

No. 30614

**ITALY, BELGIUM, DENMARK, FRANCE,
GERMANY, FEDERAL REPUBLIC OF, GREECE,
IRELAND, LUXEMBOURG, NETHERLANDS,
PORTUGAL, SPAIN and UNITED KINGDOM
OF GREAT BRITAIN
AND NORTHERN IRELAND**

**Single European Act (with final act). Signed at Luxembourg
on 17 February 1986 and at The Hague on 28 February
1986**

*Authentic texts: Danish, German, Greek, English, Spanish, French, Irish,
Italian, Dutch and Portuguese.*

Partial termination of the above-mentioned Act

Registered by Italy on 28 December 1993.

**ITALIE, ALLEMAGNE, RÉPUBLIQUE FÉDÉRALE D',
BELGIQUE, DANEMARK, ESPAGNE, FRANCE,
GRÈCE, IRLANDE, LUXEMBOURG, PAYS-BAS,
PORTUGAL ET ROYAUME-UNI
DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD**

**Acte unique européen (avec acte final). Signé à Luxembourg
le 17 février 1986 et à La Haye le 28 février 1986**

*Textes authentiques : danois, allemand, grec, anglais, espagnol, français,
irlandais, italien, néerlandais et portugais.*

Abrogation partielle de l'Acte susmentionné

Enregistré par l'Italie le 28 décembre 1993.

SINGLE EUROPEAN ACT¹

HIS MAJESTY THE KING OF THE BELGIANS,

HER MAJESTY THE QUEEN OF DENMARK,

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY,

THE PRESIDENT OF THE HELLENIC REPUBLIC,

HIS MAJESTY THE KING OF SPAIN,

THE PRESIDENT OF THE FRENCH REPUBLIC,

THE PRESIDENT OF IRELAND,

THE PRESIDENT OF THE ITALIAN REPUBLIC,

¹ Came into force on 1 July 1987, i.e., the first day of the month following the deposit with the Government of Italy of the instrument of ratification by the last Signatory State, in accordance with article 33 (2):

<i>Participant</i>	<i>Date of deposit of the instrument of ratification</i>
Belgium	25 August 1986
Denmark	13 June 1986
France	29 December 1986
Germany, Federal Republic of	29 December 1986
(With a declaration of application to <i>Land Berlin</i> .)	
Greece	31 December 1986
Ireland*	24 June 1987
Italy*	30 December 1986
Luxembourg	17 December 1986
Netherlands	24 December 1986
Portugal	31 December 1986
Spain	18 December 1986
United Kingdom of Great Britain and Northern Ireland	19 November 1986

* For the texts of the declarations made upon ratification, see p. 585 of this volume.

HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG,

HER MAJESTY THE QUEEN OF THE NETHERLANDS,

THE PRESIDENT OF THE PORTUGUESE REPUBLIC,

HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND,

MOVED by the will to continue the work undertaken on the basis of the Treaties establishing the European Communities and to transform relations as a whole among their States into a European Union, in accordance with the Solemn Declaration of Stuttgart of 19 June 1983.

RESOLVED to implement this European Union on the basis, firstly, of the Communities operating in accordance with their own rules and, secondly, of European Co-operation among the Signatory States in the sphere of foreign policy and to invest this union with the necessary means of action,

DETERMINED to work together to promote democracy on the basis of the fundamental rights recognized in the constitutions and laws of the Member States, in the Convention for the Protection of Human Rights and Fundamental Freedoms¹ and the European Social Charter,² notably freedom, equality and social justice,

CONVINCED that the European idea, the results achieved in the fields of economic integration and political co-operation, and the need for new developments correspond to the wishes of the democratic peoples of Europe, for whom the European Parliament, elected by universal suffrage, is an indispensable means of expression,

¹United Nations, *Treaty Series*, vol. 213, p. 221.

²*Ibid.*, vol. 529, p. 89.

AWARE of the responsibility incumbent upon Europe to aim at speaking ever increasingly with one voice and to act with consistency and solidarity in order more effectively to protect its common interests and independence, in particular to display the principles of democracy and compliance with the law and with human rights to which they are attached, so that together they may make their own contribution to the preservation of international peace and security in accordance with the undertaking entered into by them within the framework of the United Nations Charter,

DETERMINED to improve the economic and social situation by extending common policies and pursuing new objectives, and to ensure a smoother functioning of the Communities by enabling the Institutions to exercise their powers under conditions most in keeping with Community interests,

WHEREAS at their Conference in Paris from 19 to 21 October 1972 the Heads of State or of Government approved the objective of the progressive realization of Economic and Monetary Union,

HAVING REGARD to the Annex to the conclusions of the Presidency of the European Council in Bremen on 6 and 7 July 1978 and the Resolution of the European Council in Brussels on 5 December 1978 on the introduction of the European Monetary System (EMS) and related questions, and noting that in accordance with that Resolution, the Community and the Central Banks of the Member States have taken a number of measures intended to implement monetary co-operation,

HAVE DECIDED to adopt this Act and to this end have designated as their plenipotentiaries:

HIS MAJESTY THE KING OF THE BELGIANS,

Mr Leo TINDEMANS,
Minister for External Relations;

HER MAJESTY THE QUEEN OF DENMARK,

Mr Uffe ELLEMANN-JENSEN,
Minister for Foreign Affairs;

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY,

Mr Hans-Dietrich GENSCHER,
Federal Minister of Foreign Affairs;

THE PRESIDENT OF THE HELLENIC REPUBLIC,

Mr Karolos PAPOULIAS,
Minister for Foreign Affairs;

HIS MAJESTY THE KING OF SPAIN,

Mr Francisco FERNANDEZ ORDONEZ,
Minister for Foreign Affairs:

THE PRESIDENT OF THE FRENCH REPUBLIC,

Mr Roland DUMAS,
Minister for External Relations:

THE PRESIDENT OF IRELAND,

Mr Peter BARRY, T.D.,
Minister for Foreign Affairs;

THE PRESIDENT OF THE ITALIAN REPUBLIC,

Mr Giulio ANDREOTTI,
Minister for Foreign Affairs;

HIS ROYAL HIGHNESS OF GRAND DUKE OF LUXEMBOURG,

Mr Robert GOEBBELS,
State Secretary, Ministry for Foreign Affairs

HER MAJESTY THE QUEEN OF THE NETHERLANDS,

Mr Hans van den BROEK,
Minister for Foreign Affairs;

THE PRESIDENT OF THE PORTUGUESE REPUBLIC,

Mr Pedro PIRES DE MIRANDA,
Minister for Foreign Affairs;

HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND,

Mrs Lynda CHALKER,
Minister of State for Foreign and Commonwealth Affairs;

WHO, having exchanged their full powers, found in good and due
form:

TITLE I

COMMON PROVISIONS

ARTICLE 1

The European Communities and European Political Co-operation shall have as their objective to contribute together to making concrete progress towards European unity.

The European Communities shall be founded on the Treaties establishing the European Coal and Steel Community,¹ the European Economic Community,² the European Atomic Energy Community³ and on the subsequent Treaties and Acts modifying or supplementing them.

¹ United Nations, *Treaty Series*, vol. 261, p. 140.

² *Ibid.*, vol. 298, p. 3 (English translation); vol. 294, p. 3 (authentic French text); vol. 295, p. 2 (authentic German text); vol. 296, p. 2 (authentic Italian text); vol. 297, p. 2 (authentic Dutch text); vol. 1376, p. 138 (authentic Danish text); vol. 1377, p. 6 (authentic English text); vol. 1378, p. 6 (authentic Irish text); vol. 1383, p. 146 (authentic Greek text); vol. 1452, p. 306 (authentic Portuguese text), and vol. 1453, p. 332 (authentic Spanish text).

³ *Ibid.*, vol. 298, p. 167 (English translation); vol. 294, p. 259 (authentic French text); vol. 295, p. 259 (authentic German text); vol. 296, p. 259 (authentic Italian text); vol. 297, p. 259 (authentic Dutch text); vol. 1376, p. 138 (authentic Danish text); vol. 1377, p. 6 (authentic English text); vol. 1378, p. 6 (authentic Irish text); vol. 1383, p. 146 (authentic Greek text); vol. 1452, p. 306 (authentic Portuguese text), and vol. 1453, p. 332 (authentic Spanish text).

Political Co-operation shall be governed by Title III. The provisions of that Title shall confirm and supplement the procedures agreed in the reports of Luxembourg (1970), Copenhagen (1973), London (1981), the Solemn Declaration on European Union (1983) and the practices gradually established among the Member States.

ARTICLE 2

The European Council shall bring together the Heads of State or of Government of the Member States and the President of the Commission of the European Communities. They shall be assisted by the Ministers for Foreign Affairs and by a Member of the Commission.

The European Council shall meet at least twice a year.

ARTICLE 3

1. The institutions of the European Communities, henceforth designated as referred to hereafter, shall exercise their powers and jurisdiction under the conditions and for the purposes provided for by the Treaties establishing the Communities and by the subsequent Treaties and Acts modifying or supplementing them and by the provisions of Title II.

2. The institutions and bodies responsible for European Political Co-operation shall exercise their powers and jurisdiction under the conditions and for the purposes laid down in Title III and in the documents referred to in the third paragraph of Article 1.

TITLE II

PROVISIONS AMENDING THE TREATIES ESTABLISHING
THE EUROPEAN COMMUNITIES

Chapter I

Provisions amending the Treaty establishing the
European Coal and Steel Community

ARTICLE 4

The ECSC Treaty shall be supplemented by the following provisions:

"ARTICLE 32d

1. At the request of the Court of Justice and after consulting the Commission and the European Parliament, the Council may, acting unanimously, attach to the Court of Justice a court 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 brought by natural or legal persons. That court shall not be competent to hear and determine actions brought by Member States or by Community Institutions or questions referred for a preliminary ruling under Article 41.

2. The Council, following the procedure laid down in paragraph 1, shall determine the composition of that court and 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,¹ shall apply to that court.

¹United Nations, *Treaty Series*, vol. 261, p. 140.

3. The members of that court 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 reappointment.

4. That court shall establish its rules of procedure in agreement with the Court of Justice. Those rules shall require the unanimous approval of the Council."

ARTICLE 5

Article 45 of the ECSC Treaty shall be supplemented by the following paragraph:

"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."

Chapter II

Provisions amending the Treaty establishing the European Economic Community

Section I

Institutional Provisions

ARTICLE 6

1. A Co-operation procedure shall be introduced which shall apply to acts based on Articles 7, 49, 54(2), 56(2), second sentence, 57 with the exception of the second sentence of paragraph 2 thereof, 100 A, 100 B, 118 A, 130 E and 130 Q(2) of the EEC Treaty.

2. In Article 7, second paragraph of the EEC Treaty the terms "after consulting the Assembly" shall be replaced by "in co-operation with the European Parliament".

3. In Article 49 of the EEC Treaty the terms "the Council shall, acting on a proposal from the Commission and after consulting the Economic and Social Committee", shall be replaced by "the Council shall, acting by a qualified majority on a proposal from the Commission, in co-operation with the European Parliament and after consulting the Economic and Social Committee."

4. In Article 54(2) of the EEC Treaty the terms "the Council shall, on a proposal from the Commission and after consulting the Economic and Social Committee and the Assembly," shall be replaced by "the Council shall, acting on a proposal from the Commission, in co-operation with the European Parliament and after consulting the Economic and Social Committee."

5. In Article 56(2) of the EEC Treaty the second sentence shall be replaced by the following:

"After the end of the second stage, however, the Council shall, acting by a qualified majority on a proposal from the Commission and in co-operation with the European Parliament, issue directives for the co-ordination of such provisions as, in each Member State, are a matter for regulation or administrative action."

6. In Article 57(1) of the EEC Treaty the terms "and after consulting the Assembly" shall be replaced by "and in co-operation with the European Parliament".

7. In Article 57(2) of the EEC Treaty, the third sentence shall be replaced by the following:

"In other cases the Council shall act by a qualified majority, in co-operation with the European Parliament."

ARTICLE 7

Article 149 of the EEC Treaty shall be replaced by the following provisions:

"ARTICLE 149

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.

2. Where, in pursuance of this Treaty, the Council acts in co-operation with the European Parliament, the following procedure shall apply:

- (a) The Council, acting by a qualified majority under the conditions of paragraph 1, 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 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 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.

3. As long as the Council has not acted, the Commission may alter its proposal at any time during the procedures mentioned in paragraphs 1 and 2."

ARTICLE 8

The first paragraph of Article 237 of the EEC Treaty shall be replaced by the following provision:

"Any European State may apply to become a member of the Community. 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."

ARTICLE 9

The second paragraph of Article 238 of the EEC Treaty shall be replaced by the following provision:

"These agreements shall be concluded by the Council, acting unanimously and after receiving the assent of the European Parliament which shall act by an absolute majority of its component members."

ARTICLE 10

Article 145 of the EEC Treaty shall be supplemented by the following provision:

"- 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 11

The EEC Treaty shall be supplemented by the following provisions:

"ARTICLE 168 A

1. At the request of the Court of Justice and after consulting the Commission and the European Parliament, the

Council may, acting unanimously, attach to the Court of Justice a court 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 brought by natural or legal persons. That court shall not be competent to hear and determine actions brought by Member States or by Community Institutions or questions referred for a preliminary ruling under Article 177.

2. The Council, following the procedure laid down in paragraph 1, shall determine the composition of that court and 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,¹ shall apply to that court.

3. The members of that court 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 reappointment.

4. That court shall establish its rules of procedure in agreement with the Court of Justice. Those rules shall require the unanimous approval of the Council."

ARTICLE 12

A second paragraph worded as follows shall be inserted in Article 188 of the EEC Treaty:

"The Council may, acting unanimously at the request of the Court of Justice and after consulting the Commission and the

¹ See note 2 on p. 115.

European Parliament, amend the provisions of Title III of the Statute.".

Section II

Provisions relating to the foundations and the policy
of the Community

Sub-section I - Internal Market

ARTICLE 13

The EEC Treaty shall be supplemented by the following provisions:

"ARTICLE 8 A

The Community shall adopt measures with the aim of progressively establishing the internal market over a period expiring on 31 December 1992, in accordance with the provisions of this Article and of Articles 8 B, 8 C, 28, 57(2), 59, 70(1), 84, 99, 100 A and 100 B and without prejudice to the other provisions of this Treaty.

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."

ARTICLE 14

The EEC Treaty shall be supplemented by the following provisions:

"ARTICLE 8 B

The Commission shall report to the Council before 31 December 1988 and again before 31 December 1990 on the progress made towards achieving the internal market within the time limit fixed in Article 8 A.

The Council, acting by a qualified majority on a proposal from the Commission, shall determine the guidelines and conditions necessary to ensure balanced progress in all the sectors concerned."

ARTICLE 15

The EEC Treaty shall be supplemented by the following provisions:

"ARTICLE 8 C

When drawing up its proposals with a view to achieving the objectives set out in Article 8 A, the Commission shall take into account the extent of the effort that certain economies showing differences in development 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 common market."

ARTICLE 16

1. Article 28 of the EEC Treaty shall be replaced by the following provisions:

"ARTICLE 28

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."

2. In Article 57(2) of the EEC Treaty, the second sentence shall be replaced by the following:

"Unanimity shall be required for directives the implementation of which involves in at least one Member State amendment of

the existing principles laid down by law governing the professions with respect to training and conditions of access for natural persons."

3. In the second paragraph of Article 59 of the EEC Treaty, the term "unanimously" shall be replaced by "by a qualified majority".

4. In Article 70(1) of the EEC Treaty, the last two sentences shall be replaced by the following:

"For this purpose the Council shall issue directives, acting by a qualified majority. It shall endeavour to attain the highest possible degree of liberalization. Unanimity shall be required for measures which constitute a step back as regards the liberalization of capital movements."

5. In Article 84(2) of the EEC Treaty, the term "unanimously" shall be replaced by "by a qualified majority".

6. Article 84 of the EEC Treaty shall be supplemented by the following paragraph:

"The procedural provisions of Article 75(1) and (3) shall apply."

ARTICLE 17

Article 99 of the EEC Treaty shall be replaced by the following provisions:

"ARTICLE 99

The Council shall, acting unanimously on a proposal from the Commission and after consulting the European Parliament, adopt provisions for the harmonization of legislation concerning turnover taxes, excise duties and other forms of indirect taxation to the extent that such harmonization is necessary

to ensure the establishment and the functioning of the internal market within the time-limit laid down in Article 8 A."

ARTICLE 18

The EEC Treaty shall be supplemented by the following provisions:

"ARTICLE 100 A

1. By way of derogation from Article 100 and save where otherwise provided in this Treaty, the following provisions shall apply for the achievement of the objectives set out in Article 8 A. The Council shall, acting by a qualified majority on a proposal from the Commission in co-operation with the European Parliament 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 establishment 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 harmonization 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 36, 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 169 and 170, 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 harmonization measures referred to above shall, in appropriate cases, include a safeguard clause authorizing the Member States to take, for one or more of the non-economic reasons referred to in Article 36, provisional measures subject to a Community control procedure."

ARTICLE 19

The EEC Treaty shall be supplemented by the following provisions:

"ARTICLE 100 B

1. During 1992, the Commission shall, together with each Member State, draw up an inventory of national laws, regulations and administrative provisions which fall under Article 100 A and which have not been harmonized pursuant to that Article.

The Council, acting in accordance with the provisions of Article 100 A, may decide that the provisions in force in a Member State must be recognized as being equivalent to those applied by another Member State.

2. The provisions of Article 100 A(4) shall apply by analogy.

3. The Commission shall draw up the inventory referred to in the first subparagraph of paragraph 1 and shall submit appropriate proposals in good time to allow the Council to act before the end of 1992."

Sub-section II - Monetary Capacity

ARTICLE 20

1. A new Chapter 1 shall be inserted in Part Three, Title II of the EEC Treaty reading as follows:

"Chapter 1

Co-operation in Economic and Monetary Policy
(Economic and Monetary Union)

ARTICLE 102 A

1. In order to ensure the convergence of economic and monetary policies which is necessary for the further development of the Community, Member States shall co-operate in accordance with the objectives of Article 104. In so doing, they shall take account of the experience acquired in co-operation within the framework of the European Monetary System (EMS) and in developing the ECU, and shall respect existing powers in this field.

2. Insofar as further development in the field of economic and monetary policy necessitates institutional changes, the provisions of Article 236 shall be applicable. The Monetary Committee and the Committee of Governors of the Central Banks shall also be consulted regarding institutional changes in the monetary area."

2. Chapters 1, 2 and 3 shall become Chapters 2, 3 and 4 respectively.

Sub-section III - Social Policy

ARTICLE 21

The EEC Treaty shall be supplemented by the following provisions:

"ARTICLE 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 harmonization 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 by a qualified majority on a proposal from the Commission, in co-operation with the European Parliament 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 22

The EEC Treaty shall be supplemented by the following provision:

"ARTICLE 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."

Sub-section IV - Economic and Social Cohesion

ARTICLE 23

A Title V shall be added to Part Three of the EEC Treaty reading as follows:

"TITLE V
ECONOMIC AND SOCIAL COHESION

ARTICLE 130 A

In order to promote its overall harmonious development, the Community shall develop and pursue its actions leading to the strengthening of its economic and social cohesion.

In particular the Community shall aim at reducing disparities between the various regions and the backwardness of the least-favoured regions.

ARTICLE 130 B

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 Article 130 A. The implementation of the common policies and of the internal market shall take into account the objectives set out in Article 130 A and in Article 130 C and shall contribute to their achievement. The Community shall 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.

ARTICLE 130 C

The European Regional Development Fund is intended to help redress the principal regional imbalances in the Community

through participating in the development and structural adjustment of regions whose development is lagging behind and in the conversion of declining industrial regions.

ARTICLE 130 D

Once the Single European Act enters into force the Commission shall submit a comprehensive proposal to the Council, the purpose of which will be to make such amendments to the structure and operational rules of the existing structural Funds (European Agricultural Guidance and Guarantee Fund, Guidance Section, European Social Fund, European Regional Development Fund) as are necessary to clarify and rationalize their tasks in order to contribute to the achievement of the objectives set out in Article 130 A and Article 130 C, to increase their efficiency and to co-ordinate their activities between themselves and with the operations of the existing financial instruments. The Council shall act unanimously on this proposal within a period of one year, after consulting the European Parliament and the Economic and Social Committee.

ARTICLE 130 E

After adoption of the decision referred to in Article 130 D, implementing decisions relating to the European Regional Development Fund shall be taken by the Council, acting by a qualified majority on a proposal from the Commission and in co-operation with the European Parliament.

With regard to the European Agricultural Guidance and Guarantee Fund, Guidance Section and the European Social Fund, Articles 43, 126 and 127 remain applicable respectively."

Sub-section V - Research and Technological Development

ARTICLE 24

A Title VI shall be added to Part Three of the EEC Treaty reading as follows:

"TITLE VI

RESEARCH AND TECHNOLOGICAL DEVELOPMENT

ARTICLE 130 F

1. The Community's aim shall be to strengthen the scientific and technological basis of European industry and to encourage it to become more competitive at international level.

2. In order to achieve this, it shall encourage undertakings including small and medium-sized undertakings, research centres and universities in their research and technological development activities; it shall support their efforts to co-operate with one another, aiming, notably, at enabling undertakings to exploit the Community's 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 barriers to that co-operation.

3. In the achievement of these aims, special account shall be taken of the connection between the common research and technological development effort, the establishment of the internal market and the implementation of common policies, particularly as regards competition and trade.

ARTICLE 130 G

In pursuing these objectives the Community 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 Community research, technological development, and demonstration with third countries and international organizations;
- (c) dissemination and optimization of the results of activities in Community research, technological development, and demonstration;
- (d) stimulation of the training and mobility of researchers in the Community.

ARTICLE 130 H

Member States shall, in liaison with the Commission, co-ordinate among themselves the policies and programmes carried out at national level. In close contact with the Member States, the Commission may take any useful initiative to promote such co-ordination.

ARTICLE 130 I

1. The Community shall adopt a multiannual framework programme setting out all its activities. The framework programme shall lay down the scientific and technical objectives, define their respective priorities, set out the main lines of the activities envisaged and fix the amount deemed necessary, the detailed rules for financial participation by the Community in the programme as a whole and the breakdown of this amount between the various activities envisaged.

2. The framework programme may be adapted or supplemented, as the situation changes.

ARTICLE 130 K

The framework programme shall be implemented through specific programmes developed within each activity. Each specific programme shall define the detailed rules for implementing it, fix its duration and provide for the means deemed necessary.

The Council shall define the detailed arrangements for the dissemination of knowledge resulting from the specific programmes.

ARTICLE 130 L

In implementing the multiannual framework programme, supplementary programmes may be decided on involving the participation of certain Member States only, which shall finance them subject to possible Community participation.

The Council shall adopt the rules applicable to supplementary programmes, particularly as regards the dissemination of knowledge and the access of other Member States.

ARTICLE 130 M

In implementing the multiannual framework programme, the Community may make provision, with the agreement of the Member States concerned, for participation in research and development programmes undertaken by several Member States, including participation in the structures created for the execution of those programmes.

ARTICLE 130 N

In implementing the multiannual framework programme, the Community may make provision for co-operation in Community

research, technological development and demonstration with third countries or international organizations.

The detailed arrangements for such co-operation may be the subject of international agreements between the Community and the third parties concerned which shall be negotiated and concluded in accordance with Article 228.

ARTICLE 130 O

The Community may set up joint undertakings or any other structure necessary for the efficient execution of programmes of Community research, technological development and demonstration.

ARTICLE 130 P

1. The detailed arrangements for financing each programme, including any Community contribution, shall be established at the time of the adoption of the programme.
2. The amount of the Community's annual contribution shall be laid down under the budgetary procedure, without prejudice to other possible methods of Community financing. The estimated cost of the specific programmes must not in aggregate exceed the financial provision in the framework programme.

ARTICLE 130 Q

1. The Council shall, acting unanimously on a proposal from the Commission and after consulting the European Parliament and the Economic and Social Committee, adopt the provisions referred to in Articles 130 I and 130 O.
2. The Council shall, acting by a qualified majority on a proposal from the Commission, after consulting the Economic and Social Committee, and in co-operation with the European

Parliament, adopt the provisions referred to in Articles 130 K, 130 L, 130 M, 130 N and 130 P(1). The adoption of these supplementary programmes shall also require the agreement of the Member States concerned."

Sub-section VI - Environment

ARTICLE 25

A Title VII shall be added to Part Three of the EEC Treaty reading as follows:

"TITLE VII

ENVIRONMENT

ARTICLE 130 R

1. Action by the Community relating to the environment shall have the following objectives:

- to preserve, protect and improve the quality of the environment;
- to contribute towards protecting human health;
- to ensure a prudent and rational utilization of natural resources.

2. Action by the Community relating to the environment shall be based 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 shall be a component of the Community's other policies.

3. In preparing its action relating to the environment, the Community shall take account of:

- available scientific and technical data;

- environmental conditions in the various regions of the Community;
- the potential benefits and costs of action or of lack of action;
- the economic and social development of the Community as a whole and the balanced development of its regions.

4. The Community shall take action relating to the environment to the extent to which the objectives referred to in paragraph 1 can be attained better at Community level than at the level of the individual Member States. Without prejudice to certain measures of a Community nature, the Member States shall finance and implement the other measures.

5. Within their respective spheres of competence, the Community and the Member States shall co-operate with third countries and with the relevant international organizations. The arrangements for Community co-operation may be the subject of agreements between the Community and the third parties concerned, which shall be negotiated and concluded in accordance with Article 228.

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

ARTICLE 130 S

The Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament and the Economic and Social Committee, shall decide what action is to be taken by the Community.

The Council shall, under the conditions laid down in the preceding subparagraph, define those matters on which decisions are to be taken by a qualified majority.

ARTICLE 130 T

The protective measures adopted in common pursuant to Article 130 S shall not prevent any Member State from maintaining or introducing more stringent protective measures compatible with this Treaty."

Chapter III

Provisions amending the Treaty establishing
the European Atomic Energy Community

ARTICLE 26

The EAEC Treaty shall be supplemented by the following provisions:

"ARTICLE 140 A

1. At the request of the Court of Justice and after consulting the Commission and the European Parliament, the Council may, acting unanimously, attach to the Court of Justice a court 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 brought by natural or legal persons. That court shall not be competent to hear and determine actions brought by Member States or by Community Institutions or questions referred for a preliminary ruling under Article 150.
2. The Council, following the procedure laid down in paragraph 1, shall determine the composition of that court and 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,¹ shall apply to that court.

3. The members of that court 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 reappointment.

4. That court shall establish its rules of procedure in agreement with the Court of Justice. Those rules shall require the unanimous approval of the Council."

ARTICLE 27

A second paragraph shall be inserted in Article 160 of the EAEC Treaty worded as follows:

"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."

Chapter IV

General Provisions

ARTICLE 28

The provisions of this Act shall be without prejudice to the provisions of the Instruments of Accession of the Kingdom of Spain² and the Portuguese Republic² to the European Communities.

¹ See note 3 on p. 115.

² United Nations, *Treaty Series*, vol. 1592, p. 82.

ARTICLE 29

In Article 4(2) of the Council Decision 85/257/EEC, Euratom of 7 May 1985 on the Communities' system of own resources, the words "the level and scale of funding of which will be fixed pursuant to a decision of the Council acting unanimously" shall be replaced by the words "the level and scale of funding of which shall be fixed pursuant to a decision of the Council acting by a qualified majority after obtaining the agreement of the Member States concerned".

This amendment shall not affect the legal nature of the aforementioned Decision.

TITLE III

TREATY PROVISIONS ON EUROPEAN CO-OPERATION
IN THE SPHERE OF FOREIGN POLICY

ARTICLE 30

European Co-operation in the sphere of foreign policy shall be governed by the following provisions:

1. The High Contracting Parties, being members of the European Communities, shall endeavour jointly to formulate and implement a European foreign policy.
2. (a) The High Contracting Parties undertake to inform and consult each other on any foreign policy matters of general interest so as to ensure that their combined influence is exercised as effectively as possible through co-ordination, the convergence of their positions and the implementation of joint action.

(b) Consultations shall take place before the High Contracting Parties decide on their final position.

(c) In adopting its positions and in its national measures each High Contracting Party shall take full account of the positions of the other partners and shall give due consideration to the desirability of adopting and implementing common European positions.

In order to increase their capacity for joint action in the foreign policy field, the High Contracting Parties shall ensure that common principles and objectives are gradually developed and defined.

The determination of common positions shall constitute a point of reference for the policies of the High Contracting Parties.

(d) The High Contracting Parties shall endeavour to avoid any action or position which impairs their effectiveness as a cohesive force in international relations or within international organizations.

3. (a) The Ministers for Foreign Affairs and a member of the Commission shall meet at least four times a year within the framework of European Political Co-operation. They may also discuss foreign policy matters within the framework of Political Co-operation on the occasion of meetings of the Council of the European Communities.

(b) The Commission shall be fully associated with the proceedings of Political Co-operation.

(c) In order to ensure the swift adoption of common positions and the implementation of joint action, the High Contracting Parties shall, as far as possible, refrain from impeding the formation of a consensus and the joint action which this could produce.

4. The High Contracting Parties shall ensure that the European Parliament is closely associated with European Political Co-operation. To that end the Presidency shall regularly inform the European Parliament of the foreign policy issues

which are being examined within the framework of Political Co-operation and shall ensure that the views of the European Parliament are duly taken into consideration.

5. The external policies of the European Community and the policies agreed in European Political Co-operation must be consistent.

The Presidency and the Commission, each within its own sphere of competence, shall have special responsibility for ensuring that such consistency is sought and maintained.

6. (a) The High Contracting Parties consider that closer co-operation on questions of European security would contribute in an essential way to the development of a European identity in external policy matters. They are ready to co-ordinate their positions more closely on the political and economic aspects of security.

(b) The High Contracting Parties are determined to maintain the technological and industrial conditions necessary for their security. They shall work to that end both at national level and, where appropriate, within the framework of the competent institutions and bodies.

(c) Nothing in this Title shall impede closer co-operation in the field of security between certain of the High Contracting Parties within the framework of the Western European Union or the Atlantic Alliance.

7. (a) In international institutions and at international conferences which they attend, the High Contracting Parties shall endeavour to adopt common positions on the subjects covered by this Title.

(b) In international institutions and at international conferences in which not all the High Contracting Parties participate, those who do participate shall take full

account of positions agreed in European Political Co-operation.

8. The High Contracting Parties shall organize a political dialogue with third countries and regional groupings whenever they deem it necessary.
9. The High Contracting Parties and the Commission, through mutual assistance and information, shall intensify co-operation between their representations accredited to third countries and to international organizations.
10. (a) The Presidency of European Political Co-operation shall be held by the High Contracting Party which holds the Presidency of the Council of the European Communities.

(b) The Presidency shall be responsible for initiating action and co-ordinating and representing the positions of the Member States in relations with third countries in respect of European Political Co-operation activities. It shall also be responsible for the management of Political Co-operation and in particular for drawing up the timetable of meetings and for convening and organizing meetings.

(c) The Political Directors shall meet regularly in the Political Committee in order to give the necessary impetus, maintain the continuity of European Political Co-operation and prepare Ministers' discussions.

(d) The Political Committee or, if necessary, a ministerial meeting shall convene within forty-eight hours at the request of at least three Member States.

(e) The European Correspondents' Group shall be responsible, under the direction of the Political Committee, for monitoring the implementation of European Political Co-operation and for studying general organizational problems.

(f) Working Groups shall meet as directed by the Political Committee.

(g) A Secretariat based in Brussels shall assist the Presidency in preparing and implementing the activities of European Political Co-operation and in administrative matters. It shall carry out its duties under the authority of the Presidency.

11. As regards privileges and immunities, the members of the European Political Co-operation Secretariat shall be treated in the same way as members of the diplomatic missions of the High Contracting Parties based in the same place as the Secretariat.
12. Five years after the entry into force of this Act the High Contracting Parties shall examine whether any revision of Title III is required.

TITLE IV

GENERAL AND FINAL PROVISIONS

ARTICLE 31

The provisions of the Treaty establishing the European Coal and Steel Community, the Treaty establishing the European Economic Community and the Treaty establishing the European Atomic Energy Community concerning the powers of the Court of Justice of the European Communities and the exercise of those powers shall apply only to the provisions of Title II and to Article 32; they shall apply to those provisions under the same conditions as for the provisions of the said Treaties.

ARTICLE 32

Subject to Article 3(1), to Title II and to Article 31, nothing in this Act shall affect the Treaties establishing the European Communities or any subsequent Treaties and Acts modifying or supplementing them.

ARTICLE 33

1. This Act will be ratified by the High Contracting Parties in accordance with their respective constitutional requirements. The instruments of ratification will be deposited with the Government of the Italian Republic.
2. This Act will enter into force on the first day of the month following that in which the instrument of ratification is deposited of the last Signatory State to fulfil that formality.

ARTICLE 34

This Act, drawn up in a single original in the Danish, Dutch, English, French, German, Greek, Irish, Italian, Portuguese and Spanish languages, the texts in each of these languages being equally authentic, will be deposited in the archives of the Government of the Italian Republic, which will remit a certified copy to each of the Governments of the other Signatory States.

[For the testimonium and signatures, see p. 360 of this volume.]

TIL BEKRÆFTELSE HERAF har undertegnede befuldmægtigede underskrevet denne europæiske fælles akt.

ZU URKUND DESSEN haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter diese Einheitliche Europäische Akte gesetzt.

ΣΕ ΠΙΣΤΩΣΗ ΤΩΝ ΑΝΩΤΕΡΩ, οι υπογεγραμμένοι πληρεξούσιοι υπέγραψαν την παρούσα ενιαία ευρωπαϊκή Πρόξη.

IN WITNESS WHEREOF the undersigned Plenipotentiaries have signed this Single European Act.

EN FE DE LO CUAL, los plenipotenciarios abajo firmantes suscriben la presente Acta Unica Europea.

EN FOI DE QUOI, les plénipotentiaires soussignés ont apposé leurs signatures au bas du présent Acte unique européen.

DÁ FHIANÓ SIN, chuir na Lánchumhachtaigh thíos-sínithe a lámh leis an Ionstraim Eorpach Aonair seo.

IN FEDE DI CHE, i plenipotenziari sottoscritti hanno apposto le loro firme in calce al presente Atto Unico Europeo.

TEN BLIJKE WAARVAN de ondergetekende gevolmachtigden hun handtekening onder deze Europese Akte hebben gesteld.

EM DO QUE os plenipotenciários abaixo-assinados apuseram as suas assinaturas no final do presente Acto Único Europeu.

Udfærdiget i Luxembourg den syttende februar nitten hundrede og seksogfirs og i Haag den otteogtyvende februar nitten hundrede og seksogfirs.

Geschehen zu Luxemburg am siebzehnten Februar neunzehnhundertsechszwanzig und in Den Haag am achtundzwanzigsten Februar neunzehnhundertsechszwanzig.

Έγινε στο Λουξεμβούργο, στις δέκα επί Φεβρουαρίου χίλια εννιακόσια ογδόντα έξι και στη Χάγη στις είκοσι οκτώ Φεβρουαρίου χίλια εννιακόσια ογδόντα έξι.

Done at Luxembourg on the seventeenth day of February in the year one thousand nine hundred and eighty-six and at the Hague on the twenty-eighth day of February in the year one thousand nine hundred and eighty-six.

Hecho en Luxemburgo, el diecisiete de febrero de mil novecientos ochenta y seis y en La Haya el veintiocho de febrero de mil novecientos ochenta y seis.

Fait à Luxembourg le dix-sept février mil neuf cent quatre-vingt-six et à La Haye le vingt-huit février mil neuf cent quatre-vingt-six.

Arna dhéanamh i Lucsamburg an seachtú lá déag de mhí Feabhra sa bhliain míle naoi gcéad ochtó a sé agus sa Háig an t-ochtú lá is fiche de mhí Feabhra míle naoi gcéad ochtó a sé.

Fatto a Lussemburgo, addì diciassette febbraio millenovecentottantasei e a L'Aia, addì ventotto febbraio millenovecentottantasei.

Gedaan te Luxemburg, zeventien februari negentienhonderd zesentachtig en te Den Haag achtentwintig februari negentienhonderd zesentachtig.

Feito no Luxemburgo, aos dezassete de Fevereiro de mil novecentos e oitenta e seis e na Haia aos vinte e oito de Fevereiro de mil novecentos e oitenta e seis.

Pour Sa Majesté le Roi des Belges :
Voor Zijne Majesteit de Koning der Belgen:

[LEO TINDEMANS]

For Hendes Majestæt Danmarks Dronning:

[UFFE ELLEMANN-JENSEN]

Für den Präsidenten der Bundesrepublik Deutschland:

[HANS-DIETRICH GENSCHER]

Για τον Πρόεδρο της Ελληνικής Δημοκρατίας:

[KAROLOS PAPOULIAS]

Por Su Majestad el Rey de España:

[Francisco Fernández Ordóñez]

Pour le Président de la République française :

[ROLAND DUMAS]

Thar ceann Uachtarán na hÉireann:

[PETER BARRY]

Per il Presidente della Repubblica italiana:

[GIULIO ANDREOTTI]

Pour Son Altesse Royale le Grand-Duc de Luxembourg :

[ROBERT GOEBBELS]

Voor Hare Majesteit de Koningin der Nederlanden:

[HANS VAN DEN BROEK]

Pelo Presidente da República Portuguesa:

[PEDRO PIRES DE MIRANDA]

For Her Majesty the Queen of the United Kingdom of Great Britain
and Northern Ireland:

[LYNDA CHALKER]

FINAL ACT

The Conference of the Representatives of the Governments of the Member States convened at Luxembourg on 9 September 1985, which carried on its discussions in Luxembourg and Brussels and adopted the following text:

I

SINGLE EUROPEAN ACT

II

At the time of signing this text, the Conference adopted the declarations listed hereinafter and annexed to this Final Act:

1. Declaration on the powers of implementation of the Commission
2. Declaration on the Court of Justice
3. Declaration on Article 8 A of the EEC Treaty
4. Declaration on Article 100 A of the EEC Treaty
5. Declaration on Article 100 B of the EEC Treaty
6. General Declaration on Articles 13 to 19 of the Single European Act
7. Declaration on Article 118A(2) of the EEC Treaty
8. Declaration on Article 130 D of the EEC Treaty
9. Declaration on Article 130 R of the EEC Treaty
10. Declaration by the High Contracting Parties on Title III of the Single European Act
11. Declaration on Article 30(10)(g) of the Single European Act.

The Conference also notes the declarations listed hereinafter and annexed to this Final Act:

1. Declaration by the Presidency on the time limit within which the Council will give its opinion following a first reading (Article 149(2) of the EEC Treaty)

2. Political Declaration by the Governments of the Member States on the free movement of persons
3. Declaration by the Government of the Hellenic Republic on Article 8 A of the EEC Treaty
4. Declaration by the Commission on Article 28 of the EEC Treaty.
5. Declaration by the Government of Ireland on Article 57(2) of the EEC Treaty
6. Declaration by the Government of the Portuguese Republic on Articles 59, second paragraph, and 84 of the EEC Treaty
7. Declaration by the Government of the Kingdom of Denmark on Article 100A of the EEC Treaty
8. Declaration by the Presidency and the Commission on the monetary capacity of the Community
9. Declaration by the Government of the Kingdom of Denmark on European Political Co-operation.

[For the testimonium and signatures, see p. 383 of this volume.]

Udfærdiget i Luxembourg den syttende februar nitten hundrede og seksogfirs og i Haag den otteogtyvende februar nitten hundrede og seksogfirs.

Geschehen zu Luxemburg am siebzehnten Februar neunzehnhundertsechszwanzig und in Den Haag am achtundzwanzigsten Februar neunzehnhundertsechszwanzig.

Έγινε στο Λουξεμβούργο, στις δέκα επτά Φεβρουαρίου χίλια εννιακόσια ογδόντα έξι και στη Χάγη στις είκοσι οκτώ Φεβρουαρίου χίλια εννιακόσια ογδόντα έξι.

Done at Luxembourg on the seventeenth day of February in the year one thousand nine hundred and eighty-six and at the Hague on the twenty-eighth day of February in the year one thousand nine hundred and eighty-six.

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Gedaan te Luxemburg, zeventien februari negentienhonderd zesentachtig en te Den Haag achtentwintig februari negentienhonderd zesentachtig.

Feito no Luxemburgo, aos dezassete de Fevereiro de mil novecentos e oitenta e seis e na Haia aos vinte e oito de Fevereiro de mil novecentos e oitenta e seis.

Pour Sa Majesté le Roi des Belges :
Voor Zijne Majesteit de Koning der Belgen:

[LEO TINDEMANS]

For Hendes Majestæt Danmarks Dronning:

[UFFE ELLEMANN-JENSEN]

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[KAROLOS PAPOULIAS]

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Pour le Président de la République française :

[ROLAND DUMAS]

Thar ceann Uachtarán na hÉireann:

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Per il Presidente della Repubblica italiana:

[GIULIO ANDREOTTI]

Pour Son Altesse Royale le Grand-Duc de Luxembourg :

[ROBERT GOEBBELS]

Voor Hare Majesteit de Koningin der Nederlanden:

[HANS VAN DEN BROEK]

Pelo Presidente da República Portuguesa:

[PEDRO PIRES DE MIRANDA]

For Her Majesty the Queen of the United Kingdom of Great Britain
and Northern Ireland:

[LYNDA CHALKER]

DECLARATION

on the powers of implementation of the Commission

The Conference asks the Community authorities to adopt, before the Act enters into force, the principles and rules on the basis of which the Commission's powers of implementation will be defined in each case.

In this connection the Conference requests the Council to give the Advisory Committee procedure in particular a predominant place in the interests of speed and efficiency in the decision-making process, for the exercise of the powers of implementation conferred on the Commission within the field of Article 100 A of the EEC Treaty.

DECLARATION

on the Court of Justice

The Conference agrees that the provisions of Article 32d(1) of the ECSC Treaty, Article 168 A(1) of the EEC Treaty and Article 140 A(1) of the EAEC Treaty do not prejudice any conferral of judicial competence likely to be provided for in the context of agreements concluded between the Member States.

DECLARATION

on Article 8 A of the EEC Treaty

The Conference wishes by means of the provisions in Article 8 A to express its firm political will to take before 1 January 1993 the decisions necessary to complete the internal market defined in those provisions, and more particularly the decisions necessary to implement the Commission's programme described in the White Paper on the Internal Market.

Setting the date of 31 December 1992 does not create an automatic legal effect.

DECLARATION

on Article 100 A of the EEC Treaty

In its proposals pursuant to Article 100 A(1) the Commission shall give precedence to the use of the instrument of a directive if harmonization involves the amendment of legislative provisions in one or more Member States.

DECLARATION

on Article 100 B of the EEC Treaty

The Conference considers that, since Article 8 C of the EEC Treaty is of general application, it also applies to the proposals which the Commission is required to make under Article 100 B of that Treaty.

GENERAL DECLARATION

on Articles 13 to 19 of the Single European Act

Nothing in these provisions shall affect the right of Member States to take such measures as they consider necessary for the purpose of controlling immigration from third countries, and to combat terrorism, crime, the traffic in drugs and illicit trading in works of art and antiques.

DECLARATION

on Article 118 A(2) of the EEC Treaty

The Conference notes that in the discussions on Article 118 A(2) of the EEC Treaty it was agreed that the Community does not intend, in laying down minimum requirements for the protection of the safety and health of employees, to discriminate in a manner unjustified by the circumstances against employees in small and medium-sized undertakings.

DECLARATION

on Article 130 D of the EEC Treaty

In this context the Conference refers to the conclusions of the European Council in Brussels in March 1984, which read as follows:

"The financial resources allocated to aid from the Funds, having regard to the IMPs, will be significantly increased in real terms within the limits of financing possibilities.".

DECLARATION

on Article 130 R of the EEC Treaty

Re paragraph 1, third indent

The Conference confirms that the Community's activities in the sphere of the environment may not interfere with national policies regarding the exploitation of energy resources.

Re paragraph 5, second subparagraph

The Conference considers that the provisions of Article 130 R(5), second subparagraph do not affect the principles resulting from the judgment handed down by the Court of Justice in the AETR case.

DECLARATION BY THE HIGH CONTRACTING PARTIES

on Title III of the Single European Act

The High Contracting Parties to Title III on European Political Co-operation reaffirm their openness to other European nations which share the same ideals and objectives. They agree in particular to strengthen their links with the member countries of the Council of Europe and with other democratic European countries with which they have friendly relations and close co-operation.

DECLARATION

on Article 30(10)(g)
of the Single European Act

The Conference considers that the provisions of Article 30(10)(g) do not affect the provisions of the Decision of the Representatives of the Governments of the Member States of 8 April 1965 on the provisional location of certain Institutions and departments of the Communities.

DECLARATION BY THE PRESIDENCY

on the time limit within which the Council will give
its Opinion following a first reading
(Article 149(2) of the EEC Treaty)

As regards the declaration by the European Council in Milan,
to the effect that the Council must seek ways of improving
its decision-making procedures, the Presidency states its
intention of completing the work in question as soon as
possible.

POLITICAL DECLARATION BY THE GOVERNMENTS OF THE MEMBER STATES

on the free movement of persons

In order to promote the free movement of persons, the Member States shall co-operate, without prejudice to the powers of the Community, in particular as regards the entry, movement and residence of nationals of third countries. They shall also co-operate in the combating of terrorism, crime, the traffic in drugs and illicit trading in works of art and antiques.

DECLARATION BY THE GOVERNMENT OF THE HELLENIC REPUBLIC

on Article 8 A of the EEC Treaty

Greece considers that the development of Community policies and actions, and the adoption of measures on the basis of Articles 70(1) and 84, must both take place in such a way as not to harm sensitive sectors of Member States' economies.

DECLARATION BY THE COMMISSION

on Article 28 of the EEC Treaty

With regard to its own internal procedures, the Commission will ensure that the changes resulting from the amendment of Article 28 EEC will not lead to delays in responding to urgent requests for the alteration or suspension of Common Customs Tariff duties.

DECLARATION BY THE GOVERNMENT OF IRELAND

on Article 57(2) of the EEC Treaty

Ireland, in confirming its agreement to qualified majority voting under Article 57(2), wishes to recall that the insurance industry in Ireland is a particularly sensitive one and that special arrangements have had to be made by the Government of Ireland for the protection of insurance policy holders and third parties. In relation to harmonization of legislation on insurance, the Government of Ireland would expect to be able to rely on a sympathetic attitude from the Commission and from the other Member States of the Community should Ireland later find itself in a situation where the Government of Ireland considers it necessary to have special provision made for the position of the industry in Ireland.

DECLARATION BY THE GOVERNMENT OF THE PORTUGUESE REPUBLIC

on Articles 59, second paragraph,
and 84 of the EEC Treaty

Portugal considers that as the change from unanimous to qualified majority voting in Articles 59, second paragraph, and 84 was not contemplated in the negotiations for the accession of Portugal to the Community and substantially alters the Community "acquis", it must not damage sensitive and vital sectors of the Portuguese economy, and, wherever necessary, appropriate and specific transitional measures should be introduced to forestall the adverse consequences that could ensue for these sectors.

DECLARATION BY THE GOVERNMENT OF THE KINGDOM OF DENMARK

on Article 100 A of the EEC Treaty

The Danish Government notes that in cases where a Member State is of the opinion that measures adopted under Article 100 A do not safeguard higher requirements concerning the working environment, the protection of the environment or the needs referred to in Article 36, the provisions of Article 100 A(4) guarantee that the Member State in question can apply national provisions. Such national provisions are to be taken to fulfil the abovementioned aim and may not entail hidden protectionism.

DECLARATION BY THE PRESIDENCY AND THE COMMISSION

on the monetary capacity of the Community

The Presidency and the Commission consider that the provisions inserted in the EEC Treaty with reference to the Community's monetary capacity are without prejudice to the possibility of further development within the framework of the existing powers.

DECLARATION BY THE GOVERNMENT OF THE KINGDOM OF DENMARK

on European Political Co-operation

The Danish Government states that the conclusion of Title III on European Political Co-operation in the sphere of foreign policy does not affect Denmark's participation in Nordic co-operation in the sphere of foreign policy.

DECLARATIONS MADE
UPON RATIFICATION*IRELAND*

The declaration in regard to article 13 and Title III reads as follows:

“The Government of Ireland notes that the completion of the internal market will have full regard to the terms of Protocol 30, agreed at the time of accession, which recognises that there are certain special problems of concern to Ireland, and that there is a common Community interest in the attainment of the objectives of Ireland’s policy of industrialisation and economic development designed to align the standards of living in Ireland with those of the other European nations and to eliminate underemployment while progressively evening out regional differences in levels of development.

The Government of Ireland notes that the provisions of Title III do not affect Ireland’s long established policy of military neutrality and that coordination of positions on the political and economic aspects of security does not include the military aspects of security or procurement for military purposes and does not affect Ireland’s right to act or refrain from acting in any way which might affect Ireland’s international status of military neutrality.”

DÉCLARATION FAITES LORS
DE RATIFICATION*IRLANDE*

La déclaration à l’égard de l’article 13 et le titre III se lit comme suit :

[TRADUCTION — TRANSLATION]

Le Gouvernement irlandais note que la réalisation du marché interne respectera pleinement les termes du protocole n° 30 conclu au moment de l’adhésion qui reconnaît l’existence de certains problèmes particuliers concernant l’Irlande et l’intérêt commun de la communauté à ce que soient atteints les objectifs de la politique irlandaise d’industrialisation et de développement économique conçus pour rapprocher le niveau de vie de l’Irlande de celui des autres nations européennes et pour éliminer le chômage en atténuant progressivement les écarts régionaux de développement.

Le Gouvernement irlandais note que les dispositions de la section III ne modifient en rien la politique irlandaise de neutralité militaire, définie depuis longtemps, et que la coordination des positions concernant les aspects politiques et économiques de la sécurité ne s’étend ni aux aspects militaires de cette dernière, ni aux acquisitions à but militaire et ne porte en rien préjudice au droit de l’Irlande d’agir ou de s’abstenir d’agir de manière à ne pas nuire à sa situation internationale de neutralité militaire.

[TRANSLATION]

The Italian Government has always considered — and its own actions have been based on this conviction — that the Intergovernmental Conference to amend the Treaties of Paris and Rome should represent an historic opportunity for re-launching the process of European integration on the basis of the “acquis communautaire”, the Solemn Declaration of Stuttgart on European Union and the conclusions of the Dooge and Adonnino reports, and that this should be done in keeping with the spirit and method of the draft Treaty on European Union adopted by the European Parliament.

Italy has indicated the following priority objectives for joint action: the creation of a large market comprising an “area without frontiers”; the general adoption of majority voting in Council decisions and the simplification of the relevant procedures; the strengthening of the institutional framework, with particular reference to the conferral (as provided for in the Dooge report) of joint decision-making power on the European Parliament; the broadening of the Commission’s powers of management and implementation; extension of the scope of the Treaty of Rome to new spheres of activity.

The Italian Government will continue to pursue these objectives, convinced that their achievement will enable the European Community to meet the needs of our peoples. We are supported in this by the fact that these objectives are shared not only by the European Parliament but also by many member States and by the Commission.

An objective examination of the results of the Intergovernmental Conference shows that the Single European Act is merely a partial and unsatisfactory response to the need for substantial progress in the direction indicated by the

[TRADUCTION]

Le Gouvernement italien a toujours considéré — ce qui a d’ailleurs inspiré sa propre conduite — que la convocation de la Conférence intergouvernementale pour la modification des Traités de Paris et de Rome devait constituer une occasion historique de relancer le processus d’intégration européenne sur la base de l’acquis communautaire, de la Déclaration solennelle de Stuttgart sur l’Union européenne et des conclusions des rapports Dooge et Adonnino, en conformité avec l’esprit et la méthode du projet de traité sur l’union européenne voté par le Parlement européen.

L’Italie, quant à elles, a indiqué comme objectifs prioritaires de l’action commune la création d’un grand marché comportant un espace sans frontières, l’adoption généralisée du vote majoritaire pour les décisions du Conseil et la simplification des procédures correspondantes, le renforcement du cadre institutionnel compte tenu, en particulier, de l’attribution (comme prévu dans le rapport Dooge susmentionné) d’un pouvoir de codécision au Parlement européen, le développement des pouvoirs de gestion et d’exécution de la Commission, et l’extension de la compétence du Traité de Rome à de nouveaux champs d’action.

Le Gouvernement italien continuera de poursuivre ces objectifs en étant convaincu que leur réalisation permettra à la Communauté européenne de répondre aux besoins réels de nos peuples. Ils seront d’autant mieux servis que non seulement le Parlement européen, mais aussi de nombreux Etats membres et la Commission les ont faits leurs.

Un examen objectif des résultats de la Conférence intergouvernementale conduit à constater que l’Acte unique européen constitue une réponse partielle et insatisfaisante à l’exigence de progrès appréciables dans le sens indiqué par le

European Parliament and by the reports of the Dooge and Adonnino Committees.

As regards the powers of the European Parliament, the Act provides for a double-reading system which does not constitute the joint decision-making power sought by the European Parliament and the Italian Parliament.

As to the commitment to achieve the internal market by 31 December 1992, I would point out that this objective is hedged around by a whole series of exceptions and derogations which reduce its effect considerably.

Moreover, the introduction of majority voting for Council decisions has been confined to a few articles of the Treaty, with exceptions and the possibility of derogations in extremely important sectors.

Lastly, just as the significant progress hoped for in the field of European Economic and Monetary Union has not materialized, so has there been a failure to extend Community jurisdiction to extremely important areas of European life such as culture, health and the fight against terrorism, organized crime and drug abuse.

The Single European Act does not therefore represent the realization of that fundamental reform of the European Community for which the Italian Government has been striving and which was desired by the national parliament, in line with the suggestions put forward by the European Parliament in Strasbourg.

The Italian Government considers that the Intergovernmental Conference which took place following the European Council meeting in Milan was neither able nor willing to take advantage of the opportunities open to it for enabling our Community to make a genuine, qualitative leap forward. It can therefore do no other than express its deep dissatisfaction. Italy intends to use the opportunity afforded by the signing of the Single

Parlement européen et par les rapports des Comités Dooge et Adonnino.

De fait, en ce qui concerne les pouvoirs du Parlement européen, l'Acte prévoit un système de double examen qui ne correspond pas au pouvoir de codécision souhaité par le Parlement européen et le Parlement italien.

En ce qui concerne l'engagement d'instaurer le marché intérieur avant le 31 décembre 1992, je tiens à faire observer qu'il dépend fortement de toute une série d'exceptions et de dérogations qui en atténuent substantiellement la portée.

En outre, l'adoption du vote à la majorité des décisions du Conseil a été limitée à quelques articles du Traité, avec des exceptions et la possibilité de dérogation dans des secteurs très importants.

Enfin, de même que ne se sont pas produits les progrès appréciables escomptés dans le domaine de l'Union économique et monétaire, les compétences communautaires n'ont pas été étendues aux secteurs très importants pour la vie de l'Europe que sont la culture et la santé, ainsi que la lutte contre le terrorisme, la criminalité organisée et la drogue.

L'Acte unique européen ne représente donc pas l'actualisation de la réforme organique de la Communauté européenne que le Gouvernement italien s'est employé à favoriser et qui était attendue par son Parlement, conformément aux indications fournies par l'Assemblée des Strasbourg.

Le Gouvernement italien reste d'avis que la Conférence intergouvernementale qui s'est tenue à la suite du Conseil européen de Milan n'a ni su, ni voulu exploiter les possibilités qui s'offraient à elle de faire accomplir une véritable mutation à notre Communauté. Il ne peut donc qu'exprimer son profond mécontentement. A l'occasion du dépôt de l'instrument de ratification de l'Acte unique européen, l'Italie tient à redire sa

European Act to reaffirm its determination to work to ensure that the limited reforms agreed upon are not only applied in full but, in addition, and above all, that they are carried out in a progressive manner. In this connection, taking up the requests made by the European Parliament to the Governments of the Member States, the Italian Government calls on the current Presidency of the Council to initiate amendment of the Council's Rules of Procedure without delay so as to make a vote possible when it is requested by the Commission or three Member States.

In addition, the Italian Government calls on the Governments of the Community countries to take the necessary steps to ensure that by 1 January 1988 all the Community institutions carry out an examination of the implementation and operation of the decisions adopted by the Intergovernmental Conference with the aim of verifying their validity and expanding their scope, especially as regards greater participation by the European Parliament in the legislative process, so that the planned reform of the European Community can go ahead.

Lastly, the Italian Government wishes to make clear that it will take all possible steps to make citizens, parties and sections of opinion more aware of the problems involved in European Union and of the best ways of achieving it.

détermination à agir pour que les réformes limitées dont il a été convenu non seulement soient opérées dans leur intérêt, mais et surtout soient adaptées dans un sens évolutif. A cet égard, faisant siennes les demandes adressées par le Parlement européen aux Gouvernements des Etats membres, le Gouvernement italien prie la présidence actuelle du Conseil de procéder sans tarder à la modification du règlement interne du Conseil lui-même afin de rendre le vote possible lorsque la Commission ou trois Etats membres le demandent.

En outre, le Gouvernement italien demande aux Gouvernements des pays de la Communauté de prendre les initiatives nécessaires pour que d'ici au 1^{er} janvier 1988, toutes les institutions communautaires procèdent à un examen de l'actualisation et du fonctionnement des décisions adoptées par la Conférence intergouvernementale pour en vérifier la validité et en étendre la portée, particulièrement en ce qui concerne une participation plus importante du Parlement européen au processus législatif qui permettrait la poursuite de la réforme projetée de la Communauté européenne.

Enfin, le Gouvernement italien déclare qu'il prendra toutes les mesures possibles pour sensibiliser les citoyens, les partis et les mouvements d'opinion aux problèmes concernant l'Union européenne et les initiatives propres à la concrétiser.

PARTIAL TERMINATION of the
Single European Act of 17 and
28 February 1986¹ (*Note by the
Secretariat*)

ABROGATION PARTIELLE de
l'acte unique Européen du 17 et
28 février 1986¹ (*Note du Secrétariat*)

The Government of Italy registered on 28 December 1993 the Treaty on European Union concluded at Maastricht on 7 February 1992.²

The said Treaty, which came into force on 1 November 1993, provides, in its article P (2), for the termination of articles 2, 3 (2) and title III of the above-mentioned Act of 17 and 28 February 1986.

(28 December 1993)

Le Gouvernement italien a enregistré le 28 décembre 1993 le Traité sur l'Union européenne conclu à Maastricht le 7 février 1992².

Ledit Traité, qui est entré en vigueur le 1^{er} novembre 1993, stipule, au paragraphe 2 de son article P, l'abrogation de l'article 2, du paragraphe 2 de l'article 3 et du titre III de l'Acte susmentionné des 17 et 28 février 1986.

(28 décembre 1993)

¹ See p. 111 of this volume.

² United Nations, *Treaty Series*, vol. 1757, p. 3.

¹ Voir p. 181 du présent volume.

² Nations Unies, *Recueil des Traités*, vol. 1757, p. 3.