification for defence reasons shall be governed by the provisions of the national laws of the Member States and shall be the responsibility of the state which applied for such classification or which either obtained the upgrading or extension of the classification or caused the filing of applications outside the *Union* to be prohibited

Where several Member States have either obtained the upgrading or extension of the classification or caused the filing of applications outside the *Union* to be prohibited, they shall be jointly responsible for making good any damage arising out of their action

The *Union* may not claim any compensation under this Article.

Title IV

Common Foreign and Security Policy, External Relations

Chapter 1

Common Foreign and Security Policy

Article 45

EUJ

1 A common foreign and security policy is hereby established which shall be governed by the following provisions

SEA 1 (3)

2. The following provisions shall confirm and supplement the procedures agreed in the reports *of the ministers of foreign affairs* of Luxembourg (1970), Copenhagen (1973), London (1981) and in the Solemn Declaration on European Union (1983) (.)

Article 46

EUJ.1 (1-3)

1 The Union and its Member States shall define and implement a common foreign and security policy, governed by the provisions of this and covering all areas of foreign and security policy

2 The objectives of the common foreign and security policy shall be:

- to safeguard the common values, fundamental interests and independence of the Union;
- to strengthen the security of the Union and its Member States in all ways;
- to preserve peace and strengthen international security, in accordance with the principles of the United Nations charter as well as the principles of the Helsinki final act and the objectives of the Paris charter;
- to promote international co-operation;
- to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms.

3. The Union shall pursue these objectives:

- by establishing systematic co-operation between Member States in the conduct of policy, in accordance with *Article 47*;
- by gradually implementing, in accordance with *Article 25 (4) and 183*, joint action in the areas in which the Member States have important interests in common.

Article 47

EUJ 2

1. Member states shall inform and consult one another within the Council on any matter of foreign and security policy of general interest in order to ensure that their combined influence is exerted as effectively as possible by means of concerted and convergent action.

2. Whenever it deems it necessary, the Council shall define a common position Member States shall ensure that their national policies conform to the common positions.

3 Member states shall co-ordinate their action in international organisations and at international conferences They shall uphold the common positions in such fora. In international organisations and at international conferences where not all the Member States participate, those which do take part shall uphold the common positions

Article 48*EUJ 4*

- 1 The common foreign and security policy shall include all questions related to the security of the Union, including the eventual framing of a common defence policy, which might in time lead to a common defence
- 2 The Union requests the Western European Union (WEU), which is an integral part of the development of the Union, to elaborate and implement decisions and actions of the Union which have defence implications. The Council shall, in agreement with the institutions of the WEU, adopt the necessary practical arrangements
3. Issues having defence implications dealt with under this Article shall not be subject to the procedures set out in *Articles 25 (4) and 183*.
- 4 The policy of the Union in accordance with this Article shall not prejudice the specific character of the security and defence policy of certain Member States and shall respect the obligations of certain Member States under the North Atlantic Treaty and be compatible with the common security and defence policy established within that framework
- 5 The provisions of this Article shall not prevent the development of closer co-operation between two or more Member States on a bilateral level, in the framework of the WEU and the Atlantic Alliance, provided such co-operation does not run counter to or impede that provided for in this
- 6 With a view to furthering the objective of this Treaty, and having in view the date of 1998 in the context of Article XII of the Brussels Treaty, the provisions of this Article may be revised as provided for in *Article 307 (1.2)* on the basis of a report to be presented in 1996 by the Council to the European Council, which shall include an evaluation of the progress made and the experience gained until then

Article 49*EUJ 6*

The diplomatic and consular missions of the Member States and the Commission delegations in third countries and international conferences, and their representations to international organisations, shall cooperate in ensuring that the common positions and common measures adopted by the Council are complied with and implemented.

They shall step up co-operation by exchanging information, carrying out joint assessments and contributing to the implementation of the provisions referred to in *Article 18 of this Treaty*.

Article 50*EUJ.8 (2-4)*

The Council shall take the decisions necessary for defining and implementing the common foreign and security policy on the basis of the general guidelines adopted by the European Council. It shall ensure the unity, consistency and effectiveness of action by the Union

The Council shall act unanimously, except for procedural questions and in the case referred to in *Article 183 (2)*.

Any member state or the Commission may refer to the Council any question relating to the common foreign and security policy and may submit proposals to the Council.

In cases requiring a rapid decision, the presidency, of its own motion, or at the request of the Commission or a member state, shall convene an extraordinary Council meeting within forty-eight hours or, in an emergency, within a shorter period.

Chapter 2 Association

Article 51

EC 238 (EAEAC 206 (1))

The *Union* may conclude with one or more States or international organisations agreements establishing an association involving reciprocal rights and obligations, common action and special procedures

Chapter 3 Development co-operation

Article 52

EC 130u

1. *Union* policy in the sphere of development co-operation, which shall be complementary to the policies pursued by the Member States, shall foster:

- the sustainable economic and social development of the developing countries, and more particularly the most disadvantaged among them,
- the smooth and gradual integration of the developing countries into the world economy,
- the campaign against poverty in the developing countries.

2. *Union* policy in this area shall contribute to the general objective of developing and consolidating democracy and the rule of law, and to that of respecting human rights and fundamental freedoms

3. The *Union* and the Member States shall comply with the commitments and take account of the objectives they have approved in the context of the United Nations and other competent international organisations

Article 53

EC 130v

The *Union* shall take account of the objectives referred to in *Article 52* in the policies that it implements which are likely to affect developing countries

Article 54

EC 130w

1. Without prejudice to the other provisions of this Treaty the Council, acting in accordance with the procedure referred to in *Article 178*, shall adopt the measures necessary to further the objectives referred to in *Article 52*. Such measures may take the form of multiannual programmes.

2. The European Investment Bank shall contribute, under the terms laid down in its Statute, to the implementation of the measures referred to in paragraph 1

3. The provisions of this Article shall not affect co-operation with the African, Caribbean and Pacific countries in the framework of the ACP-EC Convention.

Article 55*EC 130x*

1. The *Union* and the Member States shall co-ordinate their policies on development co-operation and shall consult each other on their aid programmes, including in international organisations and during international conferences. They may undertake joint action. Member States shall contribute if necessary to the implementation of *Union* aid programmes.

2. The Commission may take any useful initiative to promote the co-ordination referred to in paragraph 1.

Chapter 4 Sectorial Relations

Article 56*EC 130y, EC 130r (4)*

1. In the field of Environment protection *and development co-operation* within their respective spheres of competence, the *Union* and the Member States shall cooperate with third countries and with the competent international organisations. The arrangements for *Union* co-operation may be the subject of agreements between the *Union* and the third parties concerned, which shall be negotiated and concluded in accordance with *Article 180*.

The previous paragraph shall be without prejudice to Member States' competence to negotiate in international bodies and to conclude international agreements.

EC 126 (3), EC 128 (3)

2. The *Union* and the Member States shall foster co-operation with third countries and the competent international organisations in the sphere of culture *and education*, in particular the Council of Europe.

EC 127 (3), EC 129 (3)

3. The *Union* and the Member States shall foster co-operation with third countries and the competent international organisations in the sphere of vocational training *and public health*.

Article 57*EC 129c (3)*

1. In the field of *Trans-European networks* the *Union* may decide to cooperate with third countries, to promote projects of mutual interests and to ensure the interoperability of networks.

EC 130m (1)

2. In implementing the multiannual framework programme, the *Union* may make provision for co-operation in *Union* research, technological development and demonstration with third countries or international organisations (.)

Article 58*EAEC 101 (1)*

In the field of nuclear energy the *Union* may, within the limits of its powers and jurisdiction, enter into obligations by concluding agreements or contracts with a third state, an international organisation or a national of a third state.

Article 59*EAEC 29*

Where an agreement or contract for the exchange of scientific or industrial information in the field of nuclear energy between a member state, a person or an undertaking on the one hand, and a third state, an international organisation or a national of a third state on the other, requires, on either part, the signature of a state acting in its sovereign capacity, it shall be concluded by the Commission.

Subject to the provisions of *Articles 36 and 68*, the Commission may, however, on such conditions as it considers appropriate, authorise a member state, a person or an undertaking to conclude such agreements.

Chapter 5**Interruption of Economic Relations****Article 60***EC 228a*

Where it is provided, in a common position or in a joint action *adopted according to the provisions of the Treaty on European Union relating to the common foreign and security policy*, for an action by the Union to interrupt or to reduce, in part or completely, economic relations with one or more third countries, the Council shall take the necessary urgent measures. The Council shall act by a qualified majority on a proposal from the Commission

Article 61*EC 73g*

1 If, in the case envisaged in *Article 60*, action by the Union is deemed necessary, the Council may, in accordance with the procedure provided for in *Article 60*, take the necessary urgent measures on the movement of capital and on payments as regards the third countries concerned.

2. Without prejudice to *Article 28* and as long as the Council has not taken measures pursuant to paragraph 1, a Member State may, for serious political reasons and on grounds of urgency, take unilateral measures against a third country with regard to capital movements and payments. The Commission and the other Member States shall be informed of such measures by the date of their entry into force at the latest.

The Council may, acting by a qualified majority on a proposal from the Commission, decide that the Member State concerned shall amend or abolish such measures. The President of the Council shall inform the European Parliament of any such decision taken by the Council.

Chapter 6

Visa Policy

Article 62

EC 100c

1 The Council, *acting with qualified majority* on a proposal from the Commission and after consulting the European Parliament, shall determine the third countries whose nationals must be in possession of a visa when crossing the external borders of the Member States.

2. However, in the event of an emergency situation in a third country posing a threat of a sudden inflow of nationals from that country into the *Union*, the Council, acting by a qualified majority on a recommendation from the Commission, may introduce, for a period not exceeding six months, a visa requirement for nationals from the country in question. The visa requirement established under this paragraph may be extended in accordance with the procedure referred to in paragraph 1.

3 (.) The Council shall (..) acting by a qualified majority on a proposal from the Commission and after consulting the European Parliament, adopt measures relating to a uniform format for visas.

4. In the matters referred to in this Article, the Commission shall examine any request made by a Member State that it submit a proposal to the Council.

5. This Article shall be without prejudice to the exercise of the responsibilities incumbent upon the Member States with regard to the maintenance of law and order and the safeguarding of internal security.

6 This Article shall apply to other matters if so decided pursuant to *Article 302* which relate to co-operation in the fields of justice and home affairs, subject to the voting conditions determined at the same time.

7 The provisions of the conventions in force between the Member States governing matters covered by this Article shall remain in force until their content has been replaced by directives or measures adopted pursuant to this Article.

Chapter 7

General Provisions

Article 63

EC 229 (ECSC 93, EAEC 199)

It shall be for the Commission to ensure the maintenance of all appropriate relations with the organs of the United Nations, of its specialised agencies and of the General Agreement on Tariffs and Trade.

The Commission shall also maintain such relations as are appropriate with all international organisations.

Article 64

EC 230 (ECSC 94, EAEC 200)

The *Union* shall establish all appropriate forms of co-operation with the Council of Europe.

Article 65

EC 231 (EAEC 201)

The *Union* shall establish close co-operation with the Organisation for Economic Co-operation and Development, the details of which shall be determined by common accord.

Article 66

EC 234

The rights and obligations arising from agreements concluded before 1 January 1958 between one or more Member States on the one hand, and one or more third countries on the other, shall not be affected by the provisions of this Treaty

To the extent that such agreements are not compatible with this Treaty, the Member State or States concerned shall take all appropriate steps to eliminate the incompatibilities established. Member States shall, where necessary, assist each other to this end and shall, where appropriate, adopt a common attitude

In applying the agreements referred to in the first paragraph, Member States shall take into account the fact that the advantages accorded under this Treaty by each Member State form an integral part of the establishment of the *Union* and are thereby inseparably linked with the creation of common institutions, the conferring of powers upon them and the granting of the same advantages by all the other Member States.

Article 67

EAE 105 (1)

1. The provisions of this Treaty *in the field of coal and steel* shall not be invoked so as to prevent the implementation of agreements or contracts concluded before its entry into force by a member state, a person or an undertaking with a third state, an international organisation or a national of a third state where such agreements or contracts have been communicated to the Commission not later than thirty days after the entry into force of this Treaty.

EAE 106

2. Member states which, before the entry into force of this Treaty, have concluded agreements with third states providing for co-operation in the field of nuclear energy shall be required to undertake jointly with the Commission the necessary negotiations with these third states in order to ensure that the rights and obligations arising out of such agreements shall as far as possible be assumed by the *Union*.

Any new agreement ensuing from such negotiations shall require the consent of the member state or states signatory to the agreements referred to above and the approval of the Council, which shall act by a qualified majority.

Article 68

EAE 104

In the field of nuclear energy no person or undertaking concluding or renewing an agreement or contract with a third state, an international organisation or a national of a third state after 1 January 1958 may invoke that agreement or contract in order to evade the obligations imposed by this Treaty

Each member state shall take such measures as it considers necessary in order to communicate to the Commission, at the request of the latter, all information relating to agreements or contracts concluded after 1 January 1958, within the purview thereof, by a person or undertaking with a third state, an international organisation or a national of a third state. The Commission may require such communication only for the purpose of verifying that such agreements or contracts do not contain clauses impeding the implementation of this Treaty.

On application by the Commission, the Court of justice shall give a ruling on the compatibility of such agreements or contracts with the provisions of this Treaty

Title V

Institutions, Procedures and Financial Provisions

Chapter 1

General Provisions

Article 69

EC 4 (ECSC 7, EU E. EAEC 3)

1 The tasks entrusted to the *Union* shall be carried out by the following institutions

- a European Parliament,
- a Council,
- a Commission,
- a Court of justice,
- a Court of Auditors.

Each institution shall act within the limits of the powers conferred upon it by this Treaty.

2. The Council and the Commission shall be assisted by an Economic and Social Committee and a Committee of the Regions acting in an advisory capacity.

Article 70

EC 4a

A European System of Central Banks (hereinafter referred to as 'ESCB') and a European Central Bank (hereinafter referred to as 'ECB') shall be established in accordance with the procedures laid down in this Treaty; they shall act within the limits of the powers conferred upon them by this Treaty and by the Statute of the ESCB and of the ECB (hereinafter referred to as 'Statute of the ESCB') annexed thereto.

Article 71

EC 4b

A European Investment Bank is hereby established, which shall act within the limits of the powers conferred upon it by this Treaty and the Statute annexed thereto.

Chapter 2

The European Parliament

Article 72

EC 137 (EAEC 107. ECSC 20)

1 The European Parliament which shall consist of representatives of the peoples of the States brought together in the *Union*, shall exercise the powers conferred upon it by this Treaty.

Act concerning the election... 4 (1)

2 Representatives shall vote on an individual and personal basis. They shall not be bound by any instructions and shall not receive a binding mandate

Article 73

Act concerning the election... 1 (EC 138, EAEC 108)

1 The representatives in the European Parliament of the peoples of the State brought together in the *Union* shall be elected by direct universal suffrage.

Act concerning the election ...2

2. The number of representatives elected in each Member State shall be as follows:

Belgium	25
Denmark	16
Germany	99
Greece	25
Spain	64
France	87
Ireland	15
Italy	87
Luxembourg	6
The Netherlands	31
Austria	21
Portugal	25
Finland	16
Sweden	22
United Kingdom	87

ECSC 21 (3) (EAEC 108 (3))

3. The European Parliament shall draw up proposals for elections by direct universal suffrage in accordance with a uniform procedure in all Member States.

The Council shall, acting unanimously after obtaining the assent of the European Parliament, which shall act by a majority of its component members, lay down the appropriate provisions, which it shall recommend to Member States for adoption in accordance with their respective constitutional requirements.

Article 74

Act concerning the election .. 3

1 Representatives shall be elected for a term of five years.

2 This five-year period shall begin at the opening of the first session following each election

It may be extended or curtailed pursuant to the second subparagraph of *Paragraph 4*

3 The term of office of each representative shall begin and end at the same time as the period referred to in paragraph 2

Act concerning the election...10 (2-4)

4. The elections shall be held between the 6 and 10 June of the last year of the five-year period. Should it prove impossible to hold elections in the *Union* during that period, the Council acting unanimously shall, after consulting the European Parliament, determine another period which shall be not more than one month before or one month after the period fixed pursuant to the preceding subparagraph.

5 Without prejudice to *Article 75* of this Treaty the European Parliament shall meet, without requiring to be convened, on the first Tuesday after expiry of an interval of one month from the end of the first period referred to in *Paragraph 4*

6 The powers of the outgoing European Parliament shall cease upon the opening of the first sitting of the new European Parliament.

Article 75

EC 139 (ECSC 22, EAEC 109)

The European Parliament shall hold an annual session It shall meet, without requiring to be convened, on the second Tuesday in March.

The European Parliament may meet in extraordinary session at the request of a majority of its members or at the request of the Council or of the Commission.

Article 76

EC 142 (1) (ECSC 25, EAEC 112)

1. The European Parliament shall adopt its rules of procedure, acting by a majority of its members

EC 140 (1) (ECSC 23, EAEC 110)

2. The European Parliament shall elect its President and its officers from among its members.

Article 77

EC 141 (EAEC 111)

Save as otherwise provided in this Treaty, the European Parliament shall act by an absolute majority of the votes cast.

The rules of procedure shall determine the quorum.

Article 78

EC 138b (ECSC 20a, EAEC 107a)

In so far as provided in this Treaty, the European Parliament shall participate in the process leading up to the adoption of *Union* acts by exercising its powers under the procedures laid down in *Articles 177 and 178* and by giving its assent or delivering advisory opinions The European Parliament may, acting by a majority of its members, request the Commission to submit any appropriate proposal on matters on which it considers that a *Union* act is required for the purpose of implementing this Treaty.

Article 79

EC 140 (2) (ECSC 25 EAEC 110)

1. The Commission shall reply orally or in writing to questions put to it by the European Parliament or by its members

Members of the Commission may attend all meetings and shall, at their request, be heard on behalf of the Commission

2. The Council shall be heard by the European Parliament in accordance with the conditions laid down by the Council in its rules of procedure.

Article 80

EU J.7, K 6

1. The presidency of the Council shall consult the European Parliament on the main aspects and the basic choices of the common foreign and security policy and the fields of justice and home affairs and shall ensure that the views of the European Parliament are duly taken into consideration

2. The European Parliament shall be kept regularly informed by the presidency and the Commission of the developments in these fields

3. The European Parliament may ask questions of the Council or make recommendations to it. It shall hold a debate on the progress made in implementation of the common foreign and security policy and in the fields of justice and home affairs

Article 81

EC 143 (ECSC 24 (1), EAEC 113)

The European Parliament shall discuss in open session the annual general report submitted to it by the Commission

Article 82

EC 138c (ECSC 20b, EAEC 107b)

In the course of its duties, the European Parliament may, at the request of a quarter of its members, set up a temporary Committee of Inquiry to investigate, without prejudice to the powers conferred by this Treaty on other institutions or bodies, alleged contraventions or maladministration in the implementation of Union law, except where the alleged facts are being examined before a court and while the case is still subject to legal proceedings

The temporary Committee of Inquiry shall cease to exist on the submission of its report.

The detailed provisions governing the exercise of the right of inquiry shall be determined by common accord of the European Parliament, the Council and the Commission.

Article 83

EC 144 (ECSC 24, EAEC 114)

If a motion of censure on the activities of the Commission is tabled before it, the European Parliament shall not vote thereon until at least three days after the motion has been tabled and only by open vote

If the motion of censure is carried by a two-thirds majority of the votes cast, representing a majority of the members of the European Parliament, the members of the Commission shall resign as a body. They shall continue to deal with current business until they are replaced in accordance with Article 102. In this case, the term of office of the members of the Commission appointed to replace them shall expire on the date on which the term of office of the members of the Commission obliged to resign as a body would have expired.

Article 84*EC 142 (2) (EAEC 112, ECSC 25)*

The proceedings of the European Parliament shall be published in the manner laid down *in its rules of procedure*.

Chapter 3**The Ombudsman****Article 85***EC 138 (e)*

1. The European Parliament shall appoint an Ombudsman empowered to receive complaints from any citizen of the *Union* or any natural or legal person residing or having its registered office in a Member State concerning instances of maladministration in the activities of the *Union* institutions or bodies, with the exception of the Court of justice and the Court of First Instance acting in their judicial role

In accordance with his duties, the Ombudsman shall conduct inquiries for which he finds grounds, either on his own initiative or on the basis of complaints submitted to him direct or through a member of the European Parliament, except where the alleged facts are or have been the subject of legal proceedings. Where the Ombudsman establishes an instance of maladministration, he shall refer the matter to the institution concerned, which shall have a period of three months in which to inform him of its views. The Ombudsman shall then forward a report to the European Parliament and the institution concerned. The person lodging the complaint shall be informed of the outcome of such inquiries.

The Ombudsman shall submit an annual report to the European Parliament on the outcome of his inquiries

2. The Ombudsman shall be appointed after each election of the European Parliament for the duration of its term of office. The Ombudsman shall be eligible for reappointment.

The Ombudsman may be dismissed by the Court of justice at the request of the European Parliament if he no longer fulfils the conditions required for the performance of his duties or if he is guilty of serious misconduct.

3. The Ombudsman shall be completely independent in the performance of his duties. In the performance of those duties he shall neither seek nor take instructions from any body. The Ombudsman may not, during his term of office, engage in any other occupation, whether gainful or not.

4. The European Parliament shall, after seeking an opinion from the Commission and with the approval of the Council acting by a qualified majority, lay down the regulations and general conditions governing the performance of the Ombudsman's duties.

Chapter 4 The European Council

Article 86

EU D (2)

1 The European Council shall bring together the heads of state or of government of the Member States and the president of the Commission. They shall be assisted by the ministers for foreign affairs of the Member States and by a member of the Commission. The European Council shall meet at least twice a year, under the chairmanship of the head of state or of government of the member state which holds the presidency of the Council.

EU J.8 (1)

2. The European Council shall define the principles of and general guidelines for the common foreign and security policy.

EU D (3)

3 The European Council shall submit to the European Parliament a report after each of its meetings and a yearly written report on the progress achieved by the Union.

Chapter 5 The Council

Article 87

EC 145 (EAEC 115)

To ensure that the objectives set out in this Treaty are attained, the Council shall, in accordance with the provisions of this Treaty:

- ensure co-ordination of the general economic policies of the Member States;
- have power to take decisions;
- confer on the Commission, in the acts which the Council adopts, powers for the implementation of the rules which the Council lays down. The Council may impose certain requirements in respect of the exercise of these powers. The Council may also reserve the right, in specific cases, to exercise directly implementing powers itself.

The procedures referred to above must be consonant with principles and rules to be laid down in advance by the Council, acting unanimously on a proposal from the Commission and after obtaining the opinion of the European Parliament.

Article 88

EC 146 (ECSC 27, EAEC 116)

1. The Council shall consist of a representative of each Member State at ministerial level, authorised to commit the government of that Member State.

2 The office of President shall be held in turn by each Member State in the Council for a term of six months in the order decided by the Council acting unanimously

Article 89

EC 147 (ECSC 27a EAEC 117)

The Council shall meet when convened by its President on his own initiative or at the request of one of its members or of the Commission

Article 90*EU J 5 (1-5)*

- 1 The presidency shall represent the *Union* in matters coming within the common foreign and security policy
- 2 The presidency shall be responsible for the implementation of common measures. in that capacity it shall in principle express the position of the *Union* in international organisations and international conferences
- 3 In the tasks referred to in paragraphs 1 and 2, the presidency shall be assisted if need be by the previous and next Member States to hold the presidency. The Commission shall be fully associated in these tasks

Article 91*EC 148 (E.A.E.C 118)*

- 1 Save as otherwise provided in this Treaty, the Council shall act by a majority of its members
- 2 Where the Council is required to act by a qualified majority, the votes of its members shall be weighted as follows

Belgium	5
Denmark	3
Germany	10
Greece	5
Spain	8
France	10
Ireland	3
Italy	10
Luxembourg	2
The Netherlands	5
Austria	4
Portugal	5
Finland	3
Sweden	4
United Kingdom	10

For their adoption, acts of the Council shall require at least:

- 62 votes in favour where this Treaty requires them to be adopted on a proposal from the commission.
- 62 votes in favour, cast by at least eight members, in other cases

3 Abstentions by members present in person or represented shall not prevent the adoption by the Council of acts which require unanimity.

Article 92*ECSC 28*

When the Council is consulted by the Commission *in the field of coal and steel*, it may deliberate without necessarily proceeding to a vote. The minutes of its meetings shall be forwarded to the Commission

Wherever this Treaty requires the assent of the Council be given, the assent shall be considered to have been given if the proposal submitted by the Commission receives the approval

- of an absolute majority of the representatives of the Member States, including the votes of the representatives of two Member States which each produce at least one tenth of the total value of coal and steel output in the *Union*, or

- in the event of an equal division of votes and if the Commission maintains its proposal after a second discussion of the representatives of three Member States, each of which produces at least one tenth of the total coal and steel output in the *Union*

Wherever this Treaty requires a unanimous decision or unanimous assent, such a decision or assent shall have been duly given if all the members of the Council vote in favour. However, for the purposes of *applying Articles 73, 118, 119, 151, 204 of this Treaty, the Protocol " coal and steel " annexed to this Treaty and the Article 16, 20 (3), 28 (5) and 44 of the Protocol on the Statute of the Court of justice*, abstention by members present in person or represented shall not prevent the adoption by the Council of act which require unanimity.

Decisions of the Council, other than those for which a qualified majority or unanimity is required, shall be taken by a vote of the majority of its members; this majority shall be considered to be attained if it represents the absolute majority of the representatives of two Member States which each produce at least ten percent of the total value of coal and steel produced in the *Union*. However, for the purpose of *applying Articles 151, 179 and 201 of this Treaty* which require a qualified majority, the votes of the members of the Council shall be weighted in accordance with *Article 85 (2) of this Treaty*.

For their adoption, acts shall require at least 62 votes in favour, cast by not less than 10 members

Article 93*EC 150 (ECSC 28, EAEC 120)*

Where a vote is taken, any member of the Council may also act on behalf of not more than one other member.

Article 94*EC 151 (EAEC 121, ECSC 30)*

1. A committee consisting of the Permanent Representatives of the Member States shall be responsible for preparing the work of the Council and for carrying out the tasks assigned to it by the Council

2. The Council shall be assisted by a General Secretariat, under the direction of a Secretary-General. The Secretary-General shall be appointed by the Council acting unanimously.

The Council shall decide on the organisation of the General Secretariat.

3. The Council shall adopt its rules of procedure.

ECSC 28 i.f

4. The Council shall deal with the Member States through its President.

5. The acts of the Council shall be published in such manner as it may decide.

Article 95*EU J.8 (5)*

Without prejudice to *Article 94 of the Treaty*, a political committee consisting of political directors shall monitor the international situation in the areas covered by common foreign and security policy and contribute to the definition of policies by delivering opinions to the Council at the request of the Council or on its own initiative. It shall also monitor the implementation of agreed policies, without prejudice to the responsibility of the presidency and the Commission.

Article 96*EU K.4 (1). EC 100 (d)*

A co-ordinating committee shall be set up *for the co-operation in the field of justice and home affairs*, consisting of senior officials. In addition to its co-ordinating role, it shall be the task of the committee to

- give opinions for the attention of the Council, either at the Council's request or on its own initiative.
- contribute, without prejudice to *Article 94 of this Treaty* to the preparation of the Council's discussions in the areas referred to in *Article 298 and (..) 62 of this Treaty*.

Article 97*EC 152*

The Council may request the Commission to undertake any studies which the Council considers desirable for the attainment of the common objectives, and to submit to it any appropriate proposals

Article 98*EC 153 (ECSC 26. EAEC 122)*

The Council shall, after receiving an opinion from the Commission, determine the rules governing the committees provided for in this Treaty.

Article 99*EC 154 (ECSC 29. EAEC 123)*

The Council shall, acting by a qualified majority, determine the salaries, allowances and pensions of the President and members of the Commission, and of the President, Judges, Advocates-General and Registrar of the Court of justice. It shall also, again by a qualified majority, determine any payment to be made instead of remuneration

Chapter 6

The Commission

Article 100

EC 155 (ECSC 8, 14 (1), EAEC 124)

In order to ensure the proper functioning and development of the *internal market*, the Commission shall:

- ensure that the provisions of this Treaty and the measures taken by the institutions pursuant thereto are applied;
- formulate recommendations or deliver opinions on matters dealt with in this Treaty, if it expressly so provides or if the Commission considers it necessary;
- have its power of decision and participate in the shaping of measures taken by the Council and by the European Parliament in the manner provided for in this Treaty,
- exercise the powers conferred on it by the Council for the implementation of the rules laid down by the latter

Article 101

EC 157 (ECSC 9, EAEC 126)

1 The Commission shall consist of twenty members, who shall be chosen on the grounds of their general competence and whose independence is beyond doubt

The number of members of the Commission may be altered by the Council, acting unanimously.

Only nationals of Member States may be members of the Commission.

The Commission must include at least one national of each of the Member States, but may not include more than two members having the nationality of the same State.

2. The members of the Commission shall, in the general interest of the *Union*, be completely independent in the performance of their duties.

In the performance of these duties, they shall neither seek nor take instructions from any government or from any other body. They shall refrain from any action incompatible with their duties. Each Member State undertakes to respect this principle and not to seek to influence the members of the Commission in the performance of their tasks

The members of the Commission may not, during their term of office, engage in any other occupation, whether gainful or not. When entering upon their duties they shall give a solemn undertaking that, both during and after their term of office, they will respect the obligations arising therefrom and in particular their duty to behave with integrity and discretion as regards the acceptance, after they have ceased to hold office, of certain appointments or benefits. In the event of any breach of these obligations, the Court of justice may, on application by the Council or the Commission, rule that the member concerned be, according to the circumstances, either compulsorily retired in accordance with *Article 98* or deprived of his right to a pension or other benefits in its stead.

Article 102*EC 158 (1,2) (ECSC 10, EAEC 127)*

1 The members of the Commission shall be appointed, in accordance with the procedure referred to in paragraph 2, for a period of five years, subject, if need be, to *Article 83*.

Their term of office shall be renewable

2 The governments of the Member States shall nominate by common accord, after consulting the European Parliament, the person they intend to appoint as President of the Commission

The governments of the Member States shall, in consultation with the nominee for President, nominate the other persons whom they intend to appoint as members of the Commission

The President and the other members of the Commission thus nominated shall be subject as a body to a vote of approval by the European Parliament. After approval by the European Parliament, the President and the other members of the Commission shall be appointed by common accord of the governments of the Member States.

Article 103*EC 159 (ECSC 12, EAEC 128)*

Apart from normal replacement, or death, the duties of a member of the Commission shall end when he resigns or is compulsorily retired.

The vacancy thus caused shall be filled for the remainder of the member's term of office by a new member appointed by common accord of the governments of the Member States. The Council may, acting unanimously, decide that such a vacancy need not be filled

In the event of resignation, compulsory retirement or death, the President shall be replaced for the remainder of his term of office. The procedure laid down in *Article 102(2)* shall be applicable for the replacement of the President.

Save in the case of compulsory retirement under *Article 104*, members of the Commission shall remain in office until they have been replaced.

Article 104*EC 160 (ECSC 12a, EAEC 129)*

If any member of the Commission no longer fulfils the conditions required for the performance of his duties or if he has been guilty of serious misconduct, the Court of justice may, on application by the Council or the Commission, compulsorily retire him.

Article 105*EC 161 (ECSC 11, EAEC 130)*

The Commission may appoint a Vice-President or two Vice-Presidents from among its members

Article 106*EC 163 (ECSC 13, EAEC 132)*

1 The Commission shall act by a majority of the number of members provided for in *Article 101*.

2. A meeting of the Commission shall be valid only if the number of members laid down in its rules of procedure is present

EC 162 (2) (ECSC 16 (1,4))

3 The Commission shall adopt its rules of procedure so as to ensure, that both it and its departments operate in accordance with the provisions of this Treaty. It shall ensure that these rules are published.

Article 107

EC 162 (1) (ECSC 16 (2), EAEC 131)

The Council and the Commission shall consult each other and shall settle by common accord their methods of co-operation

Article 108

EC 109 (d)

For matters within the scope of *Articles 266 (4), 270* with the exception of *paragraph 13, 182, 27, 28 and 29 (4) and (5) of the Protocol " internal market "*, the Council or a Member State may request the Commission to make a recommendation or a proposal, as appropriate. The Commission shall examine this request and submit its conclusions to the Council without delay.

Article 109

EU J.9, K.4 (2)

the Commission shall be fully associated with the work carried out in the common foreign and security and in the co-operation in the field of justice and home affairs

Article 110

ECSC 5

In the field of coal and steel the Union shall accomplish its mission, under the conditions provided for in this Treaty, with limited intervention

To this end, the *Union* shall :

- assist the interested parties to take action by collecting information, organising consultations and defining general objectives;
- place financial means at the disposal of enterprises for their investments and participate in the expenses of readaptation;
- assure the establishment, the maintenance and the observance of normal conditions of competition, and take direct action with respect to production and the operation of the market only when circumstances make it absolutely necessary;
- publish the reasons for its action and take the necessary measures to ensure observance of the rules set forth in this Treaty

The institutions of the *Union* shall carry out these activities with as little administrative machinery as possible and in close co-operation with the interested parties.

Article 111

EC 213 (ECSC 86)

1. The Commission may, within the limits and under the conditions laid down by the Council in accordance with the provisions of this Treaty, collect any information and carry out any checks required for the performance of the tasks entrusted to it

ECSC 46 (1,2)

2. *In the field of coal and steel* the Commission may at any time consult the governments, the various interested parties (enterprises, workers, consumers and dealers) and their associations, as well as any experts

Enterprises, workers, consumers and dealers, and their associations, may present any suggestions or observations to the Commission on questions affecting them

ECSC 48 (3,4)

The Commission shall normally call upon producers' associations to obtain information which it requires or to facilitate the fulfilment of its objectives, provided that the associations in question either permit the properly chosen representatives of the workers and consumers to participate in the direction of these associations or in consultative committees attached to them, or in any other way give a satisfactory place in their organisation to the expression of the workers' and consumers' interests

The associations referred to in the preceding paragraph shall be obliged to furnish the Commission with such information on their activity as the Commission may deem necessary. The observations mentioned in the second paragraph of this Article and the information furnished under the fourth paragraph shall also be forwarded by the associations to the government concerned.

EAEC 135 (ECSC 16)

3. The Commission may undertake any consultations and establish any study groups necessary to the performance of its tasks *in the field of nuclear energy and coal and steel*.

Article 112

EC 156 (ECSC 17, EAEC 125)

1. The Commission shall publish annually, not later than one month before the opening of the session of the European Parliament, a general report on the activities of the *Union*

EC 122

2. The Commission shall include a separate chapter on social developments within the *Union* in its annual report to the European Parliament

The European Parliament may invite the Commission to draw up reports on any particular problems concerning social conditions

EC 130 b (2)

3. The Commission shall submit a report to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions every three years on the progress made towards achieving economic and social cohesion and on the manner in which the various means provided for in this Article have contributed to it. This report shall, if necessary, be accompanied by appropriate proposals.

Article 113*ECSC 18*

1. There shall be created a consultative committee, attached to the Commission *in the field of coal and steel*. It shall consist of not less than thirty and not more than fifty-one members, and shall include an equal number of producers, workers, and consumers and dealers.

2. The members of the consultative committee shall be appointed by the Council

As concerns producers and workers, the Council shall appoint the representative organisations among which it shall allocate the seats to be filled. Each organisation shall be asked to draw up a list comprising twice the number of seats allocated to it. Appointments shall be made from this list.

The members of the consultative committee shall be appointed in their individual capacity for a period of two years. They shall not be bound by any mandate or instruction from the organisations which proposed them as candidates.

3. A president and officers shall be elected for periods of one year by the consultative committee from among its own members. The committee shall make its own rules of procedure.

4. The allowances of members of the consultative committee shall be determined by the Council on the proposal of the Commission.

Article 114*ECSC 19*

1. The Commission may consult the consultative committee on all matters it deems proper. It shall be required to do so whenever such consultation is prescribed by the present Treaty.

2. The Commission shall submit to the consultative committee the general objectives and programmes established under the terms of *Article 2 of the Protocol "coal and steel"*, and shall keep the committee informed of the broad lines of its action under the terms of *Articles 248 and 251 of this Treaty and of Article 4 of the Protocol "coal and steel"*.

If the Commission deems it necessary, it shall allow the consultative committee a period in which to present its opinion of not less than ten days from the date of the notification to that effect addressed to the president of the committee.

3. The consultative committee shall be called together by its president, either at the request of the Commission or at the request of a majority of its members, for the purpose of discussing a given question.

The minutes of the meetings shall be forwarded to the Commission and to the Council at the same time as the opinions of the committee.

Article 115*EC 83*

An Advisory Committee *in the field of transport* consisting of experts designated by the Governments of Member States, shall be attached to the Commission. The Commission, whenever it considers it desirable, shall consult the Committee on transport matters without prejudice to the powers of the transport section of the economic and Social Committee.

Article 116*EAEC 134*

1 A scientific and technical committee *in the field of nuclear energy* is hereby set up: it shall be attached to the Commission and shall have advisory status. The committee must be consulted where this Treaty so provides. The committee may be consulted in all cases in which the Commission considers this appropriate.

2 The committee shall consist of thirty-eight members, appointed by the Council after consultation with the Commission. The members of the committee shall be appointed in their personal capacity for five years. Their appointment shall be renewable. They shall not be bound by any mandatory instructions. The scientific and technical committee shall each year elect its chairman and officers from among its members.

Chapter 7**The Court of justice and the Court of First Instance****Article 117***EC 164 (EAEC 136, ECSC 31)*

The Court of justice shall ensure that in the interpretation and application of this Treaty the law is observed.

Article 118*EC 165 (ECSC 32, EAEC 137)*

The Court of justice shall consist of 15 Judges.

The Court of justice shall sit in plenary session. It may, however, form chambers, each consisting of three, five or seven Judges, either to undertake certain preparatory inquiries or to adjudicate on particular categories of cases in accordance with rules laid down for these purposes.

The Court of justice shall sit in plenary session when a Member State or a *Union* institution that is a party to the proceedings so requests.

Should the Court of justice so request, the Council may, acting unanimously, increase the number of judges and make the necessary adjustments to the second and third paragraphs of this Article and to the second paragraph of *Article 119* of this Treaty.

EC 166 (ECSC 32a, EAEC 138))

The Court of justice shall be assisted by eight Advocates-General. However, a ninth Advocate-General shall be appointed as from the date of accession until 6 October 2000.

It shall be the duty of the Advocate-General, acting with complete impartiality and independence, to make, in open court, reasoned submissions on cases brought before the Court of justice, in order to assist the Court in the performance of the task assigned to it in *Article 117* of this Treaty.

Should the Court of justice so request, the Council may, acting unanimously, increase the number of Advocates-General and make the necessary adjustments to the third paragraph of *Article 120 (3)*.

Article 120*EEC 167 (ECSC 32b EAEC 139)*

The Judges and Advocates-General shall be chosen from persons whose independence is beyond doubt and who possess the qualifications required for appointment to the highest judicial offices in their respective countries or who are juriconsults of recognised competence. They shall be appointed by common accord of the Governments of the Member States for a term of six years.

Every three years there shall be a partial replacement of the Judges. Eight and seven Judges shall be replaced alternately.

Every three years there shall be a partial replacement of the Advocates-General. Four Advocates-General shall be replaced on each occasion.

Retiring Judges and Advocates-General shall be eligible for re-appointment.

The Judges shall elect the President of the Court of justice from among their number for a term of three years. He may be re-elected.

Article 121*EC 168 (a) (ECSC 32d, EAEC 140a)*

1. A Court of First Instance shall be attached to the Court of justice with jurisdiction to hear and determine at first instance, subject to a right of appeal to the Court of justice on points of law only and in accordance with the conditions laid down by the Statute, certain classes of action or proceeding defined in accordance with the conditions laid down in paragraph 2. The Court of First Instance shall not be competent to hear and determine questions referred for a preliminary ruling under *Article 136*.

2. At the request of the Court of justice and after consulting the European Parliament and the Commission, the Council, acting unanimously, shall determine the classes of action or proceeding referred to in paragraph 1 and the composition of the Court of First Instance and shall adopt the necessary adjustments and additional provisions to the Statute of the Court of justice. Unless the Council decides otherwise, the provisions of this Treaty relating to the Court of justice, in particular the provisions of the Protocol on the Statute of the Court of justice, shall apply to the Court of First Instance.

3. The members of the Court of First Instance shall be chosen from persons whose independence is beyond doubt and who possess the ability required for appointment to judicial office, they shall be appointed by common accord of the governments of the Member States for a term of six years. The membership shall be partially renewed every three years. Retiring members shall be eligible for re-appointment.

4. The Court of First Instance shall establish its rules of procedure in agreement with the Court of justice. Those rules shall require the unanimous approval of the Council.

Article 122*EC 169 (ECSC 88, EAEC 141)*

If the Commission considers that a Member State has failed to fulfil an obligation under this Treaty, it shall deliver a reasoned opinion on the matter after giving the State concerned the opportunity to submit its observations.

If the State concerned does not comply with the opinion within the period laid down by the Commission the latter may bring the matter before the Court of justice.

Article 123*EC 170 (EAEC 142)*

A Member State which considers that another Member State has failed to fulfil an obligation under this Treaty may bring the matter before the Court of justice.

Before a Member State brings an action against another Member State for an alleged infringement of an obligation under this Treaty, it shall bring the matter before the Commission

The Commission shall deliver a reasoned opinion after each of the States concerned has been given the opportunity to submit its own case and its observations on the other party's case both orally and in writing

If the Commission has not delivered an opinion within three months of the date on which the matter was brought before it, the absence of such opinion shall not prevent the matter from being brought before the Court of justice.

Article 124*EC 171 (EAEC 143)*

1. If the Court of justice finds that a Member State has failed to fulfil an obligation under this Treaty, the State shall be required to take the necessary measures to comply with the judgement of the Court of justice.

2. If the Commission considers that the Member State concerned has not taken such measures it shall, after giving that State the opportunity to submit its observations, issue a reasoned opinion specifying the points on which the Member State concerned has not complied with the judgement of the Court of justice

If the Member State concerned fails to take the necessary measures to comply with the Court's judgement within the time-limit laid down by the Commission, the latter may bring the case before the Court of justice. In so doing it shall specify the amount of the lump sum or penalty payment to be paid by the Member State concerned which it considers appropriate in the circumstances

If the Court of justice finds that the Member State concerned has not complied with its judgement it may impose a lump sum or penalty payment on it

This procedure shall be without prejudice to *Article 123*.

Article 125*EC 172*

Regulations adopted jointly by the European Parliament and the Council, and by the Council pursuant to the provisions of this Treaty, may give the Court of justice unlimited jurisdiction in regard to the penalties provided for in such regulations.

Article 126*EC 173 (EAEC 146)*

The Court of justice shall review the legality of acts adopted jointly by the European Parliament and the Council, of acts of the Council, of the Commission, and of the ECB other than recommendations and opinions, and of acts of the European Parliament intended to produce legal effects vis-à-vis third parties

It shall for this purpose have jurisdiction in actions brought by a Member State, the Council or the Commission on grounds of lack of competence, infringement of an essential procedural requirement, infringement of this Treaty or of any rule of law relating to its application, or misuse of powers

The Court shall have jurisdiction under the same conditions in actions brought by the European Parliament and by the ECB for the purpose of protecting their prerogatives.

Any natural or legal person may, under the same conditions, institute proceedings against a decision addressed to that person or against a decision which, although in the form of a regulation or a decision addressed to another person, is of direct and individual concern to the former

The proceedings provided for in this Article shall be instituted within two months of the publication of the measure, or of its notification to the plaintiff, or, in the absence thereof, of the day on which it came to the knowledge of the latter, as the case may be

Article 127*EC 174 (EAEC 147)*

If the action is well founded, the Court of justice shall declare the act concerned to be void

In the case of a regulation, however, the Court of justice shall, if it considers this necessary, state which of the effects of the regulation which it has declared void shall be considered as definitive

Article 128*ECSC 38*

At the request of a member state or of the Commission, the court may annul the resolutions of the European Parliament or of the Council *in the field of coal and steel*

The request must be submitted within one month from the publication of such a resolution of the European Parliament or the notification of such a resolution of the Council to the Member States or to the Commission. Such an appeal may be made only on the grounds of lack of legal competence or major violations of procedure.

Article 129*ECSC 33*

The court shall have jurisdiction *in the field of coal and steel* over appeals by a member state or by the Council for the annulment of decisions and recommendations of the Commission on the grounds of lack of legal competence, major violations of procedure, violation of the Treaty or of any rule of law relating to its application, or abuse of power. However, the court may not review the Commission's evaluation of the situation, based on economic facts and circumstances, which led to such decisions or recommendations, except where the Commission is alleged to have abused its powers or to have clearly misinterpreted the provisions of the Treaty or of a rule of law relating to its application.

The enterprises, or the associations referred to in *Article 23 and 111 (2)*, shall have the right of appeal on the same grounds against individual decisions and recommendations affecting them, or against general decisions and recommendations which they deem to involve an abuse of power affecting them.

The appeals provided for in the first two paragraphs of the present Article must be lodged within one month from the date of notification or publication, as the case may be, of the decision or recommendation

Article 130*EC 175 (EAEC 148)*

Should the European Parliament, the Council or the Commission, in infringement of this Treaty, fail to act, the Member States and the other institutions of the *Union* may bring an action before the Court of justice to have the infringement established

The action shall be admissible only if the institution concerned has first been called upon to act. If, within two months of being so called upon, the institution concerned has not defined its position, the action may be brought within a further period of two months.

Any natural or legal person may, under the conditions laid down in the preceding paragraphs, complain to the Court of justice that an institution of the *Union* has failed to address to that person any act other than a recommendation or an opinion

The Court of justice shall have jurisdiction, under the same conditions, in actions or proceedings brought by the ECB in the areas falling within the latter's field of competence and in actions or proceedings brought against the latter.

Article 131*EC 176 (EAEC 149)*

The institution or institutions whose act has been declared void or whose failure to act has been declared contrary to this Treaty shall be required to take the necessary measures to comply with the judgement of the Court of justice.

This obligation shall not affect any obligation which may result from the application of the second paragraph of *Article 180 (1)*

This Article shall also apply to the ECB.

Article 132*ECSC 34*

If the court should annul a decision or recommendation of the Commission, based on a *request under application of Article 129*, the matter shall be remanded to the Commission. The latter must take the necessary measures in order to give effect to the judgement of annulment. In case a decision or recommendation is adjudged by the court to involve a fault for which the *Union* is liable, and causes a direct and special injury to an enterprise or a group of enterprises, the Commission must take such measures, within the powers granted to it by this Treaty, as to assure an equitable redress for the injury resulting directly from the decision or recommendation which has been annulled, and, to the extent necessary, must grant reasonable damages

If the Commission fails to take within a reasonable period the measure required to give effect to a judgement of annulment, an appeal for damages may be brought before the court

Article 133*ECSC 35*

In the cases where the Commission is required by a provision of this Treaty or of the regulations for its execution *in the field of coal and steel* to issue a decision or recommendation, and fails to fulfil this obligation, the omission may be brought to the attention of the Commission by the states, the Council or the enterprises and associations, as the case may be

The same shall be true if the Commission refrains from taking a decision or formulating a recommendation when it is empowered to do so by a provision of this Treaty or the regulations for its execution, where such failure to act constitutes an abuse of power

If at the end of a period of two months the Commission has not taken any decision or formulated any recommendation, an appeal may be lodged before the court, within a period of one month, against the tacit negative decision presumed to result from such failure to act.

Article 134*ECSC 36*

Prior to imposing a pecuniary sanction or a daily penalty payment provided for in this Treaty in the field of coal and steel, the Commission must give the interested party an opportunity to present his views

An appeal to the general jurisdiction of the court may be lodged against the pecuniary sanctions and daily penalty payments imposed under the provisions of this Treaty

In support of such an appeal, and under the terms of the first paragraph of Article 129 of this Treaty, the petitioners may contest the legality of the decisions and recommendations which they are charged with violating

Article 135*ECSC 37*

If a member state considers that in a given case in the field of coal and steel an action of the Commission, or a failure to act, is of such a nature as to provoke fundamental and persistent disturbances in the economy of the said state,

it may bring the matter to the attention of the Commission. The Commission, after consulting the Council, shall if it is appropriate recognise the existence of such a situation, and decide on the measures to be taken, under the terms of the present Treaty, to correct such a situation while at the same time safeguarding the essential interests of the Union.

When an appeal is lodged before the court under the provisions of this Article against such a decision or against the explicit or tacit decision refusing to recognise the existence of the situation mentioned above, the court shall review the cogency of such a decision. In case of annulment, the Commission shall decide, within the framework of the court's judgement, the measures to be taken to fulfil the objectives set forth in the second paragraph of this Article.

Article 136*EC 177 (EAEC 150)*

The Court of justice shall have jurisdiction to give preliminary rulings concerning:

- (a) the interpretation of this Treaty;
- (b) the validity and interpretation of acts of the institutions of the Union and of the ECB;
- (c) the interpretation of the statutes of bodies established by an act of the Council, where those statutes so provide

Where such a question is raised before any court or tribunal of a Member State, that court or tribunal may, if it considers that a decision on the question is necessary to enable it to give judgement, request the Court of justice to give a ruling thereon.

Where any such question is raised in a case pending before a court or tribunal of a Member State against whose decisions there is no judicial remedy under national law, that court or tribunal shall bring the matter before the Court of justice.

Article 137*ECSC 41*

When the validity of resolutions of the Commission or the Council is contested in litigation before a national court in the field of coal and steel, such issue shall be certified to the court, which shall have exclusive competence to rule thereupon

Article 138*EC 178 (ECSC 40, EAEC 151)*

The Court of justice shall have jurisdiction in disputes relating to the compensation for damage provided for in the second paragraph of Article 189 (1).

Article 139*EC 179 (EAEC 152)*

The Court of justice shall have jurisdiction in any dispute between the *Union* and its servants within the limits and under the conditions laid down in the Staff Regulations or the Conditions of Employment.

Article 140*EC 180*

The Court of justice shall, within the limits hereinafter laid down, have jurisdiction in disputes concerning

(a) the fulfilment by Member States of obligations under the Statute of the European Investment Bank. In this connection, the Board of Directors of the Bank shall enjoy the powers conferred upon the Commission by *Article 122*;

(b) measures adopted by the Board of Governors of the European Investment Bank. In this connection, any Member State, the Commission or the Board of Directors of the Bank may institute proceedings under the conditions laid down in *Article 126*,

(c) measures adopted by the Board of Directors of the European Investment Bank. Proceedings against such measures may be instituted only by Member States or by the Commission, under the conditions laid down in *Article 126*, and solely on the grounds of non-compliance with the procedure provided for in Article 21(2), (5), (6) and (7) of the Statute of the Bank;

(d) the fulfilment by national central banks of obligations under this Treaty and the Statute of the ESCB. In this connection the powers of the Council of the ECB in respect of national central banks shall be the same as those conferred upon the Commission in respect of Member States by *Article 122*. If the Court of justice finds that a national central bank has failed to fulfil an obligation under this Treaty, that bank shall be required to take the necessary measures to comply with the judgement of the Court of justice.

Article 141*EC 181 (ECSC 42, EAEC 153)*

1. The Court of justice shall have jurisdiction to give judgement pursuant to any arbitration clause contained in a contract concluded by or on behalf of the *Union*, whether that contract be governed by public or private law.

Article 142*EC 182*

1. The Court of justice shall have jurisdiction in any dispute between Member States which relates to the subject matter of this Treaty if the dispute is submitted to it under a special agreement between the parties.

ECSC 43 (ECSC 89, EAEC 154)

2 The court shall exercise jurisdiction in any other case provided for in an additional provision of this Treaty *in the field of coal and steel*.

It may also exercise jurisdiction in any case relating to the purposes of this Treaty, where the laws of a member state grant it such jurisdiction

Article 143*EAEC 144*

The Court of justice shall have unlimited jurisdiction *in the field of nuclear energy* in

(a) proceedings instituted under *Article 10 of the Protocol " nuclear energy "* to have the appropriate terms fixed for the granting by the Commission of licences of sub-licences.

(b) proceedings instituted by persons or undertakings against sanctions imposed on them by the Commission under *Article 188*

Article 144*EC 183 (EAEC 155)*

Save where jurisdiction is conferred on the Court by this Treaty, disputes to which the *Union* is a party shall not on that ground be excluded from the jurisdiction of the courts or tribunals of the Member States

Article 145*EC 184 (EAEC 156)*

Notwithstanding the expiry of the period laid down in the fifth paragraph of *Article 126*, any party may, in proceedings in which a regulation adopted jointly by the European Parliament and the Council, or a regulation of the Council, of the Commission or of the ECB is at issue, plead the grounds specified in the second paragraph of *Article 126* in order to invoke before the Court of justice the inapplicability of that regulation

Article 146*EC 185 (EAEC 157)*

Actions brought before the Court of justice shall not have suspensory effect. The Court of justice may, however, if it considers that circumstances so require, order that application of the contested act be suspended.

Article 147*EC 186 (ECSC 39, EAEC 158)*

The Court of justice may in any cases before it prescribe any necessary interim measures.

Article 148*EC 187 (ECSC 44, EAEC 159)*

The judgements of the Court of justice shall be enforceable under the conditions laid down in *Article 176*.

Article 149*EC 188 (ECSC 45, EAEC 160)*

The Statute of the Court of justice is laid down in a separate Protocol

The Council may, acting unanimously at the request of the Court of justice and after consulting the Commission and the European Parliament, amend the provisions of Title III of the Statute.

The Court of justice shall adopt its rules of procedure. These shall require the unanimous approval of the Council.

Chapter 8

The Court of Auditors

Article 150

EC 188 a (EAEC 160a. ECSC 45a)

The Court of Auditors shall carry out the audit.

Article 151

EC 188 (b) (EAEC 160b. ECSC 45b)

1 The Court of Auditors shall consist of fifteen members.

2 The members of the Court of Auditors shall be chosen from among persons who belong or have belonged in their respective countries to external audit bodies or who are especially qualified for this office. Their independence must be beyond doubt.

3. The members of the Court of Auditors shall be appointed for a term of six years by the Council, acting unanimously after consulting the European Parliament.

However, when the first appointments are made, four members of the Court of Auditors, chosen by lot, shall be appointed for a term of office of four years only.

The members of the Court of Auditors shall be eligible for reappointment.

They shall elect the President of the Court of Auditors from among their number for a term of three years. The President may be re-elected.

4 The members of the Court of Auditors shall, in the general interest of the *Union*, be completely independent in the performance of their duties.

In the performance of these duties, they shall neither seek nor take instructions from any government or from any other body. They shall refrain from any action incompatible with their duties.

5. The members of the Court of Auditors may not, during their term of office, engage in any other occupation, whether gainful or not. When entering upon their duties they shall give a solemn undertaking that, both during and after their term of office, they will respect the obligations arising therefrom and in particular their duty to behave with integrity and discretion as regards the acceptance, after they have ceased to hold office, of certain appointments or benefits.

6. Apart from normal replacement, or death, the duties of a member of the Court of Auditors shall end when he resigns, or is compulsorily retired by a ruling of the Court of justice pursuant to paragraph 7.

The vacancy thus caused shall be filled for the remainder of the member's term of office.

Save in the case of compulsory retirement, members of the Court of Auditors shall remain in office until they have been replaced.

7. A member of the Court of Auditors may be deprived of his office or of his right to a pension or other benefits in its stead only if the Court of justice, at the request of the Court of Auditors, finds that he no longer fulfils the requisite conditions or meets the obligations arising from his office.

8. The Council, acting by a qualified majority, shall determine the conditions of employment of the President and the members of the Court of Auditors and in particular their salaries, allowances and pensions. It shall also, by the same majority, determine any payment to be made instead of remuneration.

9. The provisions of the Protocol on the Privileges and Immunities of the European *Union* applicable to the Judges of the Court of justice shall also apply to the members of the Court of Auditors.

Article 152

EC 188c (ECSC 45c, EAEC 160c)

1 The Court of Auditors shall examine the accounts of all revenue and expenditure of the *Union*. It shall also examine the accounts of all revenue and expenditure of all bodies set up by the *Union* in so far as the relevant constituent instrument does not preclude such examination.

The Court of Auditors shall provide the European Parliament and the Council with a statement of assurance as to the reliability of the accounts and the legality and regularity of the underlying transactions.

2 The Court of Auditors shall examine whether all revenue has been received and all expenditure incurred in a lawful and regular manner and whether the financial management has been sound.

The audit of revenue shall be carried out on the basis both of the amounts established as due and the amounts actually paid to the *Union*.

The audit of expenditure shall be carried out on the basis both of commitments undertaken and payments made.

These audits may be carried out before the closure of accounts for the financial year in question.

3 The audit shall be based on records and, if necessary, performed on the spot in the other institutions of the *Union* and in the Member States. In the Member States the audit shall be carried out in liaison with the national audit bodies or, if these do not have the necessary powers, with the competent national departments. These bodies or departments shall inform the Court of Auditors whether they intend to take part in the audit.

The other institutions of the *Union* and the national audit bodies or, if these do not have the necessary powers, the competent national departments, shall forward to the Court of Auditors, at its request, any document or information necessary to carry out its task.

4. The Court of Auditors shall draw up an annual report after the close of each financial year. It shall be forwarded to the other institutions of the *Union* and shall be published, together with the replies of

these institutions to the observations of the Court of Auditors, in the *Official Journal of the European Union*. The Court of Auditors may also, at any time, submit observations, particularly in the form of special reports, on specific questions and deliver opinions at the request of one of the other institutions of the *Union*.

It shall adopt its annual reports, special reports or opinions by a majority of its members.

It shall assist the European Parliament and the Council in exercising their powers of control over the implementation of the budget.

Chapter 9

The Economic and Social Committee

Article 153

EC 193 (EAEC 165)

An Economic and Social Committee is hereby established.

It shall have advisory status.

The Committee shall consist of representatives of the various categories of economic and social activity, in particular, representatives of producers, farmers, carriers, workers, dealers, craftsmen, professional occupations and representatives of the general public.

Article 154*EC 194 (EAEC 166)*

1 The number of members of the Committee shall be as follows:

Belgium	12
Denmark	9
Germany	24
Greece	12
Spain	21
France	24
Ireland	9
Italy	24
Luxembourg	6
The Netherlands	12
Austria	12
Portugal	12
Finland	9
Sweden	12
United Kingdom	24

2. The members of the Committee shall be appointed by the Council, acting unanimously, for four years. Their appointments shall be renewable.

The members of the Committee may not be bound by any mandatory instructions. They shall be completely independent in the performance of their duties, in the general interest of the *Union*.

3. The Council, acting by a qualified majority, shall determine the allowances of members of the Committee.

Article 155*EC 195 (EAEC 167)*

1. For the appointment of the members of the Committee, each Member State shall provide the Council with a list containing twice as many candidates as there are seats allotted to its nationals.

The composition of the Committee shall take account of the need to ensure adequate representation of the various categories of economic and social activity.

2. The Council shall consult the Commission. It may obtain the opinion of European bodies which are representative of the various economic and social sectors to which the activities of the *Union* are of concern.

Article 156*EC 196 (EAEC 168)*

1. The Committee shall elect its chairman and officers from among its members for a term of two years.

2. It shall adopt its rules of procedure.

3. The Committee shall be convened by its chairman at the request of the Council or of the Commission. It may also meet on its own initiative.

Article 157*EC 197 (1-2) (EAECE 169 (1))*

The Committee shall include specialised sections for the principal fields covered by this Treaty

In particular, it shall contain an agricultural section and a transport section, which are the subject of special provisions in the Titles relating to agriculture and transport.

EC 47

(..) The agricultural section shall hold itself at the disposal of the Commission to prepare (..) the deliberations of the Committee

EC 197 (3-5) (EAECE 169 (2-4))

These specialised sections shall operate within the general terms of reference of the Committee. They may not be consulted independently of the Committee.

Sub-committees may also be established within the Committee to prepare, on specific questions or in specific fields, draft opinions to be submitted to the Committee for its consideration.

The rules of procedure shall lay down the methods of composition and the terms of reference of the specialised sections and of the sub-committees.

Article 158*EC 198 (EAECE 170)*

The Committee must be consulted by the Council or by the Commission where this Treaty so provides. The Committee may be consulted by these institutions in all cases in which they consider it appropriate. It may take the initiative of issuing an opinion in cases in which it considers such action appropriate.

The Council or the Commission shall, if it considers it necessary, set the Committee, for the submission of its opinion, a time limit which may not be less than one month from the date on which the chairman receives notification to this effect. Upon expiry of the time limit, the absence of an opinion shall not prevent further action.

The opinion of the Committee and that of the specialised section, together with a record of the proceedings, shall be forwarded to the Council and to the Commission.

Chapter 10 Committee of Regions

Article 159

EC 198 (a)

1 A Committee consisting of representatives of regional and local bodies, hereinafter referred to as the 'Committee of the Regions', is hereby established with advisory status

The number of members of the Committee of the Regions shall be as follows:

Belgium	12
Denmark	9
Germany	24
Greece	12
Spain	21
France	24
Ireland	9
Italy	24
Luxembourg	6
The Netherlands	12
Austria	12
Portugal	12
Finland	9
Sweden	12
United Kingdom	24

2. The members of the Committee and an equal number of alternate members shall be appointed for four years by the Council acting unanimously on proposals from the respective Member States. Their term of office shall be renewable.

3. The members of the Committee may not be bound by any mandatory instructions. They shall be completely independent in the performance of their duties, in the general interest of the *Union*.

Article 160

EC 198 (b)

1. The Committee of the Regions shall elect its chairman and officers from among its members for a term of two years.

2. It shall adopt its rules of procedure and shall submit them for approval to the Council, acting unanimously.

3. The Committee shall be convened by its chairman at the request of the Council or of the Commission. It may also meet on its own initiative.

Article 161*EC 198 (c)*

The Committee of the Regions shall be consulted by the Council or by the Commission where this Treaty so provides and in all other cases in which one of these two institutions considers it appropriate.

The Council or the Commission shall, if it considers it necessary, set the Committee, for the submission of its opinion, a time-limit which may not be less than one month from the date on which the chairman receives notification to this effect. Upon expiry of the time-limit, the absence of an opinion shall not prevent further action.

Where the Economic and Social Committee is consulted pursuant to *Article 158*, the Committee of the Regions shall be informed by the Council or the Commission of the request for an opinion. Where it considers that specific regions' interests are involved, the Committee of the Regions may issue an opinion on the matter.

It may take the initiative of issuing an opinion in cases in which it considers such action appropriate.

The opinion of the Committee, together with a record of the proceedings, shall be forwarded to the Council and to the Commission.

Chapter 11**The European System of Central Banks -The European Central Bank****Article 162***EC 106*

1. The ESCB shall be composed of the ECB and of the national central banks.
2. The ECB shall have legal personality.
3. The ESCB shall be governed by the decision-making bodies of the ECB which shall be the Governing Council and the Executive Board.
4. The Statute of the ESCB is laid down in a Protocol annexed to this Treaty.
5. Articles 5.1, 5.2, 5.3, 17, 18, 19.1, 22, 23, 24, 26, 32.2, 32.3, 32.4, 32.6, 33.1(a) and 36 of the Statute of the ESCB may be amended by the Council, acting either by a qualified majority on a recommendation from the ECB and after consulting the Commission or unanimously on a proposal from the Commission and after consulting the ECB. In either case, the assent of the European Parliament shall be required.
6. The Council, acting by a qualified majority either on a proposal from the Commission and after consulting the European Parliament and the ECB, or on a recommendation from the ECB and after consulting the European Parliament and the Commission, shall adopt the provisions referred to in Articles 4, 5.4, 19.2, 20, 28.1, 29.2, 30.4 and 34.3 of the Statute of the ESCB.

Article 163*EC 107*

When exercising the powers and carrying out the tasks and duties conferred upon them by this Treaty and the Statute of the ESCB, neither the ECB, nor a national central bank, nor any member of their decision-making bodies shall seek or take instructions from *Union* institutions or bodies, from any government of a Member State or from any other body. The *Union* institutions and bodies and the governments of the Member States undertake to respect this principle and not to seek to influence the members of the decision-making bodies of the ECB or of the national central banks in the performance of their tasks.

Article 164*EC 109 (a)*

1 The Governing Council of the ECB shall comprise the members of the Executive Board of the ECB and the Governors of the national central banks

2 (a) The Executive Board shall comprise the President, the Vice-President and four other members

(b) The President, the Vice-President and the other members of the Executive Board shall be appointed from among persons of recognised standing and professional experience in monetary or banking matters by common accord of the Governments of the Member States at the level of Heads of State or of Government, on a recommendation from the Council, after it has consulted the European Parliament and the Governing Council of the ECB

Their term of office shall be eight years and shall not be renewable

Only nationals of Member States may be members of the Executive Board.

Article 165*EC 109 (b)*

1 The President of the Council and a member of the Commission may participate, without having the right to vote, in meetings of the Governing Council of the ECB

The President of the Council may submit a motion for deliberation to the Governing Council of the ECB

2 The President of the ECB shall be invited to participate in Council meetings when the Council is discussing matters relating to the objectives and tasks of the ESCB.

3. The ECB shall address an annual report on the activities of the ESCB and on the monetary policy of both the previous and current year to the European Parliament, the Council and the Commission, and also to the European Council. The President of the ECB shall present this report to the Council and to the European Parliament, which may hold a general debate on that basis.

The President of the ECB and the other members of the Executive Board may, at the request of the European Parliament or on their own initiative, be heard by the competent Committees of the European Parliament

Article 166*EC 105*

1 The primary objective of the ESCB shall be to maintain price stability. Without prejudice to the objective of price stability, the ESCB shall support the general economic policies in the *Union* with a view to contributing to the achievement of the objectives of the *Union* as laid down in Article 2. The ESCB shall act in accordance with the principle of an open market economy with free competition, favouring an efficient allocation of resources, and in compliance with the principles set out in *Article 7*.

2 The basic tasks to be carried out through the ESCB shall be

- to define and implement the monetary policy of the *Union*,
- to conduct foreign exchange operations consistent with the provisions of *Article 182 and 31*,
- to hold and manage the official foreign reserves of the Member States,
- to promote the smooth operation of payment systems

3 The third indent of paragraph 2 shall be without prejudice to the holding and management by the governments of Member States of foreign exchange working balances.

4 The ECB shall be consulted:

- on any proposed *Union* act in its fields of competence;
- by national authorities regarding any draft legislative provision in its fields of competence, but within the limits and under the conditions set out by the Council in accordance with the procedure laid down in *Article 162 (6)*

The ECB may submit opinions to the appropriate *Union* institutions or bodies or to national authorities on matters within its fields of competence

5 The ESCB shall contribute to the smooth conduct of policies pursued by the competent authorities relating to the prudential supervision of credit institutions and the stability of the financial system

6 The Council may, acting unanimously on a proposal from the Commission and after consulting the ECB and after receiving the assent of the European Parliament, confer upon the ECB specific tasks concerning policies relating to the prudential supervision of credit institutions and other financial institutions with the exception of insurance undertakings.

Article 167*EC 105 (a)*

1. The ECB shall have the exclusive right to authorise the issue of bank notes within the *Union*. The ECB and the national central banks may issue such notes. The bank notes issued by the ECB and the national central banks shall be the only such notes to have the status of legal tender within the *Union*.

2. Member States may issue coins subject to approval by the ECB of the volume of the issue. The Council may, acting in accordance with the procedure referred to in *Article 172* and after consulting the ECB, adopt measures to harmonise the denominations and technical specifications of all coins intended for circulation to the extent necessary to permit their smooth circulation within the *Union*.

Article 175

EC 191 (EAEC 165)

1 Regulations, directives and decisions adopted in accordance with the procedure referred to in *Article 177* shall be signed by the President of the European Parliament and by the President of the Council and shall be published in the *Official Journal of the Union*. They shall enter into force on the date specified in them or, in the absence thereof, on the twentieth day following that of their publication.

2 Regulations of the Council and of the Commission, as well as directives of those institutions which are addressed to all Member States shall be published in the *Official Journal of the Union*. They shall enter into force on the date specified in them or, in the absence thereof, on the twentieth day following that of their publication.

3 Other directives and decisions shall be notified to those to whom they are addressed and shall take effect upon such notification.

ECSC 15 (2-4)

4 When such decisions and recommendations *in the field of coal and steel* are individual in character, they shall be binding on the interested party upon notification.

In other cases, they shall take effect automatically upon publication.

The Commission shall determine the manner in which the provisions of the present Article are to be carried out.

Chapter 14**Legislative Procedures****Article 176**

EC 189 (a) (EAEC 119)

1. Where, in pursuance of this Treaty, the Council acts on a proposal from the Commission, unanimity shall be required for an act constituting an amendment to that proposal, subject to *Article 177 (4+5)*.

2. As long as the Council has not acted, the Commission may alter its proposal at any time during the procedures leading to the adoption of a *Union* act.

Article 177*EC 189 (b)*

1 Where reference is made in this Treaty to this Article for the adoption of an act, the following procedure shall apply

2 The Commission shall submit a proposal to the European Parliament and the Council

The Council, acting by a qualified majority after obtaining the Opinion of the European Parliament, shall adopt a common position. The common position shall be communicated to the European Parliament. The Council shall inform the European Parliament fully of the reasons which led it to adopt its common position. The Commission shall inform the European Parliament fully of its position.

If, within three months of such communication, the European Parliament

(a) approves the common position, the Council shall definitively adopt the act in question in accordance with that common position.

(b) has not taken a decision, the Council shall adopt the act in question in accordance with its common position.

(c) indicates, by an absolute majority of its component members, that it intends to reject the common position, it shall immediately inform the Council. The Council may convene a meeting of the Conciliation Committee referred to in paragraph 4 to explain further its position. The European Parliament shall thereafter either confirm, by an absolute majority of its component members, its rejection of the common position, in which event the proposed act shall be deemed not to have been adopted, or propose amendments in accordance with subparagraph (d) of this paragraph.

(d) proposes amendments to the common position by an absolute majority of its component members, the amended text shall be forwarded to the Council and to the Commission, which shall deliver an opinion on those amendments.

3 If, within three months of the matter being referred to it, the Council, acting by a qualified majority, approves all the amendments of the European Parliament, it shall amend its common position accordingly and adopt the act in question, however, the Council shall act unanimously on the amendments on which the Commission has delivered a negative opinion. If the Council does not approve the act in question, the President of the Council, in agreement with the President of the European Parliament, shall forthwith convene a meeting of the Conciliation Committee.

4 The Conciliation Committee, which shall be composed of the members of the Council or their representatives and an equal number of representatives of the European Parliament, shall have the task of reaching agreement on a joint text, by a qualified majority of the members of the Council or their representatives and by a majority of the representatives of the European Parliament. The Commission shall take part in the Conciliation Committee's proceedings and shall take all the necessary initiatives with a view to reconciling the positions of the European Parliament and the Council.

5 If, within six weeks of its being convened, the Conciliation Committee approves a joint text, the European Parliament, acting by an absolute majority of the votes cast, and the Council, acting by a qualified majority, shall have a period of six weeks from that approval in which to adopt the act in question in accordance with the joint text. If one of the two institutions fails to approve the proposed act, it shall be deemed not to have been adopted.

6. Where the Conciliation Committee does not approve a joint text, the proposed act shall be deemed not to have been adopted unless the Council, acting by a qualified majority within six weeks of expiry of the period granted to the Conciliation Committee, confirms the common position to which it agreed before the conciliation procedure was initiated, possibly with amendments proposed by the European Parliament. In this case, the act in question shall be finally adopted unless the European Parliament, within six weeks of the date of confirmation by the Council, rejects the text by an absolute majority of its component members, in which case the proposed act shall be deemed not to have been adopted.

7 The periods of three months and six weeks referred to in this Article may be extended by a maximum of one month and two weeks respectively by common accord of the European Parliament and the Council. The period of three months referred to in paragraph 2 shall be automatically extended by two months where paragraph 2 applies.

8 The scope of the procedure under this Article may be widened, in accordance with the procedure provided for in Article 307 (2) of this Treaty, on the basis of a report to be submitted to the Council by the Commission by 1996 at the latest

Article 178

EC 189 (c)

Where reference is made in this Treaty to this Article for the adoption of an act, the following procedure shall apply:

(a) The Council, acting by a qualified majority on a proposal from the Commission and after obtaining the Opinion of the European Parliament, shall adopt a common position.

(b) The Council's common position shall be communicated to the European Parliament. The Council and the Commission shall inform the European Parliament fully of the reasons which led to the Council to adopt its common position and also of the Commission's position.

If, within three months of such communication, the European Parliament approves this common position or has not taken a decision within that period, the Council shall definitively adopt the act in question in accordance with the common position

(c) The European Parliament may, within the period of three months referred to in point (b), by an absolute majority of its component members, propose amendments to the Council's common position. The European Parliament may also, by the same majority, reject the Council's common position. The result of the proceedings shall be transmitted to the Council and the Commission.

If the European Parliament has rejected the Council's common position, unanimity shall be required for the Council to act on a second reading

(d) The Commission shall, within a period of one month, re-examine the proposal on the basis of which the Council adopted its common position, by taking into account the amendments proposed by the European Parliament. The Commission shall forward to the Council, at the same time as its re-examined proposal, the amendments of the European Parliament which it has not accepted, and shall express its opinion on them. The Council may adopt these amendments unanimously

(e) The Council, acting by a qualified majority, shall adopt the proposal as re-examined by the Commission. Unanimity shall be required for the Council to amend the proposal as re-examined by the Commission

(f) In the cases referred to in points (c), (d) and (e), the Council shall be required to act within a period of three months. If no decision is taken within this period, the Commission's proposal shall be deemed not to have been adopted.

(g) The periods referred to in points (b) and (f) may be extended by a maximum of one month by common accord between the Council and the European Parliament.

Chapter 15

Budgetary Procedures

Article 179

EC 203 (EAEC 177. ECSC 78)

1 The financial year shall run from 1 January to 31 December

2 Each institution of the *Union* shall, before 1 July, draw up estimates of its expenditure. The Commission shall consolidate these estimates in a preliminary draft budget. It shall attach thereto an opinion which may contain different estimates.

The preliminary draft budget shall contain an estimate of revenue and an estimate of expenditure

3. The Commission shall place the preliminary draft budget before the Council not later than 1 September of the year preceding that in which the budget is to be implemented.

The Council shall consult the Commission and, where appropriate, the other institutions concerned whenever it intends to depart from the preliminary draft budget.

The Council acting by a qualified majority, shall establish the draft budget and forward it to the European Parliament.

4 The draft budget shall be placed before the European Parliament not later than 5 October of the year preceding that in which the budget is to be implemented.

The European Parliament shall have the right to amend the draft budget, acting by a majority of its members, and to propose to the Council, acting by an absolute majority of the votes cast, modifications to the draft budget relating to expenditure necessarily resulting from this Treaty or from acts adopted in accordance therewith

If, within forty-five days of the draft budget being placed before it, the European Parliament has given its approval, the budget shall stand as finally adopted. If within this period the European Parliament has not amended the draft budget nor proposed any modifications thereto, the budget shall be deemed to be finally adopted.

If within this period the European Parliament has adopted amendments or proposed modifications, the draft budget together with the amendments or proposed modifications shall be forwarded to the Council.

5 After discussing the draft budget with the Commission and, where appropriate, with the other institutions concerned, the Council shall act under the following conditions:

(a) The Council may, acting by a qualified majority, modify any of the amendments adopted by the European Parliament,

(b) With regard to the proposed modifications

- where a modification proposed by the European Parliament does not have the effect of increasing the total amount of the expenditure of an institution, owing in particular to the fact that the increase in expenditure which it would involve would be expressly compensated by one or more proposed modifications correspondingly reducing expenditure, the Council may, acting by a qualified majority, reject the proposed modification. In the absence of a decision to reject it, the proposed modification shall stand as accepted,

- where a modification proposed by the European Parliament has the effect of increasing the total amount of the expenditure of an institution, the Council may, acting by a qualified majority, accept this proposed modification. In the absence of a decision to accept it, the proposed modification shall stand as rejected, where in pursuance of one of the two preceding sub-paragraphs, the Council has rejected a proposed modification, it may, acting by a qualified majority, either retain the amount shown in the draft budget or fix another amount.

The draft budget shall be modified on the basis of the proposed modifications accepted by the Council

If, within fifteen days of the draft budget being placed before it, the Council has not modified any of the amendments adopted by the European Parliament and if the modifications proposed by the latter have been accepted, the budget shall be deemed to be finally adopted. The Council shall inform the European Parliament that it has not modified any of the amendments and that the proposed modifications have been accepted

If, within this period the Council has modified one or more of the amendments adopted by the European Parliament or if the modifications proposed by the latter have been rejected or modified, the modified draft budget shall again be forwarded to the European Parliament. The Council shall inform the European Parliament of the results of its deliberations.

6. Within fifteen days of the draft budget being placed before it, the European Parliament, which shall have been notified of the action taken on its proposed modifications, may, acting by a majority of its members and three-fifths of the votes cast, amend or reject the modifications to its amendments made by the Council and shall adopt the budget accordingly. If, within this period the European Parliament has not acted, the budget shall be deemed to be finally adopted.

7. When the procedure provided for in this Article has been completed the President of the European Parliament shall declare that the budget has been finally adopted.

8. However, the European Parliament, acting by a majority of its members and two-thirds of the votes cast, may, if there are important reasons, reject the draft budget and ask for a new draft to be submitted to it.

9. A maximum rate of increase in relation to the expenditure of the same type to be incurred during the current year shall be fixed annually for the total expenditure other than that necessarily resulting from this Treaty or from acts adopted in accordance therewith.

The Commission shall, after consulting the Economic Policy Committee, declare what this maximum rate is as it results from

- the trend, in terms of volume, of the gross national products within the *Union*;
- the average variation in the budgets of the Member States; and
- the trend of the cost of living during the preceding financial year.

The maximum rate shall be communicated, before 1 May, to all the institutions of the *Union*. The latter shall be required to conform to this during the budgetary procedure, subject to the provisions of the fourth and fifth subparagraphs of this paragraph.

If, in respect of expenditure other than that necessarily resulting from this Treaty or from acts adopted in accordance therewith, the actual rate of increase in the draft budget established by the Council is over half the maximum rate, the European Parliament may, exercising its right of amendment, further increase the total amount of that expenditure to a limit not exceeding half the maximum rate.

Where the European Parliament, the Council or the Commission consider that the activities of the *Union* require that the rate determined according to the procedure laid down in this paragraph should be exceeded, another rate may be fixed by agreement between the Council, acting by a qualified majority, and the European Parliament, acting by a majority of its members and three-fifths of the votes cast.

10. Each institution shall exercise the powers conferred upon it by this Article, with due regard for the provisions of the Treaty and for acts adopted in accordance therewith, in particular those relating to the *Union's* own resources and to the balance between revenue and expenditure.

Chapter 16

Procedures for the Conclusion of External Agreements and in the Field of Common Foreign and Security Policy

Article 180

EC 228 (EAEC 206 (3))

1. Where this Treaty provides for the conclusion of agreements between the *Union* and one or more States or international organisations, the Commission shall make recommendations to the Council, which shall authorise the Commission to open the necessary negotiations. The Commission shall conduct these negotiations in consultation with special committees appointed by the Council to assist it in this task and within the framework of such directives as the Council may issue to it.

In exercising the powers conferred upon it by this paragraph, the Council shall act by a qualified majority, except in the cases provided for in the second sentence of paragraph 2, for which it shall act unanimously.

2. Subject to the powers vested in the Commission in this field, the agreements shall be concluded by the Council, acting by a qualified majority on a proposal from the Commission. The Council shall act unanimously when the agreement covers a field for which unanimity is required for the adoption of internal rules, and for the agreements referred to in *Article 51*.

3. The Council shall conclude agreements after consulting the European Parliament, except for the agreements referred to in *Article 272 (3)*, including cases where the agreement covers a field for which the procedure referred to in *Article 177* or that referred to in *Article 178* is required for the adoption of internal rules. The European Parliament shall deliver its Opinion within a time limit which the Council may lay down according to the urgency of the matter. In the absence of an Opinion within that time limit, the Council may act.

By way of derogation from the previous subparagraph, agreements referred to in *Article 238*, other agreements establishing a specific institutional framework by organising co-operation procedures, agreements having important budgetary implications for the *Union* and agreements entailing amendment of an act adopted under the procedure referred to in *Article 177* shall be concluded after the assent of the European Parliament has been obtained.

The Council and the European Parliament may, in an urgent situation, agree upon a time limit for the assent.

4. When concluding an agreement, the Council may, by way of derogation from paragraph 2, empower the Commission to approve modifications on behalf of the *Union* where the agreement provides for them to be adopted by a simplified procedure or by a body set up by the agreement; it may attach specific conditions to such empowerment.

5. When the Council envisages concluding an agreement which calls for amendments to this Treaty, the amendments must first be adopted in accordance with the procedure laid down in *Article 307 (1+2)* of this Treaty.

6. The Council, the Commission or a Member State may obtain the opinion of the Court of justice as to whether an agreement envisaged is compatible with the provisions of this Treaty. Where the opinion of the Court of justice is adverse, the agreement may enter into force only in accordance with *Article 307 (1+2)* of this Treaty.

7. Agreements concluded under the conditions set out in this Article shall be binding on the institutions of the *Union* and on Member States.

Article 181*EAE 101 (2+3)*

1. Agreements or contracts *in the field of nuclear energy* shall be negotiated by the Commission in accordance with the directives of the Council, they shall be concluded by the Commission with the approval of the Council, which shall act by a qualified majority.

Agreements or contracts whose implementation does not require action by the Council and can be effected within the limits of the relevant budget shall, however, be negotiated and concluded solely by the Commission, the Commission shall keep the Council informed.

EAE 102

2 Agreements or contracts in the field of nuclear energy concluded with a third state, an international organisation or a national of a third state to which, in addition to the *Union*, one or more Member States are parties, shall not enter into force until the Commission has been notified by all the Member States concerned that those agreements or contracts have become applicable in accordance with the provisions of their respective national laws

Article 182*EC 109 (1-4)*

1. By way of derogation from *Article 180*, the Council may, acting unanimously on a recommendation from the ECB or from the Commission, and after consulting the ECB in an endeavour to reach a consensus consistent with the objective of price stability, after consulting the European Parliament, in accordance with the procedure in paragraph 3 for determining the arrangements, conclude formal agreements on an exchange rate system for the ECU in relation to non-*Union* currencies. The Council may, acting by a qualified majority on a recommendation from the ECB or from the Commission, and after consulting the ECB in an endeavour to reach a consensus consistent with the objective of price stability, adopt, adjust or abandon the central rates of the ECU within the exchange rate system. The President of the Council shall inform the European Parliament of the adoption, adjustment or abandonment of the ECU central rates

2. In the absence of an exchange rate system in relation to one or more non-*Union* currencies as referred to in paragraph 1, the Council, acting by a qualified majority either on a recommendation from the Commission and after consulting the ECB, or on a recommendation from the ECB, may formulate general orientations for exchange rate policy in relation to these currencies. These general orientations shall be without prejudice to the primary objective of the ESCB to maintain price stability

3 By way of derogation from *Article 180*, where agreements concerning monetary or foreign exchange regime matters need to be negotiated by the *Union* with one or more States or international organisations, the Council, acting by a qualified majority on a recommendation from the Commission and after consulting the ECB, shall decide the arrangements for the negotiation and for the conclusion of such agreements. These arrangements shall ensure that the *Union* expresses a single position. The Commission shall be fully associated with the negotiation

Agreements concluded in accordance with this paragraph shall be binding on the institutions of the *Union*, on the ECB and on Member States.

4. Subject to paragraph 1, the Council shall, on a proposal from the Commission and after consulting the ECB, acting by a qualified majority decide on the position of the *Union* at international level as regards issues of particular relevance to economic and monetary *Union* and, acting unanimously, decide its representation in compliance with the allocation of powers laid down in Articles 266 and 166

Article 183

EU J.3 (1-3,5-7)

The procedure for adopting joint action in matters covered by the foreign and security policy shall be the following:

1 The Council shall decide, on the basis of general guidelines from the European Council, that a matter should be the subject of joint action.

Whenever the Council decides on the principle of joint action, it shall lay down the specific scope, the *Union's* general and specific objectives in carrying out such action, if necessary its duration, and the means, procedures and conditions for its implementation.

2 The Council shall, when adopting the joint action and at any stage during its development, define those matters on which decisions are to be taken by a qualified majority.

Where the Council is required to act by a qualified majority pursuant to the preceding subparagraph, the votes of its members shall be weighted in accordance with Article 91 (2) of this Treaty, and for their adoption, acts of the Council shall require at least sixty-two votes in favour, cast by at least ten members.

3 If there is a change in circumstances having a substantial effect on a question subject to joint action, the Council shall review the principles and objectives of that action and take the necessary decisions. As long as the Council has not acted, the joint action shall stand.

4. Whenever there is any plan to adopt a national position or take national action pursuant to a joint action, information shall be provided in time to allow, if necessary, for prior consultations within the Council. The obligation to provide prior information shall not apply to measures which are merely a national transposition of Council Decisions

5. In cases of imperative need arising from changes in the situation and failing a Council Decision, Member States may take the necessary measures as a matter of urgency having regard to the general objectives of the joint action. The member state concerned shall inform the Council immediately of any such measures

6. Should there be any major difficulties in implementing a joint action, a member state shall refer them to the Council which shall discuss them and seek appropriate solutions. Such solutions shall not run counter to the objectives of the joint action or impair its effectiveness.

Chapter 17

Compulsory Execution and Sanctions

Article 184

EC 192 (ECSC 92, EAEC 164)

Decisions of the Council or of the Commission which impose a pecuniary obligation on persons other than States shall be enforceable.

Enforcement shall be governed by the rules of civil procedure in force in the State in the territory of which it is carried out. The order for its enforcement shall be appended to the decision, without other formality than verification of the authenticity of the decision, by the national authority which the Government of each Member State shall designate for this purpose and shall make known to the Commission and to the Court of justice *and to the Court of arbitration in the field of nuclear energy.*

When these formalities have been completed on application by the party concerned, the latter may proceed to enforcement in accordance with the national law, by bringing the matter directly before the competent authority

Enforcement may be suspended only by a decision of the Court of justice. However, the courts of the country concerned shall have jurisdiction over complaints that enforcement is being carried out in an irregular manner

Article 185*EC 108a (3)*

Within the limits and under the conditions adopted by the Council under the procedure laid down in Article 162 (6), the ECB shall be entitled to impose fines or periodic penalty payments on undertakings for failure to comply with obligations under its regulations and decisions

Article 186*ECSC 90*

If in the field of coal and steel an act committed by an enterprise in violation of this Treaty also constitutes a violation of an obligation under the legislation of the state to which the enterprise in question is subject, and if legal or administrative action is taken against the enterprise in question under such legislation, the state in question shall so inform the Commission, which may suspend its own action.

If the Commission suspends action, it shall be kept informed of the progress of the proceedings and permitted to produce any relevant documents, expert testimony and evidence. It shall also be informed of the final decision on the case, and shall take account of this decision in determining any sanctions which it may be led to impose

Article 187*ECSC 91*

If in the field of coal and steel an enterprise does not make within the prescribed time-limit a payment due to the Commission either by virtue of a provision of this Treaty or regulations for its execution or by virtue of a fine or a daily penalty payment imposed by the Commission, the latter may suspend settlement of sums due by the Commission to the said enterprise up to the amount of the payment in question.

Article 188

EAEC 83

1 In the event of an infringement on the part of persons or undertakings of the obligations imposed on them in the field of nuclear energy, the Commission may impose sanctions on such persons or undertakings.

These sanctions shall be, in order of severity :

- (a) a warning;
- (b) the withdrawal of special benefits such as financial or technical assistance.
- (c) the placing of the undertaking for a period not exceeding four months under the administration of a person or board appointed by common accord of the Commission and the state having jurisdiction over the undertaking,
- (d) total or partial withdrawal of source materials or special fissile materials

2 Decisions taken by the Commission in implementation of paragraph 1 and requiring the surrender of materials shall be enforceable. They may be enforced in the territories of Member States in accordance with *Article 184*

By way of derogation from *Article 146*, appeals brought before the Court of justice against decisions of the Commission which impose any of the sanctions provided for in paragraph 1 shall have suspensory effect. The Court of justice may, however, on application by the Commission or by any member state concerned, order that the decision be enforced forthwith. There shall be an appropriate legal procedure to ensure the protection of interests that have been prejudiced

3. The Commission may make any recommendations to Member States concerning laws or regulations which are designed to ensure compliance in their territories with the obligations arising under this chapter.

4. Member states shall ensure that sanctions are enforced and, where necessary, that the infringements are remedied by those committing them.

EAEC 145

5. If the Commission considers that a person or undertaking has committed an infringement of this Treaty to which the provisions of *paragraphs 1 to 4 do not apply*, it shall call upon the member state having jurisdiction over that person or undertaking to cause sanctions to be imposed in respect of the infringement in accordance with its national law.

6. If the state concerned does not comply with such a request within the period laid down by the Commission, the latter may bring an action before the Court of justice to have the infringement of which the person or undertaking is accused established.

Chapter 18

The Liability of the Union

Article 189

EC 215 (1.2) (EAEC 188)

1 The contractual liability of the *Union* shall be governed by the law applicable to the contract in question

In the case of non-contractual liability, the *Union* shall, in accordance with the general principles common to the laws of the Member States, make good any damage caused by its institutions or by its servants in the performance of their duties

EAEC 28

2. Where, as a result of their communication to the Commission, unpublished applications for patents or utility models, or patents or utility models *in the field of nuclear energy* classified for defence reasons, are improperly used or come to the knowledge of an unauthorised person, the *Union* shall make good the damage suffered by the party concerned

Without prejudice to its own rights against the person responsible for the damage, the *Union* shall, to the extent that it has made good such damage, acquire any rights of action enjoyed by those concerned against third parties. This shall not affect the right of the *Union* to take action against the person responsible for the damage in accordance with the general provisions in force

EC 215 (3,4)

3 Paragraph 1 shall apply under the same conditions to damage caused by the ECB or by its servants in the performance of their duties

4 The personal liability of its servants towards the *Union* shall be governed by the provisions laid down in their Staff Regulations or in the Conditions of Employment applicable to them

Chapter 19

Financial Provisions

Article 190

EC 199 (1)

1. All items of revenue and expenditure of the *Union*, including those relating to the European Social Fund, with the exception of paragraph 2 to 4 of this Article, shall be included in estimates to be drawn up for each financial year and shall be shown in the budget

EU K.8 (2), J.11 (2)

2 Administrative expenditure which the provisions relating to common foreign and security policy and to co-operation in the sphere of justice and home affairs entail for the institutions shall be charged to the budget of the *Union*

The Council may also

- either decide unanimously that operational expenditure to which the implementation of those provisions gives rise is to be charged to the budget of the European *Union*; in that event, the budgetary procedure laid down in this Treaty shall be applicable;

- or determine that such expenditure shall be charged to the Member States, where appropriate in accordance with a scale to be decided.

Merger Treaty 20

3 In the field of coal and steel the administrative expenditures (. .) shall be shown in the budget ()

EAEC 171 (2.3)

4 The revenue and expenditure of the supply agency, which shall operate in accordance with commercial principles, shall be budgeted for in a special account.

The manner of estimating, implementing and auditing such revenue and expenditure shall be laid down, with due regard to the statutes of the agency, in financial regulations made pursuant to *Article 208*

Article 191

EC 199 (3) (EAEC 173)

The revenue and expenditure shown in the budget shall be in balance.

Article 192

EC 201 (1,2) (EAEC 173 (2), Council Decision on... own resources 1 (2))

1 Without prejudice to other revenue, the budget shall be financed wholly from own resources

2. The Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, can change or supplement the provisions relating to the system of own resources of the *Union*, which it shall recommend to the Member States for adoption in accordance with their respective constitutional requirements

Article 193

Council Decision on ... own resources 2 (1-3)

1 Revenue from the following shall constitute own resources entered in the budget of the *Union*

a) levies, premiums, additional or compensatory amounts, additional amounts or factors and other duties established or to be established by the institutions of the *Union* in respect of trade with non member countries within the framework of the common agricultural policy, and also contributions and other duties provided for within the framework of the common organisation of the markets in sugar;

b) Common Customs Tariff duties and other duties established or to be established by the institutions of the *Union* in respect of trade with non member countries and customs duties on products from the field of coal and steel.

c) the application of a uniform rate valid for all Member States to the VAT assessment base which is determined in a uniform manner for Member States according to *Union rules* (.);

d) the application of a rate to be determined under the budgetary procedure in the light of the total of all other revenue to the sum of all the Member States' GNP established in accordance with *Union rules*

2 Revenue deriving from any new charges introduced within the framework of a common policy, in accordance with *this Treaty*, provided the procedure laid down in *Article 192* has been followed, shall also constitute own resources entered in the budget of the *Union*.

3 Member States shall retain, by way of collection costs, 10% of the amounts paid under 1(a) and (b).

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4 *The rules for the implementation of this Article will be determined in a separate Protocol, which can be altered or supplemented through the procedure laid down in Article 192 (2) of this Treaty.*

Article 194

EAEC 172 (4)

Loans *in the field of nuclear energy* for the financing of research or investment shall be raised on terms fixed by the Council in the manner provided for in *Article 179 (5)*.

The *Union* may borrow on the capital market of a member state, either in accordance with the legal provisions applying to internal issues, or, if there are no such provisions in a member state, after the member state concerned and the Commission have conferred together and have reached agreement upon the proposed loan.

The competent authorities of the member state concerned may refuse to give their assent only if there is reason to fear serious disturbances on the capital market of that state

Article 195

ECSC 49

1 *In the field of coal and steel* the Commission is empowered to procure the funds necessary to the accomplishment of its mission in the field of coal and steel

- by imposing levies on the production of coal and steel.
- by borrowing

It may also receive grants.

- *Articles 180, 197 and 198 apply to these incomes and expenditures.*

Merger Treaty 20 (2)

2. The portion of the expenditure covered by the levies provided for in *paragraph 1* shall be fixed at eighteen million units of account

The Commission shall annually submit to the Council a report on the basis of which the Council shall examine whether there is reason to adjust this figure to changes in the budget of the Union. The Council shall act by the majority laid down in the first sentence of *Article 92 of this Treaty*. The adjustment shall be made on the basis of an assessment of developments in expenditure arising from the application of *the regulations regarding coal and steel*.

Article 196

ECSC 50

1 The levies *in the field of coal and steel* are intended to cover

- the administrative expenses provided for in *Article 179*;
- the non-repayable assistance provided for in *Article 6 of the Protocol "coal and steel"*, relating to readaptation;
- with regard to the financial arrangements provided for in *Articles 4 and 6 of the Protocol "coal and steel"*, and after recourse to the reserve fund, any portion of the interest charges on money borrowed by the Commission which cannot be covered by interest on loans granted by the Commission, as well as any payments required in fulfilment of the Commission's guarantee on loans obtained directly by enterprises;
- expenditure devoted to encouraging technical and economic research as provided for in *Article 5 of the Protocol "coal and steel"*.

2 The levies shall be assessed annually on the various products according to their average value, however, the rate of the levy may not exceed one percent unless previously authorised by a two-thirds majority of the Council. The method of assessment and collection shall be fixed by a general decision of the Commission taken after consulting the Council; as far as possible, cumulative taxation shall be avoided.

3. The Commission may impose increases of not more than 5 percent for each three month's delay in payment upon enterprises which do not obey the decisions taken in pursuance of this Article.

Article 197*ECSC 51*

1 The funds obtained by borrowing in the field of coal and steel may be used by the Commission only to grant loans

The issuing of bonds by the Commission on the stock markets of Member States shall be subject to the regulations in effect on these markets. If the Commission should consider the guarantee of member governments necessary in order to contract loans, it shall approach the interested government or governments after consulting the Council. No government shall be obliged to give its guarantee.

2. In accordance with the terms in Article 4 of the Protocol "Coal and Steel", the Commission may guarantee loans granted directly to enterprises by third parties.

3 The Commission may adjust its terms for loans or guarantees in order to build up a reserve fund, for the sole purpose of reducing the size of the levy provided for in Article 196, paragraph 1, subparagraph 3; the sums thus accumulated may not be used in any way to grant loans to enterprises.

4 The Commission itself shall not engage in banking operations required to carry out its financial tasks.

Article 198*ECSC 53*

In the field of coal and steel without prejudice to the provisions of Article 8 and 10 to 14 of the Protocol "coal and steel"

(a) the Commission may after consulting the consultative committee and the Council, authorise the creation, under conditions which it shall determine and under its control, of any financial arrangements common to several enterprises which are considered necessary for the accomplishment of the objectives defined in Article 3 and compatible with the provisions of this Treaty and particularly of Article 248,

(b) the Commission, with the unanimous agreement of the Council may itself set up any financial arrangements answering the same purposes. Arrangements of the same kind set up or maintained by the Member States shall be reported to the Commission which, after consulting the consultative committee and the Council, shall address to the interested states the necessary recommendations, if such arrangements are wholly or partly contrary to *this Treaty*.

Article 199*EC 201 (a) (EAEC 173a)*

With a view to maintaining budgetary discipline, the Commission shall not make any proposal for a *Union* act, or alter its proposals, or adopt any implementing measure which is likely to have appreciable implications for the budget without providing the assurance that that proposal or that measure is capable of being financed within the limit of the *Union's* own resources arising under provisions laid down by the Council pursuant to Article 192.

Article 200*EC 202 (EAEC 175, ECSC 78a)*

The expenditure shown in the budget shall be authorised for one financial year, unless the regulations made pursuant to *Article 208* provide otherwise

In accordance with conditions to be laid down pursuant to *Article 208* any appropriations, other than those relating to staff expenditure, that are unexpended at the end of the financial year may be carried forward to the next financial year only

Appropriations shall be classified under different chapters grouping items of expenditure according to their nature or purpose and subdivided, as far as may be necessary, in accordance with the regulations made pursuant to *Article 208*

The expenditure of the European Parliament, the Council, the Commission and the Court of justice shall be set out in separate parts of the budget, without prejudice to special arrangements for certain common items of expenditure

Article 201*EC 204 (ECSC 78b, EAEC 178)*

If, at the beginning of a financial year, the budget has not yet been voted, a sum equivalent to not more than one-twelfth of the budget appropriations for the preceding financial year may be spent each month in respect of any chapter or other subdivision of the budget in accordance with the provisions of the regulations made pursuant to *Article 208* this arrangement shall not, however, have the effect of placing at the disposal of the Commission appropriations in excess of one-twelfth of those provided for in the draft budget in course of preparation

The Council may, acting by a qualified majority, provided that the other conditions laid down in the first subparagraph are observed, authorise expenditure in excess of one-twelfth.

If the decision relates to expenditure which does not necessarily result from this Treaty or from acts adopted in accordance therewith, the Council shall forward it immediately to the European Parliament; within thirty days the European Parliament, acting by a majority of its members and three-fifths of the votes cast, may adopt a different decision on the expenditure in excess of the one-twelfth referred to in the first subparagraph. This part of the decision of the Council shall be suspended until the European Parliament has taken its decision. If within the period the European Parliament has not taken a decision which differs from the decision of the Council, the latter shall be deemed to be finally adopted.

The decisions referred to in the second and third subparagraphs shall lay down the necessary measures relating to resources to ensure application of this Article.

Article 202*EC 205 (ECSC 78c, EAEC 179)*

The Commission shall implement the budget, in accordance with the provisions of the regulations made pursuant to *Article 208* on its own responsibility and within the limits of the appropriations, having regard to the principles of sound financial management.

The regulations shall lay down detailed rules for each institution concerning its part in effecting its own expenditure

Within the budget, the Commission may, subject to the limits and conditions laid down in the regulations made pursuant to *Article 208* transfer appropriations from one chapter to another or from one subdivision to another.

Article 203*EC 205 (a) (ECSC 78d, EAEC 179a)*

The Commission shall submit annually to the Council and to the European Parliament the accounts of the preceding financial year relating to the implementation of the budget. The Commission shall also forward to them a financial statement of the assets and liabilities of the *Union*

Article 204

EC 206 (ECSC 80g. EAEC 180b)

1 The European Parliament, acting on a recommendation from the Council which shall act by a qualified majority, shall give a discharge to the Commission in respect of the implementation of the budget. To this end, the Council and the European Parliament in turn shall examine the accounts and the financial statement referred to in *Article 203* the annual report by the Court of Auditors together with the replies of the institutions under audit to the observations of the Court of Auditors and any relevant special reports by the Court of Auditors.

2. Before giving a discharge to the Commission, or for any other purpose in connection with the exercise of its powers over the implementation of the budget, the European Parliament may ask to hear the Commission give evidence with regard to the execution of expenditure or the operation of financial control systems. The Commission shall submit any necessary information to the European Parliament at the latter's request.

3 The Commission shall take all appropriate steps to act on the observations in the decisions giving discharge and on other observations by the European Parliament relating to the execution of expenditure, as well as on comments accompanying the recommendations on discharge adopted by the Council.

At the request of the European Parliament or the Council, the Commission shall report on the measures taken in the light of these observations and comments and in particular on the instructions given to the departments which are responsible for the implementation of the budget. These reports shall also be forwarded to the Court of Auditors.

Article 205

EC 207 (1.5) (EAEC 181)

The budget shall be drawn up in the unit of account determined in accordance with the provisions of the regulations made pursuant to *Article 208*.

The regulations made pursuant to *Article 208* shall lay down the technical conditions under which financial operations relating to the European Social Fund shall be carried out.

Article 206

EC 208 (EAEC 182 (1,2))

The Commission may, provided it notifies the competent authorities of the Member States concerned, transfer into the currency of one of the Member States its holdings in the currency of another Member

State, to the extent necessary to enable them to be used for purposes which come within the scope of this Treaty. The Commission shall as far as possible avoid making such transfers if it possesses cash or liquid assets in the currencies which it needs.

The Commission shall deal with each Member State through the authority designated by the State concerned. In carrying out financial operations the Commission shall employ the services of the bank of issue of the Member State concerned or of any other financial institution approved by that State.

Article 207*EAEC 182 (5-6)*

1 As regards expenditure *in the field of nuclear energy* which the *Union* has to incur in the currencies of third countries, the Commission shall, before the budgets are finally adopted, submit to the Council a programme indicating anticipated revenue and expenditure in the different currencies.

This programme shall be approved by the Council, acting by a qualified majority. It may be modified in the course of the financial year in accordance with the same procedure.

2 Member states shall provide the Commission with the currency of third countries needed for the expenditure shown in the programme provided for in paragraph 3 according to the scales laid down *[in Article 208 of the according budgetary regulations]* Amounts collected by the Commission in the currency of third countries shall be transferred to Member States in accordance with the same scales.

3 The Commission may freely make use of any amounts in the currency of third countries derived from loans it has raised in such countries

4 The Council may, acting unanimously on a proposal from the Commission, apply, in whole or in part, to the agency and to joint undertakings the exchange arrangements provided for in the preceding paragraphs, and, where appropriate, adapt these arrangements to their operational requirements.

Article 208*EC 209 (ECSC 78h, EAEC 183)*

The Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament and obtaining the opinion of the Court of Auditors, shall

(a) make financial regulations specifying in particular the procedure to be adopted for establishing and implementing the budget and for presenting and auditing accounts;

(b) determine the methods and procedures whereby the budget revenue provided under the arrangements relating to the *Union's* own resources shall be made available to the Commission, and determine the measures to be applied, if need be, to meet cash requirements

(c) lay down rules concerning the responsibility of financial controllers, authorising officers and accounting officers and concerning appropriate arrangements for inspection.

Chapter 20**General Provisions****Article 209***Merger Treaty 28 (1)*

The *Union* shall enjoy in the territories of the Member States such privileges and immunities as are necessary for the performance of their tasks, under the conditions laid down in the Protocol annexed to this Treaty. The same shall apply to the European investment bank.

Article 210

EC 214 (EAEC 194 (1(1)))

1 The members of the institutions of the *Union*, the members of committees and the officials and other servants of the *Union* shall be required, even after their duties have ceased, not to disclose information of the kind covered by the obligation of professional secrecy, in particular information about undertakings, their business relations or their cost components.

EAEC 194 (1(2-4))

2. Subparagraph 1 of the present Article and the following provisions apply *in the field of nuclear energy*

a) The members of the institutions of the *Union*, the members of committees, the officials and other servants of the *Union* and any other persons who by reason of their duties or their public or private

relations with the institutions or installations of the *Union* or with joint undertakings are called upon to acquire or obtain cognisance of any facts, information, knowledge, documents or objects which are subject to a security system in accordance with provisions laid down by a member state or by an institution of the *Union*, shall be required, even after such duties or relations have ceased, to keep them secret from any unauthorised person and from the general public.

Each member state shall treat any infringement of this obligation as an act prejudicial to its rules on secrecy and as one falling, both as to merits and jurisdiction, within the scope of its laws relating to acts prejudicial to the security of the state or to disclosure of professional secrets. Such member state shall, at the request of any member state concerned or of the Commission, prosecute anyone within its jurisdiction who commits such an infringement

b) Each member state shall communicate to the Commission all provisions regulating within its territories the classification and secrecy of information, knowledge, documents or objects covered by this Treaty. The Commission shall ensure that these provisions are communicated to the other Member States. Each member state shall take all appropriate measures to facilitate the gradual establishment of as uniform and comprehensive a security system as possible. The Commission may, after consulting the Member States concerned, make recommendations for this purpose

c) The institutions of the *Union*, their installations and also the joint undertakings shall be required to apply the rules of the security system in force in the territory in which each of them is situated.

d) Any authorisation granted either by an institution of the *Union* or by a member state to a person carrying out his activities within the field covered by this Treaty to have access to facts, information, documents or objects covered by this Treaty which are subject to a security system, shall be recognised by every other institution and every other member state.

e) The provisions of this paragraph shall not prevent application of special provisions resulting from agreements concluded between a member state and a third state or an international organisation

Article 211

Merger Treaty 24 (1 (2))

The Council shall, acting by a qualified majority on a proposal from the Commission and after consulting the other institutions concerned, lay down the staff regulations of officials of the European *Union* and the conditions of employment of other servants of those communities

Article 212

EC 216 (ECSC 77)

The seat of the institutions of the *Union* shall be determined by common accord of the Governments of the Member States.

Article 213

EC 217 (EAEC 190)

The rules governing the languages of the institutions of the *Union* shall, without prejudice to the provisions contained in the rules of procedure of the Court of justice, be determined by the Council, acting unanimously.

Title VI

Activities of the Union

Chapter 1

The Internal Market

Article 214

EC 7a

1. The *Union* shall adopt measures with the aim of progressively establishing the internal market before 31 December 1992, in accordance with the provisions of this Article and of Articles 17, 18, 215, 219, 233, 246, 261, 262 and of Article 4 of the Protocol "internal market" and without prejudice to the other provisions of this Treaty.

EC 7 (7)

2. Save for the exceptions or derogations provided for in this Treaty, the 31 December 1969 shall constitute the latest date by which all the rules laid down must enter into force and all the measures required for establishing the *internal market* must be implemented.

Article 215

EC 7 (c)

When drawing up its proposals with a view to achieving the objectives set out in Article 8a, the Commission shall take into account the extent of the effort that certain economies showing differences in developments will have to sustain during the period of establishment of the internal market and it may propose appropriate provisions.

If these provisions take the form of derogations, they must be of a temporary nature and must cause the least possible disturbance to the functioning of the internal market.

Chapter 2 The Customs Union

Article 216

EC 9 (1)

1. The *Union* shall be based upon a customs union which shall cover all trade in goods and which shall involve the prohibition between Member States of customs duties on imports and exports and of all charges having equivalent effect, and the adoption of a common customs tariff in their relations with third countries

EC 110 (1)

2. By establishing a customs union between themselves Member States aim to contribute, in the common interest, to the harmonious development of world trade, the progressive abolition of restrictions on international trade and the lowering of customs barriers.

EC 9 (2)

3 *The provisions of the customs union shall apply to products originating in Member States and to products coming from third countries which are in free circulation in Member States*

EC 10 (1)

4. Products coming from a third country shall be considered to be in free circulation in a Member State if the import formalities have been complied with and any customs duties or charges having equivalent effect which are payable have been levied in that Member State, and if they have not benefited from a total or partial drawback of such duties or charges

Article 217

EC 10 (2(1))

The Commission shall (...) determine the methods of administrative co-operation to be adopted for the purpose of applying Article 216 of this Treaty.

Article 218

EC 12

Member States shall refrain from introducing between themselves any new customs duties on imports or exports or any charges having equivalent effect, and from increasing those which they already apply in their trade with each other

Article 219*EC 28*

1 Any autonomous alteration or suspension of duties in the common customs tariff shall be decided by the Council, acting by a qualified majority on a proposal from the Commission

ECSC 72

2 *In the field of coal and steel* minimum rates, below which the Member States bind themselves not to lower their customs duties on coal and steel with regard to third countries, and maximum rates, above which they bind themselves not to raise such duties, may be fixed by unanimous decision of the Council upon the proposal of the Commission, which may act on its own initiative or at the request of a member state

Between the limits fixed by the said decision, each government will set its tariffs according to its own national procedure. The Commission may, on its own initiative or at the request of one of the Member States, issue an opinion proposing the modification of the tariffs of the said state.

ECSC 73

3. The administration of import and export licences in the field of coal and steel in relations with third countries shall rest with the government on whose territory is situated the point of origin for exports or the point of destination for imports. The Commission shall be empowered to supervise the administration and control of these licences for coal and steel. After consulting the Council, it shall address recommendations to the Member States when needed either to prevent the measures adopted from being more restrictive than is called for by the situation which justifies their establishment or maintenance, or to ensure the co-ordination of measures taken in compliance with the third paragraph of Article 273 (1+2)

Article 220*EC 29*

In carrying out the tasks entrusted to it under this Section the Commission shall be guided by

- (a) the need to promote trade between Member States and third countries;
- (b) developments in conditions of competition within the *Union* in so far as they lead to an improvement in the competitive capacity of undertakings,
- (c) the requirements of the *Union* as regards the supply of raw materials and semi-finished goods, in this connection the Commission shall take care to avoid distorting conditions of competition between Member States in respect of finished goods,
- (d) the need to avoid serious disturbances in the economies of Member States and to ensure rational development of production and an expansion of consumption within the *Union*

Chapter 3**The Free Movement of Goods****Article 221***EC 30*

1. Quantitative restrictions on imports and all measures having equivalent effect shall, without prejudice to the following provisions, be prohibited between Member States

EC 34 (2)

2. Member States shall, by the end of the first stage at the latest, abolish all quantitative restrictions on exports and any measures having equivalent effect which are in existence when this Treaty enters into force.

Article 222*EC 57*

Discrimination between nationals of member states regarding the conditions under which goods are produced and marketed arising from state monopolies of a commercial character are prohibited.

The provisions of this Article shall apply to any body through which a Member State, in law or in fact, either directly or indirectly supervises, determines or appreciably influences imports or export between Member States. These provisions shall likewise apply to monopolies delegated by States to others.

Article 223*EC 36*

The provisions of *Article 221* shall not preclude prohibitions or restrictions on imports, exports or goods in transit justified on grounds of public morality, public policy or public security; the protection of health and life of humans, animals or plants; the protection of national treasures possessing artistic, historic or archaeological value, or the protection of industrial and commercial property. Such prohibitions or restrictions shall not, however, constitute a means of arbitrary discrimination or a disguised restriction on trade between Member States.

Article 224*ECSC 4*

The following are recognised to be incompatible with the *internal market* for coal and steel, and are, therefore, abolished and prohibited within the *Union* in the manner set forth in this Treaty :

- (a) import and export duties, or taxes with an equivalent effect, and quantitative restrictions on the movement of coal and steel;
- (b) measures or practices discriminating among producers, among buyers or among consumers, especially as concerns prices, delivery terms and transport rates, as well as measures or practices which hamper the buyer in the free choice of his supplier,
- (c) subsidies or state assistance, or special charges imposed by the state, in any form whatsoever,
- (d) restrictive practices tending towards the division or the exploitation of the market.

Article 225*EAEC 93*

In the field of nuclear energy, the Member states shall abolish between themselves (..) all customs duties on imports and exports or charges having equivalent effect, and all quantitative restrictions on imports and exports, in respect of :

- (a) products in lists a1 and a2;
- (b) products in list b if subject to a common customs tariff and accompanied by a certificate issued by the Commission stating that they are intended to be used for nuclear purposes

Non-European territories under the jurisdiction of a Member State may, however, continue to levy import and export duties or charges having equivalent effect where they are of an exclusively fiscal nature. The rates of such duties and charges and the system governing them shall not give rise to any discrimination between that State and other Member States.

Chapter 4**The Free Movement of Persons and Services****Article 226***EC 48*

1. Freedom of movement for workers shall be secured within the *Union* (..)
2. Such freedom of movement shall entail the abolition of any discrimination based on nationality between workers of the Member States as regards employment, remuneration and other conditions of work and employment.
3. It shall entail the right, subject to limitations justified on grounds of public policy, public security or public health:
 - (a) to accept offers of employment actually made;
 - (b) to move freely within the territory of Member States for this purpose,
 - (c) to stay in a Member State for the purpose of employment in accordance with the provisions governing the employment of nationals of that State laid down by law, regulation or administrative action,
 - (d) to remain in the territory of a Member State after having been employed in that State, subject to conditions which shall be embodied in implementing regulations to be drawn up by the Commission.
4. The provisions of this Article shall not apply to employment in the public service

Article 227*EC 51*

The Council shall, acting unanimously on a proposal from the Commission, adopt such measures in the field of social security as are necessary to provide freedom of movement for workers, to this end, it shall make arrangements to secure for migrant workers and their dependants:

- (a) aggregation, for the purpose of acquiring and retaining the right to benefit and of calculating the amount of benefit, of all periods taken into account under the laws of the several countries;
- (b) payment of benefits to persons resident in the territories of Member States

Article 228*EC 52*

Within the framework of the provisions set out below, restrictions on the freedom of establishment of nationals of a Member State in the territory of another Member State shall be abolished by progressive stages in the course of the transitional period. Such progressive abolition shall also apply to restrictions on the setting up of agencies, branches, or subsidiaries by nationals of any Member State established in the territory of any Member State

Freedom of establishment shall include the right to take up and pursue activities as self-employed persons and to set up and manage undertakings, in particular companies or firms within the meaning of the second paragraph of *Article 232*, under the conditions laid down for its own nationals by the law of the country where such establishment is effected, subject to the provisions of the Chapter relating to capital.

Article 229*EC 53*

Member States shall not introduce any new restrictions on the right of establishment in their territories of nationals of other Member States, save as otherwise provided in this Treaty.

Article 230*EC 55*

The provisions of this Chapter shall not apply, so far as any given Member State is concerned, to activities in which that State are connected, even occasionally, with the exercise of official authority.

The Council may, acting by a qualified majority on a proposal from the Commission, rule that the provisions of this Chapter shall not apply to certain activities

Article 231*EC 56*

1 The provisions of this Chapter and measures taken in pursuance thereof shall not prejudice the applicability of provisions laid down by law, regulation or administrative action providing for special treatment for foreign nationals on grounds of public policy, public security or public health.

2. Before the end of the transitional period the Council shall, acting unanimously on a proposal from the Commission and after consulting the European Parliament, issue directives for the co-ordination of the above mentioned provisions laid down by law, regulation or administrative action. After the end of the second stage, however, the Council shall, acting in accordance with the provisions referred to in *Article 177*, issue directives for the co-ordination of such provisions as, in each Member State, are a matter for regulation or administrative action

Article 232*EC 58*

1 Companies or firms formed in accordance with the law of a Member State and having their registered office, central administration or principal place of business within the *Union* shall, for the purposes of this Chapter, be treated in the same way as natural persons who are nationals of Member States.

'Companies or firms' means companies or firms constituted under civil or commercial law, including co-operative societies, and other legal persons governed by public or private law, save for those which are non-profit making.

EC 221

2 (...) Member States shall accord nationals of the other Member States the same treatment as their own nationals as regards participation in the capital of companies or firms within the meaning of *paragraph 1*, without prejudice to the application of the other provisions of this Treaty

Article 233*EC 59*

Within the framework of the provisions set out below, restrictions on freedom to provide services within the *Union* shall be progressively abolished during the transitional period in respect of nationals of Member States who are established in a State of the *Union* other than that of the person for whom the services are intended.

The Council may, acting by a qualified majority on a proposal from the Commission, extend the provisions of this Chapter to nationals of a third country who provide services and who are established within the *Union*

Article 234*EC 61*

1. Freedom to provide services in the field of transport shall be governed by the provisions of the Title relating to transport.

2. The liberalisation of banking and insurance services connected with movements of capital shall be effected in step with the progressive liberalisation of movement of capital.

EC 66

3 *Articles 230 to 232 shall apply to the Freedom to provide services*

Article 235*EC 62*

Save as otherwise provided in this Treaty, Member States shall not introduce any new restrictions on the freedom to provide services.

Chapter 5**The Movement of Capital and Payments****Article 236***EC 73b*

1 Within the framework of the provisions set out in this Chapter, all restrictions on the movement of capital between Member States and between Member States and third countries shall be prohibited.

2 Within the framework of the provisions set out in this Chapter, all restrictions on payments between Member States and between Member States and third countries shall be prohibited

Article 237*EC 73f*

Where, in exceptional circumstances, movements of capital to or from third countries cause, or threaten to cause, serious difficulties for the operation of economic and monetary *Union*, the Council, acting by a qualified majority on a proposal from the Commission and after consulting the ECB, may take safeguard measures with regard to third countries for a period not exceeding six months if such measures are strictly necessary

Chapter 6**Agriculture****Article 238***EC 38*

1. The *internal market* shall extend to agriculture and trade in agricultural products. 'Agricultural products' means the products of the soil, of stock-farming and of fisheries and products of first-stage processing directly related to these products.
2. Save as otherwise provided in *Articles 239 to 246 and in Article 10 of the Protocol « internal market »*, the rules laid down for the establishment of the internal market shall apply to agricultural products.
3. The products subject to the provisions of *Articles 239 to 246 and in Article 10 of the Protocol « internal market »* are listed in Annex II to this Treaty. (...) The Council shall, acting by a qualified majority on a proposal from the Commission, decide what products are to be added to this list
4. The operation and development of the *internal market* for agricultural products must be accompanied by the establishment of a common agricultural policy among the Member States.

Article 239*EC 39*

1. The objectives of the common agricultural policy shall be:
 - (a) to increase agricultural productivity by promoting technical progress and by ensuring the rational development of agricultural production and the optimum utilisation of the factors of production, in particular labour;
 - (b) thus to ensure a fair standard of living for the agricultural *Union*, in particular by increasing the individual earnings of persons engaged in agriculture;
 - (c) to stabilise markets,
 - (d) to assure the availability of supplies;
 - (e) to ensure that supplies reach consumers at reasonable prices.
2. In working out the common agricultural policy and the special methods for its application, account shall be taken of:
 - (a) the particular nature of agricultural activity, which results from the social structure of agriculture and from structural and natural disparities between the various agricultural regions;
 - (b) the need to effect the appropriate adjustments by degrees;
 - (c) the fact that in the Member States agriculture constitutes a sector closely linked with the economy as a whole

Article 240*EC 40 (2-4)*

1 In order to attain the objectives set out in *Article 239* a common organisation of agricultural markets shall be established

This organisation shall take one of the following forms, depending on the product concerned.

- (a) common rules on competition.
- (b) compulsory co-ordination of the various national market organisations;
- (c) a European market organisation.

2 The common organisation established in accordance with paragraph 2 may include all measures required to attain the objectives set out in *Article 239*, in particular regulation of prices, aids for the production and marketing of the various products, storage and carry-over arrangements and common machinery for stabilising imports or exports.

The common organisation shall be limited to pursuit of the objectives set out in *Article 239* and shall exclude any discrimination between producers or consumers within the *Union*.

Any common price policy shall be based on common criteria and uniform methods of calculation

3. In order to enable the common organisation referred to in paragraph 2 to attain its objectives, one or more agricultural guidance and guarantee funds may be set up.

Article 241*EC 41*

To enable the objectives set out in *Article 239* to be attained, provision may be made within the framework of the common agricultural policy for measures such as:

- (a) an effective co-ordination of efforts in the spheres of vocational training, of research and of the dissemination of agricultural knowledge; this may include joint financing of projects or institutions;
- (b) joint measures to promote consumption of certain products.

Article 242*EC 42*

The provisions of the Chapter relating to rules on competition shall apply to production of and trade in agricultural products only to the extent determined by the Council within the framework of *Article 243* and in accordance with the procedure laid down therein, account being taken of the objectives set out in *Article 239*

The Council may, in particular, authorise the granting of aid:

- (a) for the protection of enterprises handicapped by structural or natural conditions.
- (b) within the framework of economic development programmes.

Article 243*EC 43 (2(3))*

The Council shall, on a proposal from the Commission and after consulting the European Parliament, act (...) by a qualified majority (...), make regulations, issue directives, or take decisions, without prejudice to any recommendations it may also make.

Chapter 7

Transport

Article 244

EC 74

The objectives of this Treaty shall, in matters governed by this Title, be pursued by Member States within the framework of a common transport policy.

Article 245

EC 75

1 For the purpose of implementing *Article 244*, and taking into account the distinctive features of transport, the Council shall, acting in accordance with the procedure referred to in *Article 178* and after consulting the Economic and Social Committee, lay down:

- (a) common rules applicable to international transport to or from the territory of a Member State or passing across the territory of one or more Member States;
- (b) the conditions under which non-resident carriers may operate transport services within a Member State.
- (c) measures to improve transport safety;
- (d) any other appropriate provisions.

2. The provisions referred to in (a) and (b) of paragraph 1 shall be laid down during the transitional period.

3. By way of derogation from the procedure provided for in paragraph 1, where the application of provisions concerning the principles of the regulatory system for transport would be liable to have a serious effect on the standard of living and on employment in certain areas and on the operation of transport facilities, they shall be laid down by the Council acting unanimously on a proposal from the Commission, after consulting the European Parliament and the Economic and Social Committee. In so doing, the Council shall take into account the need for adaptation to the economic development which will result from establishing the internal market.

Article 246

EC 84

1 The provisions of this Title shall apply to transport by rail, road and inland waterway

2 The Council may, acting by a qualified majority, decide whether, to what extent and by what procedure appropriate provisions may be laid down for sea and air transport

The procedural provisions of *Article 245* (1) and (3) shall apply

Chapter 8

Rules of Competition

Article 247

EC 85

1. The following shall be prohibited as incompatible with the internal market, *without prejudice to Article 251*, all agreements between undertakings, decisions by associations of undertakings and concerted practices which may affect trade between Member States and which have as their object or effect the prevention restriction or distortion of competition within the *internal market*, and in particular those which:

- (a) directly or indirectly fix purchase or selling prices or any other trading conditions;
- (b) limit or control production, markets, technical development, or investment,
- (c) share markets or sources of supply.
- (d) apply dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage;
- (e) make the conclusion of contracts subject to acceptance by the other parties of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of such contracts

2. Any agreements or decisions prohibited pursuant to this Article shall be automatically void

3. The provisions of paragraph 1 may, however, be declared inapplicable in the case of

- any agreement or category of agreements between undertakings;
- any decision or category of decisions by associations of undertakings;
- any concerted practice or category of concerted practices;

which contributes to improving the production or distribution of goods or to promoting technical or economic progress, while allowing consumers a fair share of the resulting benefit, and which does not:

- (a) impose on the undertakings concerned restrictions which are not indispensable to the attainment of these objectives;
- (b) afford such undertakings the possibility of eliminating competition in respect of a substantial part of the products in question

Article 248

ECSC 65 (1)

1. All agreements among enterprises, all decisions of associations of enterprises, and all concerted practices, tending, directly or indirectly, to prevent, restrict or distort the normal operation of competition within the *internal market in the field of coal and steel* are hereby forbidden, and in particular those tending

- (a) to fix or determine prices;
- (b) to restrict or control production, technical development or investments;
- (c) to allocate markets, products, customers or sources of supply.

2. *The procedures for the implementation of paragraph 1 are laid down in the Protocol to this Treaty "coal and steel."*

Article 249*EC 86*

Any abuse by one or more undertakings of a dominant position within the internal market or in a substantial part of it shall be prohibited as incompatible with the *internal market* in so far as it may

affect trade between Member States. Such abuse may, in particular, consist in

- (a) directly or indirectly imposing unfair purchase or selling prices or unfair trading conditions,
- (b) limiting production, markets or technical development to the prejudice of consumers,
- (c) applying dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage;
- (d) making the conclusion of contracts subject to acceptance by the other parties of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of such contracts

Article 250*ECSC 60 (1)*

In the field of coal and steel pricing practices contrary to the provisions of Articles 2, 3 and 4 are prohibited, and in particular :

- unfair competitive practices, in particular purely temporary or purely local price reductions the purpose of which is to acquire a monopoly within the internal market;
- discriminatory practices involving within the internal market the application by a seller of unequal conditions to comparable transactions, especially according to the nationality of the buyer

After consulting the consultative committee and the Council, the Commission may define the practices covered by this prohibition.

Article 251*ECSC 66 (1)*

1. Except as provided in *Article 16 of the Protocol « Coal and Steel » in the annex to this Treaty*, any transaction which would have in itself the direct or indirect effect of bringing about a concentration, within the territories mentioned in the first paragraph of *Article 305*, involving enterprises of which at least one is subject to the application of *Article 308* of this Treaty, shall be submitted to a prior authorisation of the Commission. This obligation shall be effective whether the transaction in question is carried out by a person or an enterprise, or a group of persons or enterprises, whether it concerns a single product or different products, whether it is effected by merger, acquisition of shares or assets, loan, contract, or any other means of control. For the application of the above provisions, the Commission will define by a general regulation, drawn up after consulting the Council, what constitutes control of an enterprise.

2. *This provision will be supplemented by a special Protocol « Coal and Steel, » in the annex to this Treaty.*

Article 252*EC 87*

1. *The Council shall, acting by a qualified majority on a proposal from the Commission and after consulting the European Parliament, adopt any appropriate regulations or directives to give effect to the principles set out in Arts 247 and 249 (...)*

2. The regulations or directives referred to in paragraph 1 shall be designed, in particular

(a) to ensure compliance with the prohibitions laid down in *Article 247 (1)* and in *Article 249* by making provision for fines and periodic penalty payments,

(b) to lay down detailed rules for the application of *Article 247 (3)*, taking into account the need to ensure effective supervision on the one hand, and to simplify administration to the greatest possible extent on the other,

(c) to define, if need be, in the various branches of the economy, the scope of the provisions of *Articles 247 and 249*;

(d) to define the respective functions of the Commission and of the Court of justice in applying the provisions laid down in this paragraph;

(e) to determine the relationship between national laws and the provisions contained in this Section or adopted pursuant to this Article.

Article 253*EC 89*

1. (...) The Commission shall (...) ensure the application of the principles laid down in *Articles 247 and 249*. On application by a Member State or on its own initiative, and in co-operation with the competent authorities in the Member States, who shall give it their assistance, the Commission shall investigate cases of suspected infringement of these principles. If it finds that there has been an infringement, it shall propose appropriate measures to bring it to an end.

2. If the infringement is not brought to an end, the Commission shall record such infringement of the principles in a reasoned decision. The Commission may publish its decision and authorise Member States to take the measures, the conditions and details of which it shall determine, needed to remedy the situation.

Article 254*EC 90*

1. In the case of public undertakings and undertakings to which Member States grant special or exclusive rights, Member States shall neither enact nor maintain in force any measure contrary to the rules contained in this Treaty, in particular to those rules provided for in *Article 21 and 247, 249, 252 to 258 included and Article 17 of the Protocol « internal market »*

2. Undertakings entrusted with the operation of services of general economic interest or having the character of a revenue-producing monopoly shall be subject to the rules contained in this Treaty, in particular to the rules on competition, in so far as the application of such rules does not obstruct the performance, in law or in fact, of the particular tasks assigned to them. The development of trade must not be affected to such an extent as would be contrary to the interests of the *Union*.

3. The Commission shall ensure the application of the provisions of this Article and shall, where necessary, address appropriate directives or decisions to Member States

Article 255

EC 92 (1.2)

1 Save as otherwise provided in this Treaty, any aid granted by a Member State or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods shall, in so far as it affects trade between Member States, be incompatible with the *internal market*

2 The following shall be compatible with the *internal market*:

- (a) aid having a social character, granted to individual consumers, provided that such aid is granted without discrimination related to the origin of the products concerned;
- (b) aid to make good the damage caused by natural disasters or other exceptional occurrences;
- (c) aid granted to the economy of certain areas of the Federal Republic of Germany affected by the division of Germany, in so far as such aid is required in order to compensate for the economic disadvantages caused by that division.

EC 77

(d) Aids shall be compatible with this Treaty if they meet the needs of co-ordination of transport or if they represent reimbursement for the discharge of certain obligations inherent in the concept of a public service.

EC 92 (3)

3 The following may be considered to be compatible with the *internal market*

- (a) aid to promote the economic development of areas where the standard of living is abnormally low or where there is serious underemployment;
 - (b) aid to promote the execution of an important project of common European interest or to remedy a serious disturbance in the economy of a Member State;
 - (c) aid to facilitate the development of certain economic activities or of certain economic areas, where such aid does not adversely affect trading conditions to an extent contrary to the common interest.
- However, the aids granted to shipbuilding as of 1 January 1957 shall, in so far as they serve only to compensate for the absence of customs protection, be progressively reduced under the same conditions as apply to the elimination of customs duties, subject to the provisions of this Treaty concerning common commercial policy towards third countries;
- (d) aid to promote culture and heritage conservation where such aid does not affect trading conditions and competition in the *Union* to an extent that is contrary to the common interest,
 - (e) such other categories of aid as may be specified by decision of the Council acting by a qualified majority on a proposal from the Commission.

Article 256*EC 93*

1. The Commission shall, in co-operation with Member States, keep under constant review all systems of aid existing in those States. It shall propose to the latter any appropriate measures required by the

progressive development or by the functioning of the internal market

2. If, after having given notice to the parties concerned to submit their comments, the Commission finds that aid granted by a State or through State resources is not compatible with the internal market having regard to *Article 256*, or that such aid is being misused, it shall decide that the State concerned shall abolish or alter such aid within a period of time to be determined by the Commission.

If the State concerned does not comply with this decision within the prescribed time, the Commission or any other interested State may, in derogation from the provisions of *Articles 122 and 123*, refer the matter to the Court of justice direct

On application by a Member State, the Council may, acting unanimously, decide that aid which that State is granting or intends to grant shall be considered to be compatible with the internal market, in derogation from the provisions of *Article 255* or from the regulations provided for in *Article 257*, if such a decision is justified by exceptional circumstances. If, as regards the aid in question, the Commission has already initiated the procedure provided for in the first subparagraph of this paragraph, the fact that the State concerned has made its application to the Council shall have the effect of suspending that procedure until the Council has made its attitude known.

If, however, the Council has not made its attitude known within three months of the said application being made, the Commission shall give its decision on the case.

3. The Commission shall be informed, in sufficient time to enable it to submit its comments, of any plans to grant or alter aid. If it considers that any such plan is not compatible with the internal market having regard to *Article 255*, it shall without delay initiate the procedure provided for in paragraph 2. The Member State concerned shall not put its proposed measures into effect until this procedure has resulted in a final decision.

Article 257*EC 94*

The Council, acting by a qualified majority on a proposal from the Commission, and after consulting the European Parliament, may make any appropriate regulations for the application of *Articles 255 and 256* and may in particular determine the conditions under which *Article 256 (3)* shall apply and the categories of aid exempted from this procedure.

Chapter 9 Tax Provisions

Article 258*EC 95*

No Member State shall impose, directly or indirectly, on the products of other Member States any internal taxation of any kind in excess of that imposed directly or indirectly on similar domestic products.

Furthermore, no Member State shall impose on the products of other Member States any internal taxation of such a nature as to afford indirect protection to other products.

Member States shall repeal or amend any provisions existing which conflict with the preceding rules.

Article 259*EC 96*

Where products are exported to the territory of any Member State, any repayment of internal taxation shall not exceed the internal taxation imposed on them, whether directly or indirectly

Article 260*EC 98*

In the case of charges other than turnover taxes, excise duties and other forms of indirect taxation, remissions and repayments in respect of exports to other Member States may not be granted and countervailing charges in respect of imports from Member States may not be imposed unless the measures contemplated have been previously approved for a limited period by the Council acting by a qualified majority on a proposal from the Commission

Chapter 10**Approximation of Laws****Article 261***EC 100*

1. The Council shall, acting unanimously on a proposal from the Commission and after consulting the European Parliament and the Economic and Social Committee, issue directives for the approximation of such laws, regulations or administrative provisions of the Member States as directly affect the establishment or functioning of the *internal market*.

EC 99

2. The Council shall, acting unanimously on a proposal from the Commission and after consulting the European Parliament and the Economic and Social Committee adopt provisions for the harmonisation of legislation concerning turnover taxes, excise duties and other forms of indirect taxation to the extent that such harmonisation is necessary to ensure the establishment and the functioning of the internal market within the time-limit laid down in *Article 6 and 214*.

Article 262

EC 100a

1. By way of derogation from *Article 261* and save where otherwise provided in this Treaty, the following provisions shall apply for the achievement of the objectives set out in *Article 6 and 214* The Council shall, acting in accordance with the procedure referred to in *Article 177* and after consulting the Economic and Social Committee, adopt the measures for the approximation of the provisions laid down by law, regulation or administrative action in Member States which have as their object the establishing and functioning of the internal market

2 Paragraph 1 shall not apply to fiscal provisions, to those relating to the free movement of persons nor to those relating to the rights and interests of employed persons

3. The Commission, in its proposals envisaged in paragraph 1 concerning health, safety, environmental protection and consumer protection, will take as a base a high level of protection.

4. If, after the adoption of a harmonisation measure by the Council acting by a qualified majority, a Member State deems it necessary to apply national provisions on grounds of major needs referred to in *Article 223*, or relating to protection of the environment or the working environment, it shall notify the Commission of these provisions.

The Commission shall confirm the provisions involved after having verified that they are not a means of arbitrary discrimination or a disguised restriction on trade between Member States

By way of derogation from the procedure laid down in *Articles 122 and 123*, the Commission or any Member State may bring the matter directly before the Court of justice if it considers that another Member State is making improper use of the powers provided for in this Article

5. The harmonisation measures referred to above shall, in appropriate cases, include a safeguard clause authorising the Member States to take, for one or more of the non-economic reasons referred to in *Article 223*, provisional measures subject to a *Union* control procedure.

Article 263

EC 101

Where the Commission finds that a difference between the provisions laid down by law, regulation or administrative action in Member States is distorting the conditions of competition in the *internal market* and that the resultant distortion needs to be eliminated, it shall consult the Member States concerned

If such consultation does not result in an agreement eliminating the distortion in question, the Council shall, on a proposal from the Commission, acting unanimously during the first stage and by a qualified majority thereafter, issue the necessary directives. The Commission and the Council may take any other appropriate measures provided for in this Treaty

Article 264

EC 102

1. Where there is reason to fear that the adoption or amendment of a provision laid down by law, regulation or administrative action may cause distortion within the meaning of *Article 263*, a Member State desiring to proceed therewith shall consult the Commission. After consulting the Member States, the Commission shall recommend to the States concerned such measures as may be appropriate to avoid the distortion in question.

2. If a State desiring to introduce or amend its own provisions does not comply with the recommendation addressed to it by the Commission, other Member States shall not be required, in pursuance of *Article 263*, to amend their own provisions in order to eliminate such distortion. If the Member State which has ignored the recommendation of the Commission causes distortion detrimental only to itself, the provisions of *Article 101* shall not apply.

Chapter 11

Economic Policy

Article 265

EC 102a

Member States shall conduct their economic policies with a view to contributing to the achievement of the objectives of the *Union*, as defined in Article 2, and in the context of the broad guidelines referred to in *Article 266*. The Member States and the *Union* shall act in accordance with the principle of an open market economy with free competition, favouring an efficient allocation of resources, and in compliance with the principles set out in *Article 7*.

Article 266

EC 103

1 Member States shall regard their economic policies as a matter of common concern and shall co-ordinate them within the Council, in accordance with the provisions of *Article 265*.

2. The Council shall, acting by a qualified majority on a recommendation from the Commission, formulate a draft for the broad guidelines of the economic policies of the Member States and of the *Union*, and shall report its findings to the European Council.

The European Council shall, acting on the basis of this report from the Council, discuss a conclusion on the broad guidelines of the economic policies of the Member States and of the *Union*.

On the basis of this conclusion, the Council shall, acting by a qualified majority, adopt a recommendation setting out these broad guidelines. The Council shall inform the European Parliament of its recommendation

3. In order to ensure closer co-ordination of economic policies and sustained convergence of the economic performances of the Member States, the Council shall, on the basis of reports submitted by the Commission, monitor economic developments in each of the Member States and in the *Union* as well as the consistency of economic policies with the broad guidelines referred to in paragraph 2, and regularly carry out an overall assessment.

For the purpose of this multilateral surveillance, Member States shall forward information to the Commission about important measures taken by them in the field of their economic policy and such other information as they deem necessary.

4 Where it is established, under the procedure referred to in paragraph 3, that the economic policies of a Member State are not consistent with the broad guidelines referred to in paragraph 2 or that they risk jeopardising the proper functioning of economic and monetary *Union*, the Council may, acting by a qualified majority on a recommendation from the Commission, make the necessary recommendations to the Member State concerned. The Council may, acting by a qualified majority on a proposal from the Commission, decide to make its recommendations public.

The President of the Council and the Commission shall report to the European Parliament on the results of multilateral surveillance. The President of the Council may be invited to appear before the competent Committee of the European Parliament if the Council has made its recommendations public.

5. The Council, acting in accordance with the procedure referred to in *Article 178*, may adopt detailed rules for the multilateral surveillance procedure referred to in paragraphs 3 and 4 of this Article.

Article 267*EC 103a*

1. Without prejudice to any other procedures provided for in this Treaty, the Council may, acting unanimously on a proposal from the Commission, decide upon the measures appropriate to the economic situation, in particular if severe difficulties arise in the supply of certain products.
2. Where a Member State is in difficulties or is seriously threatened with severe difficulties caused by exceptional occurrences beyond its control, the Council may, acting unanimously on a proposal from the Commission, grant, under certain conditions, *Union* financial assistance to the Member State concerned. Where the severe difficulties are caused by natural disasters, the Council shall act by qualified majority. The President of the Council shall inform the European Parliament of the decision taken.

Article 268*EC 104*

1. Overdraft facilities or any other type of credit facility with the ECB or with the central banks of the Member States (hereinafter referred to as 'national central banks') in favour of *Union* institutions or bodies, central governments, regional, local or other public authorities, other bodies governed by public law or public undertakings of Member States shall be prohibited, as shall the purchase directly from them by the ECB or national central banks of debt instruments.
2. The provisions of paragraph 1 shall not apply to publicly-owned credit institutions, which in the context of the supply of reserves by central banks shall be given the same treatment by national central banks and the ECB as private credit institutions.

Article 269*EC 104 (a)*

1. Any measure, not based on prudential considerations, establishing privileged access by *Union* institutions or bodies, central governments, regional, local or other public authorities, other bodies governed by public law or public undertakings of Member States to financial institutions shall be prohibited.
2. The Council, acting in accordance with the Procedure referred to in Article 189c, shall specify definitions for the application of the prohibition referred to in paragraph 1

Article 270

EC 104c (2-14)

1. The Commission shall monitor the development of the budgetary situation and of the stock of government debt in the Member States with a view to identifying gross errors. In particular it shall examine compliance with budgetary discipline on the basis of the following two criteria

(a) whether the ratio of the planned or actual government deficit to gross domestic product exceeds a reference value, unless

- either the ratio has declined substantially and continuously and reached a level that comes close to the reference value;

- or, alternatively, the excess over the reference value is only exceptional and temporary and the ratio remains close to the reference value;

(b) whether the ratio of government debt to gross domestic product exceeds a reference value, unless the ratio is sufficiently diminishing and approaching the reference value at a satisfactory pace

The reference values are specified in the Protocol on the excessive deficit procedure annexed to this Treaty

2. If a Member State does not fulfil the requirements under one or both of these criteria, the Commission shall prepare a report. The report of the Commission shall also take into account whether the government deficit exceeds government investment expenditure and take into account all other relevant factors, including the medium term economic and budgetary position of the Member State.

The Commission may also prepare a report if, notwithstanding the fulfilment of the requirements under the criteria, it is of the opinion that there is a risk of an excessive deficit in a Member State.

3. The Committee provided for in *Article 168* shall formulate an opinion on the report of the Commission.

4. If the Commission considers that an excessive deficit in a Member State exists or may occur, the Commission shall address an opinion to the Council

5. The Council shall, acting by a qualified majority on a recommendation from the Commission, and having considered any observations which the Member State concerned may wish to make, decide after an overall assessment whether an excessive deficit exists.

6. Where the existence of an excessive deficit is decided according to *paragraph 5*, the Council shall make recommendations to the Member State concerned with a view to bringing that situation to an end within a given period. Subject to the provisions of *paragraph 7*, these recommendations shall not be made public.

7. Where it establishes that there has been no effective action in response to its recommendations within the period laid down, the Council may make its recommendations public.

8. If a Member State persists in failing to put into practice the recommendations of the Council, the Council may decide to give notice to the Member State to take, within a specified time limit, measures for the deficit reduction which is judged necessary by the Council in order to remedy the situation.

In such a case, the Council may request the Member State concerned to submit reports in accordance with a specific timetable in order to examine the adjustment efforts of that Member State.

9. The rights to bring actions provided for in *Articles 122 and 123* may not be exercised within the framework of *paragraphs 1 to 8 of this Article and of Article 40 of the Treaty*

10. As long as a Member State fails to comply with a decision taken in accordance with *paragraph 8*, the Council may decide to apply or, as the case may be, intensify one or more of the following measures:

- to require that the Member State concerned shall publish additional information, to be specified by the Council, before issuing bonds and securities;

- to invite the European Investment Bank to reconsider its lending policy towards the Member State concerned;

- to require that the Member State concerned makes a non-interest-bearing deposit of an appropriate size with the Union until the excessive deficit has, in the view of the Council, been corrected;

- to impose fines of an appropriate size.

The President of the Council shall inform the European Parliament of the decisions taken

11. The Council shall abrogate some or all of its decisions as referred to in *paragraphs 5 to 8 and 10* to the extent that the excessive deficit in the Member State concerned has, in the view of the Council, been

corrected. If the Council previously has made public recommendations, it shall, as soon as the decision under paragraph 7 has been abrogated, make a public statement that an excessive deficit in the Member State concerned no longer exists

12. When taking the decisions referred to in *paragraphs 6 to 8, 10 and 11* the Council shall act on a recommendation from the Commission by a majority of two thirds of the votes of its members weighted in accordance with *Article 91 (2)* and excluding the votes of the representative of the Member State concerned.

13. Further provisions relating to the implementation of the procedure described in this Article are set out in the Protocol on the excessive deficit procedure annexed to this Treaty.

The Council shall, acting unanimously on a proposal from the Commission and after consulting the European Parliament and the ECB, adopt the appropriate provisions which shall then replace the said Protocol

Subject to the other provisions of this paragraph the Council shall, before 1 January 1994, acting by a qualified majority on a proposal from the Commission and after consulting the European Parliament, lay down detailed rules and definitions for the application of the provisions of the said Protocol

Chapter 12 Monetary Policy

Article 271

EC 109 (e)

1. The second stage for achieving economic and monetary *Union* shall begin on 1 January 1994.

2. Before that date

(a) each Member State shall:

- adopt, where necessary, appropriate measures to comply with the obligations laid down in *Article 236*, without prejudice to *Article 7 of the Protocol « internal market »*, and in *Articles 268 and 269 (1)*;

- adopt, if necessary, with a view to permitting the assessment provided for in subparagraph (b), multiannual programmes intended to ensure the lasting convergence necessary for the achievement of economic and monetary *Union*, in particular with regard to price stability and sound public finances;

(b) the Council shall, on the basis of a report from the Commission, assess the progress made with regard to economic and monetary convergence, in particular with regard to price stability and sound

public finances, and the progress made with the implementation of *Union* law concerning the internal market.

3. The provisions of *Articles 268, 269 (1), 42 (1) and 270* with the exception of paragraphs 8, 10 and 13 shall apply from the beginning of the second stage.

The provisions of *Articles 267 (2), 270 (8+10), 166, 167, 163, 182, 31, 164, 165 and 168 (2+4)* shall apply from the beginning of the third stage.

4. In the second stage, Member States shall endeavour to avoid excessive government deficits.

5. During the second stage, each Member State shall, as appropriate, start the process leading to the independence of its central bank, in accordance with *Article 26*.

Chapter 13

Common Commercial Policy

Article 272

EC 113 (1)

1. The common commercial policy of the Union shall be based on uniform principles, particularly in regard to changes in tariff rates, the conclusion of tariff and trade agreements, the achievement of uniformity in measures of liberalisation, export policy and measures to protect trade such as those to be taken in case of dumping or subsidies

EC 110 (2)

2. The common commercial policy shall take into account the favourable effect which the abolition of customs duties between Member States may have on the increase in the competitive strength of undertakings in those States

EC 113 (2-4)

3. The Commission shall submit proposals to the Council for implementing the common commercial policy.

4. Where agreements with one or more States or international organisations need to be negotiated, the Commission shall make recommendations to the Council, which shall authorise the Commission to open the necessary negotiations.

The Commission shall conduct these negotiations in consultation with a special committee appointed by the Council to assist the Commission in this task and within the framework of such directives as the Council may issue to it.

The relevant provisions of *Article 180* shall apply.

5. In exercising the powers conferred upon it by this Article, the Council shall act by a qualified majority.

Article 273*ECSC 71*

1. Unless otherwise provided in this Treaty, the responsibilities of the governments of the Member States, for commercial policy *in the field of coal and steel* shall not be affected by the application of this Treaty.

The powers granted to the *Union* by this Treaty concerning commercial policy towards third countries shall not exceed the powers which the Member States are free to exercise under the international agreements to which they are parties, subject to the application of the provisions of *Article 37*.

the governments of the Member States will lend each other the necessary assistance in the execution of measures recognised by the Commission as being in accordance with this Treaty and with existing international agreements. The Commission is empowered to propose to the Member States concerned the methods by which this co-operation shall be undertaken.

ECSC 74

2. In the cases enumerated below, the Commission shall be empowered to take any measures in accordance with this Treaty, in particular with the objectives defined in *Article 6*, and to make any recommendations to the governments which are in accordance with the provisions of the *first paragraph of this Article*

(a) if it is found that countries not members of the *Union*, or enterprises situated in such countries, are engaging in dumping or other practices condemned by the Havana charter;

(b) if a difference between the quotations made by enterprises outside the jurisdiction of the *Union* and those made by enterprises within its jurisdiction is due exclusively to the fact that those of the former are based on competitive conditions contrary to the provisions of this Treaty;

(c) if one of the products enumerated in *Article 20 of the Protocol « coal and steel » annexed to this Treaty* is imported into the territory of one or several of the Member States of the *Union* in relatively increased quantities and under such conditions that these imports inflict or threaten to inflict serious damage on production, within the internal market, of similar or directly competitive products.

However, recommendations for the establishment of quantitative restrictions may be issued in the case cited in paragraph (b) above, only with the agreement of the Council; and in the case cited in paragraph (c) above, only under the conditions set forth in *Article 232*.

Chapter 14**Social Policy****Article 274***EC 117*

Member States agree upon the need to promote improved working conditions and an improved standard of living for workers, so as to make possible their harmonisation while the improvement is being maintained.

They believe that such a development will ensue not only from the functioning of the internal market, which will favour the harmonisation of social systems, but also from the procedures provided for in this Treaty and from the approximation of provisions laid down by law, regulation or administrative action.

Article 275*EC 118*

Without prejudice to the other provisions of this Treaty and in conformity with its general objectives, the Commission shall have the task of promoting close co-operation between Member States in the social field, particularly in matters relating to

- employment;
- labour law and working conditions.
- basic and advanced vocational training;
- social security,
- prevention of occupational accidents and diseases;
- occupational hygiene; the right of association, and collective bargaining between employers and workers.

To this end, the Commission shall act in close contact with Member States by making studies, delivering opinions and arranging consultations both on problems arising at national level and on those of concern to international organisations.

Before delivering the opinions provided for in this Article, the Commission shall consult the Economic and Social Committee

Article 276*EC 118 (a)*

1. Member States shall pay particular attention to encouraging improvements, especially in the working environment, as regards the health and safety of workers, and shall set as their objective the harmonisation of conditions in this area, while maintaining the improvements made.

2. In order to help achieve the objective laid down in the first paragraph, the Council, acting in accordance with the procedure referred to in *Article 178* and after consulting the Economic and Social

Committee, shall adopt, by means of directives, minimum requirements for gradual implementation, having regard to the conditions and technical rules obtaining in each of the Member States.

Such directives shall avoid imposing administrative, financial and legal constraints in a way which would hold back the creation and development of small and medium-sized undertakings.

3. The provisions adopted pursuant to this Article shall not prevent any Member State from maintaining or introducing more stringent measures for the protection of working conditions compatible with this Treaty.

Article 277*EC 118 (b)*

The Commission shall endeavour to develop the dialogue between management and labour at European level which could, if the two sides consider it desirable, lead to relations based on agreement.

Chapter 15

Education, vocational training and youth

Article 278

EC 126 (1,2,4)

1. The *Union* shall contribute to the development of quality education by encouraging co-operation between Member States and, if necessary, by supporting and supplementing their action, while fully respecting the responsibility of the Member States for the content of teaching and the organisation of education systems and their cultural and linguistic diversity

2. *Union* action shall be aimed at:

- developing the European dimension in education, particularly through the teaching and dissemination of the languages of the Member States.
- encouraging mobility of students and teachers, inter alia by encouraging the academic recognition of diplomas and periods of study,
- promoting co-operation between educational establishments;
- developing exchanges of information and experience on issues common to the education systems of the Member States;
- encouraging the development of youth exchanges and of exchanges of socio-educational instructors;
- encouraging the development of distance education.

3. In order to contribute to the achievement of the objectives referred

to in this Article, the Council:

- acting in accordance with the procedure referred to in *Article 177*, after consulting the Economic and Social Committee and the Committee of the Regions, shall adopt incentive measures, excluding any harmonisation of the laws and regulations of the Member States;
- acting by qualified majority on a proposal from the Commission, shall adopt recommendations.

Article 279

EC 127 (1,2,4)

1. The *Union* shall implement a vocational training policy which shall support and supplement the action of the Member States, while fully respecting the responsibility of the Member States for the content and organisation of vocational training.

2. *Union* action shall aim to:

- facilitate adaptation to industrial changes, in particular through vocational training and retraining;
 - improve initial and continuing vocational training in order to facilitate vocational integration and reintegration into the labour market;
- facilitate access to vocational training and encourage mobility of instructors and trainees and particularly young people;
- stimulate co-operation on training between educational or training establishments and firms,
- develop exchanges of information and experience on issues common to the training systems of the Member States.

3 The Council, acting in accordance with the procedure referred to in *Article 178* and after consulting the Economic and Social Committee, shall adopt measures to contribute to the achievement of the objectives referred to in this Article, excluding any harmonisation of the laws and regulations of the Member States

Chapter 16

Culture

Article 280

EC 128 (1,2,4,5)

1 The *Union* shall contribute to the flowering of the cultures of the Member States, while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore.

2. Action by the *Union* shall be aimed at encouraging co-operation between Member States and, if necessary, supporting and supplementing their action in the following areas.

- improvement of the knowledge and dissemination of the culture and history of the European peoples,
- conservation and safeguarding of cultural heritage of European significance,
- non-commercial cultural exchanges,
- artistic and literary creation, including in the audiovisual sector

3. The *Union* shall take cultural aspects into account in its action under other provisions of this Treaty

4 In order to contribute to the achievement of the objectives referred to in this Article, the Council:

- acting in accordance with the procedure referred to in *Article 177* and after consulting the Committee of the Regions, shall adopt incentive measures, excluding any harmonisation of the laws and regulations of the Member States. The Council shall act unanimously throughout the procedures referred to in *Article 177*;
- acting unanimously on a proposal from the Commission, shall adopt recommendations

Chapter 17

Public Health

Article 281

EC 129 (1,2,4)

1. The *Union* shall contribute towards ensuring a high level of human health protection by encouraging co-operation between the Member States and, if necessary, lending support to their action

Union action shall be directed towards the prevention of diseases, in particular the major health scourges, including drug dependence, by promoting research into their causes and their transmission, as well as health information and education.

Health protection requirements shall form a constituent part of the *Union's* other policies.

2 Member States shall, in liaison with the Commission, co-ordinate among themselves their policies and programmes in the areas referred to in paragraph 1. The Commission may, in close contact with the Member States, take any useful initiative to promote such co-ordination.

3 In order to contribute to the achievement of the objectives referred to in this Article, the Council:

- acting in accordance with the procedure referred to in *Article 177*, after consulting the Economic and Social Committee and the Committee of the Regions, shall adopt incentive measures, excluding any harmonisation of the laws and regulations of the Member States;
- acting by a qualified majority on a proposal from the Commission, shall adopt recommendations.

Chapter 18

Consumer Protection

Article 282

EC 129 (a)

- 1 The *Union* shall contribute to the attainment of a high level of consumer protection through.
 - (a) measures adopted pursuant to *Article 262* in the context of the completion of the internal market,
 - (b) specific action which supports and supplements the policy pursued by the Member States to protect the health, safety and economic interests of consumers and to provide adequate information to consumers
2. The Council, acting in accordance with the procedure referred to in *Article 177* and after consulting the Economic and Social Committee, shall adopt the specific action referred to in paragraph 1(b).
3. Action adopted pursuant to paragraph 2 shall not prevent any Member State from maintaining or introducing more stringent protective measures. Such measures must be compatible with this Treaty. The Commission shall be notified of them

Chapter 19

Trans-European Networks

Article 283

EC 129 (b)

1. To help achieve the objectives referred to in *Articles 6, 205 and 285 (1)* and to enable citizens of the *Union*, economic operators and regional and local communities to derive full benefit from the setting up of an area without internal frontiers, the *Union* shall contribute to the establishment and development of Trans-European networks in the areas of transport, telecommunications and energy infrastructures.
2. Within the framework of a system of open and competitive markets, action by the *Union* shall aim at promoting the interconnection and inter-operability of national networks as well as access to such networks. It shall take account in particular of the need to link island, landlocked and peripheral regions with the central regions of the *Union*.

Chapter 20

Industry, economic and social cohesion

Article 284

EC 130

1 The *Union* and the Member States shall ensure that the conditions necessary for the competitiveness of the *Union's* industry exist.

For that purpose, in accordance with a system of open and competitive markets, their action shall be aimed at

- speeding up the adjustment of industry to structural changes;
- encouraging an environment favourable to initiative and to the development of undertakings throughout the *Union*, particularly small and medium-sized undertakings;
- encouraging an environment favourable to co-operation between undertakings,
- fostering better exploitation of the industrial potential of policies of innovation, research and technological development.

2. The Member States shall consult each other in liaison with the Commission and, where necessary, shall co-ordinate their action. The Commission may take any useful initiative to promote such co-ordination.

3. The *Union* shall contribute to the achievement of the objectives set out in paragraph 1 through the policies and activities it pursues under other provisions of this Treaty. The Council, acting unanimously on a proposal from the Commission, after consulting the European Parliament and the Economic and Social Committee, may decide on specific measures in support of action taken in the Member States to achieve the objectives set out in paragraph 1.

This Title shall not provide a basis for the introduction by the *Union* of any measure which could lead to a distortion of competition.

Article 285

EC 130a

2. In order to promote its overall harmonious development, the *Union* shall develop and pursue its actions leading to the strengthening of its economic and social cohesion

In particular, the *Union* shall aim at reducing disparities between the levels of development of the various regions and the backwardness of the least-favoured regions, including rural areas.

EC 130b (1,3)

2. Member States shall conduct their economic policies and shall co-ordinate them in such a way as, in addition, to attain the objectives set out in *paragraph 1*. The formulation and implementation of the *Union's* policies and actions and the implementation of the internal market shall take into account the objectives set out in *paragraph 1* and shall contribute to their achievement. The *Union* shall also support the achievement of these objectives by the action it takes through the Structural Funds (European Agricultural Guidance and Guarantee Fund, Guidance Section; European Social Fund; European Regional Development Fund), the European Investment Bank and the other existing financial instruments.

3. If specific actions prove necessary outside the Funds and without prejudice to the measures decided upon within the framework of the other *Union* policies, such actions may be adopted by the Council acting unanimously on a proposal from the Commission and after consulting the European Parliament, the Economic and Social Committee and the Committee of the Regions

Chapter 21

Research and technological development

Article 286

EC 130 (f)

1 The *Union* shall have the objective of strengthening the scientific and technological basis of European industry and encouraging it to become more competitive at international level, while promoting all the research activities deemed necessary by virtue of other Chapters of this Treaty

2. For this purpose the *Union* shall, throughout the *Union* encourage undertakings, including small and medium-sized undertakings, research centres and universities in their research and technological development activities of high quality; it shall support their efforts to co-operate with one another, aiming notably at enabling undertakings to exploit the internal market potential to the full, in particular through the opening up of national public contracts, the definition of common standards and the removal of legal and fiscal obstacles to that co-operation.

3 All *Union* activities under this Treaty in the area of research and technological development, including demonstration projects, shall be decided on and implemented in accordance with the provisions of *this chapter and of the Protocol « internal market. »*.

Article 287

EC 130 (g)

In pursuing these objectives the *Union* shall carry out the following activities, complementing the activities carried out in the Member States:

- (a) implementation of research, technological development and demonstration programmes by promoting co-operation with undertakings, research centres and universities;
- (b) promotion of co-operation in the field of *Union* research, technological development and demonstration with third countries and international organisations;
- (c) dissemination and optimisation of the results of activities in *Union* research, technological development and demonstration,
- (d) stimulation of the training and mobility of researchers in the *Union*

Chapter 22

Environment

Article 288

EC 130 (r. 1-3)

1 *Union* policy on the environment shall contribute to the pursuit of the following objectives:

- preserving, protecting and improving the quality of the environment;
- protecting human health;
- prudent and rational utilisation of natural resources;
- promoting measures at international level to deal with regional or world-wide environmental problems

2. *Union* policy on the environment shall aim at a high level of protection taking into account the diversity of situations in the various regions of the *Union*. It shall be based on the precautionary principle and on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay. Environmental protection requirements must be integrated into the *Union's* other policies.

In this context, harmonisation measures answering these requirements shall include, where appropriate, a safeguard clause allowing Member States to take provisional measures; for non-economic environmental reasons, subject to a *Union* inspection procedure.

3. In preparing its action relating to the environment, the *Union* shall take account of

- available scientific and technical data;
- environmental conditions in the various regions of the *Union*,
- the potential benefits and costs of action or of lack of action,
- the economic and social development of the *Union* as a whole and the balanced development of its regions.

Article 289

EAEC 30

Basic standards shall be laid down within the *Union* for the protection of the health of workers and the general public against the dangers arising from ionising radiations.

The expression " basic standards " means :

- (a) maximum permissible doses compatible with adequate safety;
- (b) maximum permissible levels of exposure and contamination;
- (c) the fundamental principles governing the health surveillance of workers.

Article 290*EAEC 31*

1 The basic standards foreseen in Article 289 of this Treaty shall be worked out by the Commission after it has obtained the opinion of a group of persons appointed by the scientific and technical committee from among scientific experts, and in particular public health experts, in the Member States. The Commission shall obtain the opinion of the economic and social committee on these basic standards.

After consulting the European Parliament the Council shall, on a proposal from the Commission, which shall forward to it the opinions obtained from these committees, establish the basic standards. The Council shall act by a qualified majority.

EAEC 32

2 At the request of the Commission or of a member state, the basic standards may be revised or supplemented in accordance with the procedure laid down in *paragraph 1*.

The Commission shall examine any request made by a member state.

Article 291*EAEC 33*

Each member state shall lay down the appropriate provisions, whether by legislation, regulation or administrative action, to ensure compliance with the basic standards which have been established in accordance with Article 290 and shall take the necessary measures with regard to teaching, education and vocational training.

The Commission shall make appropriate recommendations for harmonising the provisions applicable in this field in the Member States.

To this end, the Member States shall communicate to the Commission the provisions applicable at the date of entry into force of this Treaty and any subsequent draft provisions of the same kind.

Any recommendations the Commission may wish to issue with regard to such draft provisions shall be made within three months of the date on which such draft provisions are communicated.

Article 292*EAEC 34*

Any member state in whose territories particularly dangerous experiments *in the field of nuclear energy* are to take place shall take additional health and safety measures, on which it shall first obtain the opinion of the Commission.

The assent of the Commission shall be required where the effects of such experiments are liable to affect the territories of other Member States.

Article 293*EAEC 35*

1 Each member state shall establish the facilities necessary to carry out continuous monitoring of the level of radioactivity in the air, water and soil and to ensure compliance with the basic standards.

The Commission shall have the right of access to such facilities; it may verify their operation and efficiency.

EAEC 36

2 The appropriate authorities shall periodically communicate information on the checks referred to in paragraph 1 to the Commission so that it is kept informed of the level of radioactivity to which the public is exposed.

Article 294*EAEC 37*

Each member state shall provide the Commission with such general data relating to any plan for the disposal of radioactive waste in whatever form as will make it possible to determine whether the implementation of such plan is liable to result in the radioactive contamination of the water, soil or airspace of another member state

The Commission shall deliver its opinion within six months, after consulting the group of experts referred to in Article 290.

Article 295*EAEC 38*

The Commission shall make recommendations to the Member States with regard to the level of radioactivity in the air, water and soil.

In cases of urgency, the Commission shall issue a directive requiring the member state concerned to take, within a period laid down by the Commission, all necessary measures to prevent infringement of the basic standards and to ensure compliance with regulations.

Should the state in question fail to comply with the Commission Directive within the period laid down, the Commission or any member state concerned may forthwith, by way of derogation from *Articles 122 and 123*, bring the matter before the Court of justice.

Chapter 23**Co-operation in the Field of Justice and Home Affairs****Article 296***EUK*

The co-operation in the fields of justice and home affairs shall be governed by the following provisions.

Article 297*EC 220*

Member States shall, so far as is necessary, enter into negotiations with each other with a view to securing for the benefit of their nationals:

- the protection of persons and the enjoyment and protection of rights under the same conditions as those accorded by each State to its own nationals;
- the abolition of double taxation within the *Union*;
- the mutual recognition of companies or firms within the meaning of the second paragraph of *Article 232 (2)*, the retention of legal personality in the event of transfer of their seat from one country to another, and the possibility of mergers between companies or firms governed by the laws of different countries;
- the simplification of formalities governing the reciprocal recognition and enforcement of judgements of courts or tribunals and of arbitration awards.

Article 298*EU K.1*

For the purposes of achieving the objectives of the Union, in particular the free movement of persons, and without prejudice to the powers of the European Union, Member States shall regard the following areas as matters of common interest:

1. asylum policy,
2. rules governing the crossing by persons of the external borders of the Member States and the exercise of controls thereon;
3. immigration policy and policy regarding nationals of third countries:
 - (a) conditions of entry and movement by nationals of third countries on the territory of Member States;
 - (b) conditions of residence by nationals of third countries on the territory of Member States, including family reunion and access to employment.
 - (c) combating unauthorised immigration, residence and work by nationals of third countries on the territory of Member States,
4. combating drug addiction in so far as this is not covered by 7 to 9;
5. combating fraud on an international scale in so far as this is not covered by 7 to 9;
6. judicial co-operation in civil matters;
7. judicial co-operation in criminal matters,
8. customs co-operation,
9. police co-operation for the purposes of preventing and combating terrorism, unlawful drug trafficking and other serious forms of international crime, including if necessary certain aspects of customs co-operation, in connection with the organisation of a unionwide system for exchanging information within a European police office (Europol).

Article 299*EU K.2*

1. The matters referred to in *Article 298* shall be dealt with in compliance with the European convention for the protection of human rights and fundamental freedoms of 4 November 1950 and the convention relating to the status of refugees of 28 July 1951 and having regard to the protection afforded by Member States to persons persecuted on political grounds.
2. This shall not affect the exercise of the responsibilities incumbent upon Member States with regard to the maintenance of law and order and the safeguarding of internal security.

Article 300*EU K.3*

1 In the areas referred to in *Article 298*, Member States shall inform and consult one another within the Council with a view to co-ordinating their action. To that end, they shall establish collaboration between the relevant departments of their administrations.

2. The Council may

- on the initiative of any member state or of the Commission, in the areas referred to in *Article 298* (1) to (6),

- on the initiative of any member state, in the areas referred to in *Article 298* (7) to (9):

(a) adopt joint positions and promote, using the appropriate form and procedures, any co-operation contributing to the pursuit of the objectives of the *Union*,

(b) adopt joint action in so far as the objectives of the *Union* can be attained better by joint action than by the Member States acting individually on account of the scale or effects of the action envisaged; it may decide that measures implementing joint action are to be adopted by a qualified majority,

(c) *without prejudice to Article 297 of this Treaty*, draw up conventions which it shall recommend to the Member States for adoption in accordance with their respective constitutional requirements.

Unless otherwise provided by such conventions, measures implementing them shall be adopted within the Council by a majority of two thirds of the high contracting parties.

Such conventions may stipulate that the Court of justice shall have jurisdiction to interpret their provisions and to rule on any disputes regarding their application, in accordance with such arrangements as they may lay down.

Article 301*EU K 4 (3(1))*

The Council shall act unanimously, except on matters of procedure and in cases where *Article 300* expressly provides for other voting rules.

Article 302*EU K.9*

The Council, acting unanimously on the initiative of the Commission or a member state, may decide to apply *Article 62* of the Treaty establishing the European *Union* to action in areas referred to in *Article 298* (1) to (6), and at the same time determine the relevant voting conditions relating to it. It shall recommend the Member States to adopt that decision in accordance with their respective constitutional requirements.

Title VII

General and Final Provisions

Article 303

EUJ.11 (1), K.8 (1)

Only the provisions referred to in Articles 1 to 4, 10, 11, 24, 25 (3,4), 33 to 35, 45 to 50, 69, 72 (1), 73, 75 to 77, 79, 80, 84, 86 (1,3), 88, 89, 90, 94, 95 to 98, 101 to 107, 109, 183, 213, 296 to 304, 306, 307 of this Treaty shall apply to the provisions relating to the areas referred to in the field of common foreign and security policy and justice and home affairs.

Article 304

EUL

The provisions of this Treaty concerning the powers of the Court of justice of the European Union and the exercise of those powers shall not apply to the regulations in the field of foreign and security policy and in the field of justice and home affairs, except Article 300, paragraph 2 c), subparagraph 3.

Article 305

EC 227 (ECSC 79, EAEC 198)

1. This Treaty shall apply to the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

2. With regard to the French overseas departments, the general and particular provisions of this Treaty relating to:

- the free movement of goods,
- agriculture, save for *Article 240 (3)*;
- the liberalisation of services,
- the rules on competition;
- the protective measures provided for in *Articles 25 and 26 of the Protocol « internal market; »*
- the institutions;

shall apply as soon as this Treaty enters into force.

The conditions under which the other provisions of this Treaty are to apply shall be determined (..) by decisions of the Council, acting unanimously on a proposal from the Commission.

The institutions of the *Union* will, within the framework of the procedures provided for in this Treaty (..) take care that the economic and social development of these areas is made possible.

3. The special arrangements for association set out in the *Protocol on the « internal market »* and the policies of the *Union* annexed to this Treaty shall apply to the overseas countries and territories listed in Annex IV to this Treaty.

This Treaty shall not apply to those overseas countries and territories having special relations with the United Kingdom of Great Britain and Northern Ireland which are not included in the aforementioned list.

4. The provisions of this Treaty shall apply to the European territories for whose external relations a Member State is responsible.

5. Notwithstanding the preceding paragraphs:

(a) This Treaty shall not apply to the Faroe Islands.

(b) This Treaty shall not apply to the Sovereign Base Areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus.

(c) This Treaty shall apply to the Channel Islands and the Isle of Man only to the extent necessary to ensure the implementation of the arrangements for those islands set out in the Treaty concerning the accession of new Member States to the European *Union* and to the European Atomic Energy *Union* signed on 22 January 1972.

(d) This Treaty shall not apply to the Åland Islands. The Government of Finland may, however, give notice, by a declaration deposited when ratifying this Treaty with the Government of the Italian Republic, that the Treaty shall apply to the Åland Islands in accordance with the provisions set out in Protocol No.2 to the Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded. The Government of the Italian Republic shall transmit a certified copy of any such declaration to the Member States.

EC 136a

(e) This Treaty shall not apply to Greenland subject to the special provisions for Greenland set out in the Protocol on special arrangements regarding Greenland, annexed to this Treaty.

Article 306*EUO*

Any European State may apply to become a member of the *Union*. It shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the assent of the European Parliament, which shall act by an absolute majority of its component members.

The conditions of admission and the adjustments to the Treaties on which the *Union* is founded which such admission entails shall be subject of an agreement between the Member States and the applicant State. This agreement shall be submitted for ratification by all the contracting States in accordance with their respective constitutional requirements.

Article 307*EUN*

1 The government of any member state or the Commission may submit to the Council proposals for the amendment of the treaties on which the *Union* is founded.

If the Council, after consulting the European Parliament and, where appropriate, the Commission, delivers an opinion in favour of calling a conference of representatives of the governments of the Member States, the conference shall be convened by the president of the Council for the purpose of determining by common accord the amendments to be made to those treaties. The European central bank shall also be consulted in the case of institutional changes in the monetary area. The amendments shall enter into force after being ratified by all the Member States in accordance with their respective constitutional requirements.

2. A conference of representatives of the governments of the Member States shall be convened in 1996 to examine those provisions of this Treaty for which revision is provided, in accordance with the objectives set out in *Articles 1 to 3*.

EUJ 10

3. On the occasion of any review of the security provisions under *Article 48*, the conference which is convened to that effect shall also examine whether any other amendments need to be made to provisions relating to the common foreign and security policy.

ECSC 95 (3-5)

4 If, in the field of coal and steel, unforeseen difficulties revealed by experience in the methods of executing this Treaty, or a profound change in the economic or technical conditions directly affecting the *internal market* for coal and steel should require an amendment of the rules for the exercise by the Commission of the powers conferred upon it, appropriate amendments may be made provided that they do not modify the provisions of *Articles 5, 6 and 224*, or the relationship between the powers of the Commission and those of the other institutions of the *Union*.

These amendments shall be proposed jointly by the Commission and the Council acting by a five-sixths majority. They shall then be submitted to the opinion of the court. In its examination, the court shall be fully competent to review any matters of law and fact. If the court should find that the amendments conform to the provisions of the preceding paragraph, they shall be forwarded to the European Parliament. They will come into force if they are approved by the European Parliament acting by a majority of three-quarters of the votes cast representing a two-thirds majority of the total membership.

Article 308*EAEC 196*

1. *In the field of nuclear energy, save as otherwise provided therein*

(a) " person " means any natural person who pursues all or any of his activities in the territories of Member States within the field specified in the relevant chapter of this Treaty,

(b) " undertaking " means any undertaking or institution which pursues all or any of its activities in the territories of Member States within the field specified in the relevant chapter of this Treaty, whatever its public or private legal status.

ECSC 80

2. The term enterprise, as used in this Treaty, refers to any enterprise engaged in *production in the field of coal and steel* within the territories mentioned in the first paragraph of *Article 305*, and in addition, with regard to *Articles 248 and 251* as well as information required for their application and appeals based upon them, to any enterprise or organisation regularly engaged in distribution other than sale to domestic consumers or to craft industries

Article 309*new*

The Union takes over the rights and obligations, resulting from contracts concluded by or on behalf of one of the three European Communities whether that contract be governed by public or private law.

Article 310*new*

The Union takes over the rights and obligations, resulting from contractual obligations concluded by the European Community, the European Coal and Steel Community and the European Atomic Energy Community with other countries and international organisations.

Article 311*EC 239 (EAEC 207, ECSC 84)*

The Protocols annexed to this Treaty by common accord of the Member States shall form an integral part thereof.

Article 312*new*

1. *Save paragraph 2, the following texts are repealed,*

- *The Treaty on European Union of 7 February 1992,*
- *the Treaty establishing the European Community of 25 March 1957,*
- *the Treaty establishing the European Atomic Energy Community of 25 March 1957,*
- *the Treaty establishing the European Coal and Steel Community of 18 April 1951,*
- *the Convention on certain institutions common to the European Communities of 25 March 1957,*
- *the Treaty establishing a Single Council and a Single Commission of the European Communities of 8 April 1965,*
- *the Single European Act of 17 February 1986,*
- *the Protocol on the statutes of the European Court of justice (ECSC) of 18 August 1951,*
- *the Protocol on the statutes of the European Court of justice (EAEC) of 17 April 1957,*
- *the Articles 1,2,3,4 (1) and 10 of the Act concerning the election of the representatives of the European Parliament by direct universal suffrage of 20 September 1976.*

2. *With the exception of the provisions explicitly repealed, the Protocols and other acts annexed to the texts listed in paragraph 1 as well as resolutions and declarations referring to those texts are annexed to this Treaty. Their respective legal quality remains unchanged.*

Article 313*new*

1. *Legal acts adopted on the basis of provisions which have been repealed pursuant to Article 312 are neither amended nor repealed by the present consolidated Treaty. Any reference in those texts to a provision repealed by this Treaty shall be read in accordance with the comparative list annexed to this Treaty.*

2. *The Case Law referring to the provisions repealed in accordance with Article 312 shall apply to the present Treaty in accordance with the comparative list annexed to this Treaty.*

Article 314*EC 240 (EU Q)*

This Treaty is concluded for an unlimited period.

Article 315

EUR (ECSC 99, EC 247, Merger Treaty 38)

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

2 This Treaty shall enter into force, provided that all the instruments of ratification have been deposited, or, failing that, on the first day of the month following the deposit of the instrument of ratification by the last signatory state to take this step

Article 316

EUS (EC 248, Merger Treaty 39, ECSC 100)

This Treaty, drawn up in a single original in the Danish, Dutch, English, Finnish, French, German, Greek, Irish, Italian, Portuguese, 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 transmit a certified copy to each of the governments of the other signatory states.

6. DRAFT PROTOCOLS TO BE ANNEXED TO THE CONSOLIDATED TREATY

6.1 Protocol "Internal Market and policies of the Union"

New article	Article EC-Treaty	Subject matter
1	49	Free movement of persons and services
2	50	"
3	54	"
4	57	"
5	60	"
6	63	"
7	73 c	Movement of Capital
8	73 d	"
9	43 ch. 3, 4	Agriculture
10	46	"
11	76	Transports
12	78	"
13	79	"
14	80	"
15	81	"
16	82	"
17	88	Competition
18	96	Taxes
19	97	"
20	98	"
21	103 ch. 2-5	Economic policy
22	104 c, ch. 2-14	"
23	109 f	Monetary Union, transitional provisions
24	109 g	"
25	109 h	"
26	109 i	"
27	109 j	"
28	109 k	"
29	109 l	"
30	109 m	"
31	112	Commercial policy
32	120	Social policy
33	121	"
34	123	"
35	124	"
36	125	"
37	129 c	Trans-European networks
38	129 d	"

39	130 b, ch. 2, 3	Regional policy
40	130 c	"
41	130 d	"
42	130 e	"
43	130 h	Research and technology
44	130 i	"
45	130 j	"
46	130 k	"
47	130 l	"
48	130 m	"
49	130 n	"
50	130 o	"
51	130 p	"
52	130 s	Environment
53	130 t	"
54	131	Special Associations
55	132	"
56	133	"
57	134	"
58	135	"
59	136	"

6.2 Protocol "Coal and steel"

NEW ARTICLE	ECSC TREATY ARTICLE	SUBJECT MATTER
1 "The provisions of the consolidated treaty concerning the fields covered by the present protocol, apply to the present protocol".	--	--
2	46 ch. 3, 4	Informations of the Commission
3	53	Financial institutions
4	54	Investments
5	55	Research
6	56	"
7	57	Production
8	58	"
9	59	"
10	60, ch. 2	Prices
11	61	"
12	62	"
13	63	"
14	64	"
15	65, ch. 2 à 5	Competition
16	66, ch. 2 à 6	"
17	67	"
18	68	Wages
19	70	Tariffs
20	81	Definitions
21	82	Fines
22	91	"

6.3 Protocol "Nuclear Energy"

New article	Article EAEC Treaty	Subject matter
1 "The provisions of the consolidated treaty concerning the fields covered by the present protocol, apply to the present protocol".	--	--
2	4	Research
3	5	"
4	6	"
5	7	"
6	8	"
7	9	"
8	10	"
9	11	"
10	12	Dissemination of information
11	13	"
12	14	"
13	15	"
14	16	"
15	17	"
16	18	"
17	19	"
18	20	"
19	21	"
20	22	"
21	23	"
22	24	Security
23	39	Health and safety
24	40	Investments
25	41	"
26	42	"
27	43	"
28	44	"
29	45	Joint undertakings
30	46	"
31	47	"
32	48	"
33	49	"
34	50	"
35	51	"
36-61	52-76	Chapter VI - supplies

62	77	Safeguards
63	78	Safeguards
64	79	"
65	80	"
66	81	"
67	82	"
68	84	"
69-75	85-90	"
76	91	Chapitre VIII - Property
77	92	Nuclear common market

III. PART

7. **SYNOPTIC TABLES** between the provisions of the EC, ECSC, Euratom Treaty, the Treaty on the European Union and various other treaties and consolidated treaty.
8. **INVENTORY** of the treaties establishing the foundations of the European Union and relating texts.

7. SYNOPTIC TABLES

7.1 TREATY ON THE EUROPEAN UNION/CONSOLIDATED TREATY

TREATY ON THE EUROPEAN UNION			CONSOLIDATED TREATY	Deleted
Article	Paragraphe	n°alinéa	Article	
A		1,3	1	
A		2	2	
B			3	
C			10	
D	1		11	
D	2,3		86. 1, 3	
E			69	
F	1, 3		4	
F	2		24	
G				X
H				X
I				X
J			45	
J.1			46	
J.1	4		25.3	
J.2			47	
J.3		4	25.4	
J.3		1-7	183	
J.4			48	
J.5	1-3		90	
J.5	4		33	
J.6			49	
J.7			80	
J.8	1		86.3	
J.8	2-4		50	
J.8	5		95	
J.9			109	
J.10			307	
J.11	1		303	
J.11	2		190	
K			296	
K.1			298	
K.2			299	
K.3			300	
K.4	1		96	
K.4	2		109	

K.4	3		301	
K.5			34	
K.6		1	80	
K.7			35	
K.8	1		303	
K.8	2		190	
K.9			302	
L			304	
M				X
N			307	
O			306	
P				X
Q			314	
R			315	
S			316	

7. SYNOPTIC TABLES

7.2 EC-TREATY/CONSOLIDATED TREATY

EC-TREATY		CONSOLIDATED TREATY	PROTOCOL INTERNAL MARKET	Deleted
Article	Paragraphe	Article	Article	
1		1		
2		5		
3		6		
3 A		7		
3 B		8		
4		69		
4 A		70		
4 B		71		
5		25		
6		21		
7		214		
7 A		214		
7 B				X
7 C		215		
8		15		
8 A		16		
8 B		17		
8 C		18		
8 D		19		
8 E		20		
9		216		
10		216		
10	2	217		
11				X
12		218		
13				X
14				X
15				X
16				X
17				X
18				X
19				X
20				X
21				X
22				X

23					X
24					X
25					X
26					X
27					X
28			219		
29			220		
30			221		
31					X
32					X
33					X
34	1		221		X (2)
35					X
36			223		
37	1, 2		222		X (3-6)
38			238		
39			239		
40	1				X
40	2-4		240		
41			241		
42			242		
43	1, 2		243		X (3, 4)
44					X
45					X
46				X (1)	
47			157		
48			226		
49				X (1)	
50				X (1)	
51			227		
52			228		
53			229		
54				X (1)	
55			230		
56			231		
57				X (1)	
58			232		
59			233		
60				X (1)	
61			234		
62			235		
63					X
64					X
65					X
66					
73 A					X

73 B		236		
73 C			X (1)	
73 D			X (1)	
73 E				X
73 F		237		
73 G		61		
73 H				X
74		244		
75		245		
76			X (1)	
77		255 ch.2 l. c		
78			X (1)	
79			X (1)	
80			X (1)	
81			X (1)	
82			X (1)	
83		115		
84		246		
85		247		
86		249		
87		252		
88			X (1)	
89		253		
90		254		
91				X
92		255		
93		256		
94		257		
95		258		
96		259	X (1)	
97			X (1)	
98		260	X (1)	
99		261 ch. 2		
100		261 ch. 1		
100 A		262		
100 B				X
100 C		62		
100 D		96		
101		263		
102		264		
102 A		265		
103		266	X (103.2-5)	
103 A		267		
104		268		
104 A		269		
104 B		42		

104 C	1		40		
104 C	2-14		270	X	
105			166		
105 A			167		
106			162		
107			163		
108			26		
108 A			173		
108 A	3		185		
109	ch. 1 à 4		182		
109	ch. 5		31		
109 A			164		
109 B			165		
109 C			168		
109 D			108		
109 E			271		
109 F				X (1)	
109 G				X (1)	
109 H				X (1)	
109 I				X (1)	
109 J				X (1)	
109 K				X (1)	
109 L				X (1)	
109 M				X (1)	
110	al. 1		272 ch.2		
110	al. 2		216 ch.2		
112				X	
113			272		
115			32		
117			274		
118			275		
118 A			276		
118 B			277		
119			22		
120				X	
121				X	
122			112 ch.2		
123				X	
124				X	
125				X	
126			278		
126	ch.3		56		
127			279		
127	ch. 3		56		
128			280		
128	ch. 3		56		

129			281		
129	ch. 3		56		
129 A			282		
129 B			283		
129 C	ch. 1, 2			X	
129 C	ch. 3		57		
129 D				X	
130			284		
130 A			285		
130 B			112 ch. 3/285	X	
130 C				X	
130 D				X	
130 E				X	
130 F			286		
130 G			287		
130 H				X	
130 I				X	
130 J				X	
130 K				X	
130 L				X	
130 M			57	X	
130 N				X	
130 O				X	
130 P				X	
130 R	ch. 4		56		
130 R			288		
130 S				X	
130 T				X	
130 U			52		
130 V			53		
130 W			54		
130 X			55		
130 Y			56		
131				X	
132				X	
133				X	
134				X	
135				X	
136				X	
136 A				X	
137			72		
138			73		
138 A			12		
138 B			78		
138 C			82		
138 D			19 ch. 1		

138 E			85		
139			75		
140			76/79		
141			77		
142			76/84		
143			81		
144			83		
145			87		
146			88		
147			89		
148			91		
150			93		
151			94		
152			97		
153			98		
154			99		
155			100		
156			112		
157			101		
158	1, 2		102		
158	ch. 3				X
159			103		
160			104		
161			105		
162	ch. 1		107		
162	ch. 2		106 ch. 3		
163			106		
164			117		
165			118		
166			119		
167			120		
168				Statut de la Cour	
168 A			121		
169			122		
170			123		
171			124		
172			125		
173			126		
174			127		
175			130		
176			131		
177			136		
178			138		
179			139		
180			140		
181			141		

182			142		
183			144		
184			145		
185			146		
186			147		
187			148		
188			149		
188 A			150		
188 B			151		
188 C			152		
189			171		
189 A			176		
189 B			177		
189 C			178		
190			174		
191			175		
192			184		
193			153		
194			154		
195			155		
196			156		
197			157		
198			158		
198 A			159		
198 B			160		
198 C			161		
198 D			169		
198 E			170		
199			190/191		
201			192		
201 A			199		
202			200		
203			179		
204			201		
205			202		
205 bis			203		
206			204		
207	ch. 1 & 5		205		
207	ch. 2, 3 & 4				X
208			206		
209			208		
209 A			27		
210			13		
211			41		
213			111		
214			210		

215	al. 1 & 2		189 ch. 1		
215	al. 3 & 4		189 ch. 3 & 4		
216			212		
217			213		
219			14		
220			297		
221			232 (2)		
222			39		
223			30		
224			28		
225			29		
226					X
227			305		
228			180		
228 A			60		
229			63		
230			64		
231			65		
232					X
233			35 ch. 2		
234			66		
235			9 ch. 1		
238			51		
239			311		
240			314		
241					X
242					X
243					X
244					X
245					X
246					X
247			315		
248			316		

7. SYNOPTIC TABLES

7.3 ESCS-TREATY/CONSOLIDATED TREATY

ESCS-TREATY			CONSOLIDATED TREATY	PROTOCOL COOL AND STEEL	DELETED
Article			Article	Article	
1			1		
2			5		
3			6		
4			224		
5			110		
6			41		
7			69		
8			100		
9			101		
10			102		
11			105		
12			103		
12 A			104		
13			106		
14			100/172		
15			174/175		
16			107/111		
17			112		
18			113		
19			114		
20			72		
20 A			78		
20 B			82		
20 C			19		
20 D			85		
21			73		
22			75		
23			76/79		
24			81/83		
25			76/84		
26			97		
27			88		
27 A			89		
28			92/93/94		
29			99		
30			94		

31			117		
32			118		
32 A			119		
32 B			120		
32 C				X	
32 D			121		
33			129		
34			132		
35			133		
36			134		
37			135		
38			128		
39			147		
40			138		
41			137		
42			141		
43			142		
44			148		
45			149		
45 A			150		
45 B			151		
45 C			152		
46	1, 2		111	(3, 4)	
47			111		
48			23/111		
49			195		
50			196		
51			197		
52					X
53			198		
54				X	
55				X	
56				X	
57				X	
58				X	
59				X	
60	ch. 1		250		
60	ch. 1 & 2			X	
61				X	
62				X	
63				X	
64				X	
65	ch. 1 & 2		248		
65	ch. 3 à 5			X	
66			251		
67				X	

68				X	
69					X
70				X	
71			273		
72			219.2		
73			219.3		
74			273.2		
75			37		
77			212		
78			179		
78 A			200		
78 B			201		
78 C			202		
78 D			203		
78 G			204		
78 H			208		
78 I			27		
79			305		
80			308		
81				X	
82				X	
83			39		
84			311		
85					X
86	ch.1 & 2		25 ch.1		
86	ch. 3		38		
86	ch. 4		111 ch. 1		
87			14		
88			122		
89			142		
90			186		
91			187		
92			184		
93			63		
94			64		
95	al. 1, 2	al. 3 à 5	9 /307		
97					X
99			315		
100			316		

7. SYNOPTIC TABLES

7.4 EURATOM-TREATY/CONSOLIDATED TREATY

EURATOM-TREATY		CONSOLIDATED TREATY	PROTOCOL NUCLEAR ENERGY	DELETED
Article		Article	Article	
1		1		
2		5,6		
3		69		
4			X	
5			X	
6			X	
7			X	
8			X	
9			X	
10			X	
11			X	
12			X	
13			X	
14			X	
15			X	
16			X	
17			X	
18			X	
19			X	
20			X	
21			X	
22			X	
23			X	
24		43		
25			X	
26		38.2		
27		44		
28		189		
29		59		
30		289		
31		290	X	
32		290.3	X	
33		291	X	
34		292		
35		293.1		

36			293.2		
37			294		
38			295		
39				X	
40				X	
41				X	
42				X	
43				X	
44				X	
45				X	
46				X	
47				X	
48				X	
49				X	
50				X	
51				X	
52				X	
53				X	
54				X	
55				X	
56				X	
57				X	
58				X	
59				X	
60				X	
61				X	
62				X	
63				X	
64				X	
65				X	
66				X	
67				X	
68				X	
69				X	
70				X	
71				X	
72				X	
73				X	
74				X	
75				X	
76				X	
77				X	
78				X	
79				X	
80				X	
81				X	

82				X	
83			188		
84				X	
85				X	
86				X	
87				X	
88				X	
89				X	
90				X	
91				X	
92				X	
93	1		225		
94	1	a,b,c			X
95					X
96					X
97					X
98				X	
99					X
100					X
101			58/182		
102			181		
103			36		
104			68		
105			67.1		
106			67.2		
107			72		
107 A			78		
107 B			82		
107 C			19		
107 D			85		
108			73		
109			75		
110			76/79		
111			77		
112			76/84		
113			81		
114			83		
115			87		
116			88		
117			89		
118			91		
119			176		
120			93		
121			94		
122			98		
123			99		

124			100		
125			112		
126			101		
127	3		102		X
128			103		
129			104		
130			105		
131			107		
132			106		
134			116		
135			111		
136			117		
137			118		
138			119		
139			120		
140				X	
140 A			121		
141			122		
142			123		
143			124		
144			143		
145			188. 5, 6		
146			126		
147			127		
148			130		
149			131		
150			136		
151			138		
152			139		
153			141		
154			142		
155			144		
156			145		
157			146		
158			147		
159			148		
160			149		
160 A			150		
160 B			151		
160 C			152		
161			171		
162			174		
163			175		
164			184		
165			153		
166			154		

167			155		
168			156		
169			157		
170			158		
171	1, 2		190		
171	3			X	
172			194		
173			192		
173 A			199		
174					X
175			200		
176					X
177			179		
178			201		
179			202		
179 A			203		
180 B			204		
181			205		
182			206, 207		
183			208		
183 A			27		
184			13		
185			41		
188			189		
189			212		
190			213		
192			25		
193			14		
194			210		
195				X	
196			308		
197				X	
198			305		
199			63		
200			64		
201			65		
202			35.2		
203			9		
206			51/ 180		
207			311		
208			314		
209					X
210					X
211					X
212					X
213					X

214					X
215					X
216					X
217					X
218					X
219					X
220					X
221					X
222					X
223					X
224					X
225					X

7. SYNOPTIC TABLES

7. 5 MERGER TREATY/CONSOLIDATED TREATY

MERGER TREATY			CONSOLIDATED TREATY	DELETED
Article			Article	
1				X
2				X
3				X
4				X
5				X
6				X
7				X
8				X
9				X
10				X
11				X
12				X
13				X
14				X
15				X
16				X
17				X
18				X
19				X
20	2, 3		190 (3)/195 (2)	
21				X
22				X
23				X
24			211	
25				X
26				X
27				X
28	1		209	al. 2 X
29				X
30				X
31				X
32				X
33				X
34			99	
35				X
36				X
37				X
38				X

39				X
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7. SYNOPTIC TABLES

7.6 SINGLE EUROPEAN ACT/CONSOLIDATED TREATY

SINGLE EUROPEAN ACT	CONSOLIDATED TREATY
Article	Article
1	45 (2)

The other articles are deleted

7. SYNOPTIC TABLES

7.7 DIRECT ELECTIONS ACT/CONSOLIDATED TREATY

DIRECT ELECTIONS ACT			CONSOLIDATED TREATY	Deleted
Article	paragraphe	n°	Article	
1			73.1	
2			73.2	
3			74	
4			72	
5		maintained		
6		"		
7		"		
8		"		
9		"		
10			74	

8. INVENTORY OF THE TREATIES CONSTITUTING THE EUROPEAN UNION

8.1 The original treaties

- **ECSC:** Treaty establishing the European Coal and Steel Community, signed in Paris on 18 April 1951 (Articles 1-100).
- **EC Treaty:** Treaty establishing the European Community, signed in Rome on 25 March 1957 (Articles 1-248).
- **EAEC Treaty:** Treaty establishing the European Atomic Energy Community, signed in Rome on 25 March 1957 (Articles 1-225).
- **EU Treaty:** Treaty establishing the European Union, signed in Maastricht on 7 February 1992 (Articles A-S).

8.2. Treaties supplementing and/or amending the original treaties

- **Convention on certain institutions common to the European Communities** of 25 March 1957 (Articles 1-8).
- **Merger Treaty:** Treaty establishing a Single Council and a Single Commission of the European Communities of 8 April 1965 (Articles 1-39).
- **SEA:** Single European Act of 17 February 1986 (Articles 1-34).

Note: amendments result as well from:

- Treaty amending certain **financial provisions** of 22 April 1970 (incorporated into the original treaties).
- Treaty amending certain **budgetary provisions** of 22 July 1975 (incorporated into the original treaties).
- Treaty concerning **Greenland** (1984).
- **Treaties of accession** (1972, 1979, 1985, 1994).

8.3. Protocols and other annexes to the original treaties

8.3.1. *Protocols to the ECSC Treaty:*

- Statute of the Court of Justice (ECSC) Art. 1-56.
- Relations with the Council of Europe, Art. 1-6.

Other annexes to the ECSC Treaty:

- **Convention on the Transitional Provisions (Articles 1-31)**

8.3.2. *Protocols to the EC Treaty:*

- **Statute of the European Investment Bank**
- Internal trade
- France
- Italy
- Luxembourg
- Special treatment for imports
- Algeria
- Mineral oils
- The Netherlands
- **Statute of the Court of Justice (CE)**
- The Netherlands Antilles
- Greenland

Other annexes:

- Convention on the Association of the Overseas Countries and Territories
- Protocol on bananas
- Protocol on raw coffee

8.3.3 *Protocols to the EAEC Treaty:*

- The Netherlands
- **Statute of the Court of Justice (EAEC)**

Other annexes

- Fields of nuclear research
- Industrial activities referred to in Article 41
- Advantages for joint undertakings
- List of goods and products subject to the provisions of Chapter 9
- Initial research program

8.3.4 *Protocols to the Treaty on European Union*²⁰

- Property in Denmark
- Article 119 of the EC Treaty
- **Statute of the European Central Bank**
- Statute of the European Monetary Institute
- Excessive deficits
- Convergence criteria
- Amendment of the Protocol on privileges and immunities
- Denmark
- Portugal

²⁰ At the signature of the Union Treaty 17 protocols have been adopted. Protocols 1-16 have been annexed to the EC-Treaty. To obtain a greater transparency we list all protocols with the TEU.

- Third stage of economic and monetary union
- United Kingdom
- Denmark
- France
- Social policy
- Economic and social cohesion
- Economic and Social Committee of the Regions
- Constitution of Ireland

8.3.5 *Protocols supplementing or amending the original treaties:*

- Merger Treaty (1965)
 - **Protocol on the privileges and immunities of the European Communities**

8.4. Other constitutional acts

- Act concerning the election of the representatives of the European Parliament by direct universal suffrage of 20 September 1976.
- Council Decision of 31 October 1994 on the system of the European Communities' own resources (Articles 1-11).