

ARTICLE 8

The Bank shall be directed and managed by a Board of Governors, a Board of Directors and a Management Committee.

ARTICLE 9⁽¹¹⁾(12)

1. The Board of Governors shall consist of the Ministers designated by the Member States.

2. The Board of Governors shall lay down general directives for the credit policy of the Bank, with particular reference to the objectives to be pursued as progress is made in the attainment of the common market.

The Board of Governors shall ensure that these directives are implemented.

3. The Board of Governors shall in addition :

- (a) decide whether to increase the subscribed capital in accordance with Article 4(3) and Article 5(2);
- (b) exercise the powers provided in Article 6 in respect of special loans;
- (c) exercise the powers provided in Articles 11 and 13 in respect of the appointment and the compulsory retirement of members of the Board of Directors and of the Management Committee and those powers provided in the second subparagraph of Article 13(1);
- (d) authorise the derogation provided for in Article 18 (1);
- (e) approve the annual report of the Board of Directors;
- (f) approve the annual balance sheet and profit and loss account;
- (g) exercise the powers and functions provided in Articles 4, 7, 14, 17, 26 and 27;
- (h) approve the rules of procedure of the Bank.

4. Within the framework of this Treaty and this Statute, the Board of Governors shall be competent to take, acting unanimously, any decisions concerning the suspension of the operations of the Bank and, should the event arise, its liquidation.

ARTICLE 10⁽¹¹⁾

Save as otherwise provided in this Statute, decisions of the Board of Governors shall be taken by a majority of its members. This majority must represent at least 40 per cent of the subscribed capital. Voting by the Board of Governors shall be in accordance with the provisions of Article 148 of this Treaty.

ARTICLE 11⁽¹¹⁾

1. The Board of Directors shall have sole power to take decisions in respect of granting loans and guarantees and raising loans; it shall fix the interest rates on loans granted and the commission on guarantees; it shall see that the Bank is properly run; it shall ensure that the Bank is managed in accordance with the provisions of this Treaty and of this Statute and with the general directives laid down by the Board of Governors.

At the end of the financial year the Board of Directors shall submit a report to the Board of Governors and shall publish it when approved.

2. The Board of Directors shall consist of 19 directors and 10 alternates.

The directors shall be appointed by the Board of Governors for five years as shown below:

3 directors nominated by the Federal Republic of Germany;

3 directors nominated by the French Republic;

3 directors nominated by the Italian Republic;

3 directors nominated by the United Kingdom of Great Britain and Northern Ireland;

1 director nominated by the Kingdom of Belgium;

1 director nominated by the Kingdom of Denmark;

1 director nominated by Ireland;

1 director nominated by the Grand Duchy of Luxembourg;

1 director nominated by the Kingdom of the Netherlands;

1 director nominated by the Kingdom of Norway;

1 director nominated by the Commission.

The alternates shall be appointed by the Board of Governors for five years as shown below:

2 alternates nominated by the Federal Republic of Germany;

2 alternates nominated by the French Republic;

2 alternates nominated by the Italian Republic;

2 alternates nominated by the United Kingdom of Great Britain and Northern Ireland;

1 alternate nominated by common accord of the Benelux countries;

1 alternate nominated by the Commission.

The appointments of the directors and the alternates shall be renewable.

Alternates may take part in the meetings of the Board of Directors. Alternates nominated by a State, or by common accord of several States, or by the Commission, may replace directors nominated by that State, by one of those States or by the Commission respectively. Alternates shall have no right of vote except where they replace one director or more than one director or where they have been delegated for this purpose in accordance with Article 12(1).

The President of the Management Committee or, in his absence, one of the Vice-Presidents, shall preside over meetings of the Board of Directors but shall not vote.

Members of the Board of Directors shall be chosen from persons whose independence and competence are beyond doubt; they shall be responsible only to the Bank.

3. A director may be compulsorily retired by the Board of Governors only if he no longer fulfils the conditions required for the performance of his duties; the Board must act by a qualified majority.

If the annual report is not approved, the Board of Directors shall resign.

4. Any vacancy arising as a result of death, voluntary resignation, compulsory retirement or collective resignation shall be filled in accordance with paragraph 2. A member shall be replaced for the remainder of his term of office, save where the entire Board of Directors is being replaced.

5. The Board of Governors shall determine the remuneration of members of the Board of Directors. The Board of Governors shall, acting unanimously, lay down what activities are incompatible with the duties of a director or an alternate.

ARTICLE 12⁽¹⁰⁾

1. Each director shall have one vote on the Board of Directors. He may delegate his vote in all cases, according to procedures to be laid down in the rules of procedure of the Bank.

2. Save as otherwise provided in this Statute, decisions of the Board of Directors shall be taken by a simple majority of the members entitled to vote. A qualified majority shall require thirteen votes in favour. The rules of procedure of the Bank shall lay down how many members of the Board of Directors constitute the quorum needed for the adoption of decisions.

ARTICLE 13⁽¹¹⁾

1. The Management Committee shall consist of a President and four Vice-Presidents appointed for six years by the Board of Governors on a proposal from the Board of Directors. Their appointment shall be renewable.

The Board of Governors, acting unanimously, may vary the number of members on the Management Committee.

2. On a proposal from the Board of Directors adopted by a qualified majority, the Board of Governors may, acting in its turn by a qualified majority, compulsorily retire a member of the Management Committee.

3. The Management Committee shall be responsible for the current business of the Bank, under the authority of the President and the supervision of the Board of Directors.

It shall prepare the decisions of the Board of Directors, in particular decisions on the raising of loans and the granting of loans and guarantees; it shall ensure that these decisions are implemented.

4. The Management Committee shall act by a majority when delivering opinions on proposals for raising loans or granting loans and guarantees.

5. The Board of Governors shall determine the remunerations of members of the Management Committee and shall lay down what activities are incompatible with their duties.

6. The President or, if he is prevented, a Vice-President shall represent the Bank in judicial and other matters.

7. The officials and other employees of the Bank shall be under the authority of the President. They shall be engaged and discharged by him.

In the selection of staff, account shall be taken not only of personal ability and qualifications but also of an equitable representation of nationals of Member States.

8. The Management Committee and the staff of the Bank shall be responsible only to the Bank and shall be completely independent in the performance of their duties.

ARTICLE 14

1. A Committee consisting of three members, appointed on the grounds of their competence by the Board of Governors, shall annually verify that the operations of the Bank have been conducted and its books kept in a proper manner.

2. The Committee shall confirm that the balance sheet and profit and loss account are in agreement with the accounts and faithfully reflect the position of the Bank in respect of its assets and liabilities.

ARTICLE 15

The Bank shall deal with each Member State through the authority designated by that State. In the conduct of financial operations the Bank shall have recourse to the bank of issue of the Member State concerned or to other financial institutions approved by that State.

ARTICLE 16

1. The Bank shall co-operate with all international organisations active in fields similar to its own.

2. The Bank shall seek to establish all appropriate contacts in the interests of co-operation with banking and financial institutions in the countries to which its operations extend.

ARTICLE 17

At the request of a Member State or of the Commission, or on its own initiative, the Board of Governors shall, in accordance with the same provisions as governed their adoption, interpret or supplement the directives laid down by it under Article 9 of this Statute.

ARTICLE 18

1. Within the framework of the task set out in Article 130 of this Treaty, the Bank shall grant loans to its members or to private or public undertakings for investment projects to be carried out in the European territories of Member States, to the extent that funds are not available from other sources on reasonable terms.

However, by way of derogation authorised by the Board of Governors, acting unanimously on a proposal from the Board of Directors, the Bank may grant loans for investment projects to be carried out, in whole or in part, outside the European territories of Member States.

2. As far as possible, loans shall be granted only on condition that other sources of finance are also used.

3. When granting a loan to an undertaking or to a body other than a Member State, the Bank shall make the loan conditional either on a guarantee from the Member State in whose territory the project will be carried out or on other adequate guarantees.

4. The Bank may guarantee loans contracted by public or private undertakings or other bodies for the purpose of carrying out projects provided for in Article 130 of this Treaty.

5. The aggregate amount outstanding at any time of loans and guarantees granted by the Bank shall not exceed 250 per cent of its subscribed capital.

6. The Bank shall protect itself against exchange risks by including in contracts for loans and guarantees such clauses as it considers appropriate.

ARTICLE 19

1. Interest rates on loans to be granted by the Bank and commission on guarantees shall be adjusted to conditions prevailing on the capital market and shall be calculated in such a way that the income therefrom shall enable the Bank to meet its obligations, to cover its expenses and to build up a reserve fund as provided for in Article 24.

2. The Bank shall not grant any reduction in interest rates. Where a reduction in the interest rate appears desirable in view of the nature of the project to be financed, the Member State concerned or some other agency may grant aid towards the payment of interest to the extent that this is compatible with Article 92 of this Treaty.

ARTICLE 20

In its loan and guarantee operations, the Bank shall observe the following principles:

1. It shall ensure that its funds are employed as rationally as possible in the interests of the Community.

It may grant loans or guarantees only:

(a) where, in the case of projects carried out by undertakings in the production sector, interest and amortisation payments are covered out of operating profits or, in other cases, either by a commitment entered into by the State in which the project is carried out or by some other means; and

(b) where the execution of the project contributes to an increase in economic productivity in general and promotes the attainment of the common market.

2. It shall neither acquire any interest in an undertaking nor assume any responsibility in its management unless this is required to safeguard the rights of the Bank in ensuring recovery of funds lent.

3. It may dispose of its claims on the capital market and may, to this end, require its debtors to issue bonds or other securities.

4. Neither the Bank nor the Member States shall impose conditions requiring funds lent by the Bank to be sent within a specified Member State.

5. The Bank may make its loans conditional on international invitations to tender being arranged.

6. The Bank shall not finance, in whole or in part, any project opposed by the Member State in whose territory it is to be carried out.

ARTICLE 21

1. Applications for loans or guarantees may be made to the Bank either through the Commission or through the Member State in whose territory the project will be carried out. An undertaking may also apply direct to the Bank for a loan or guarantee.

2. Applications made through the Commission shall be submitted for an opinion to the Member State in whose territory the project will be carried out. Applications made through a Member State shall be submitted to the Commission for an opinion. Applications made direct by an undertaking shall be submitted to the Member State concerned and to the Commission.

The Member State concerned and the Commission shall deliver their opinions within two months. If no reply is received within this period, the Bank may assume that there is no objection to the project in question.

3. The Board of Directors shall rule on applications for loans or guarantees submitted to it by the Management Committee.

4. The Management Committee shall examine whether applications for loans or guarantees submitted to it comply with the provisions of this Statute, in particular with Article 20. Where the Management Committee is in favour of granting the loan or guarantee, it shall submit the draft contract to the Board of Directors; the Committee may make its favourable opinion subject to such conditions as it considers essential. Where the Management Committee is against granting the loan or guarantee, it shall submit the relevant documents together with its opinion to the Board of Directors.

5. Where the Management Committee delivers an unfavourable opinion, the Board of Directors may not grant the loan or guarantee concerned unless its decision is unanimous.

6. Where the Commission delivers an unfavourable opinion, the Board of Directors may not grant the loan or guarantee concerned unless its decision is unanimous, the director nominated by the Commission abstaining.

7. Where both the Management Committee and the Commission deliver an unfavourable opinion, the Board of Directors may not grant the loan or guarantee.

ARTICLE 22

1. The Bank shall borrow on the international capital markets the funds necessary for the performance of its tasks.

2. The Bank 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 Bank and the Member State concerned have conferred together and reached agreement on the proposed loan.

The competent authorities in 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 23

1. The Bank may employ any available funds which it does not immediately require to meet its obligations in the following ways :

- (a) it may invest on the money markets;
- (b) it may, subject to the provisions of Article 20 (2), buy and sell securities issued by itself or by those who have borrowed from it;
- (c) it may carry out any other financial operation linked with its objectives.

2. Without prejudice to the provisions of Article 25, the Bank shall not, in managing its investments, engage in any currency arbitrage not directly required to carry out its lending operations or fulfil commitments arising out of loans raised or guarantees granted by it.

3. The Bank shall, in the fields covered by this Article, act in agreement with the competent authorities or with the bank of issue of the Member State concerned.

ARTICLE 24

1. A reserve fund of up to 10 per cent of the subscribed capital shall be built up progressively. If the state of the liabilities of the Bank should so justify, the Board of Directors may decide to set aside additional reserves. Until such time as the reserve fund has been fully built up, it shall be fed by :

- (a) interest received on loans granted by the Bank out of sums to be paid up by Member States pursuant to Article 5;
- (b) interest received on loans granted by the Bank out of funds derived from repayment of the loans referred to in (a);

to the extent that this income is not required to meet the obligations of the Bank or to cover its expenses.

2. The resources of the reserve fund shall be so invested as to be available at any time to meet the purpose of the fund.

ARTICLE 25

1. The Bank shall at all times be entitled to transfer its assets in the currency of one Member State into the currency of another Member State in order to carry out financial operations corresponding to the task set out in

Article 130 of this Treaty, taking into account the provisions of Article 23 of this Statute. The Bank shall, as far as possible, avoid making such transfers if it has cash or liquid assets in the currency required.

2. The Bank may not convert its assets in the currency of a Member State into the currency of a third country without the agreement of the Member State concerned.

3. The Bank may freely dispose of that part of its capital which is paid up in gold or convertible currency and of any currency borrowed on markets outside the Community.

4. The Member States undertake to make available to the debtors of the Bank the currency needed to repay the capital and pay the interest on loans or commission on guarantees granted by the Bank for projects to be carried out in their territory.

ARTICLE 26

If a Member State fails to meet the obligations of membership arising from this Statute, in particular the obligation to pay its share of the subscribed capital, to grant its special loans or to service its borrowings, the granting of loans or guarantees to that Member State or its nationals may be suspended by a decision of the Board of Governors, acting by a qualified majority.

Such decision shall not release either the State or its nationals from their obligations towards the Bank.

ARTICLE 27

1. If the Board of Governors decides to suspend the operations of the Bank, all its activities shall cease forthwith, except those required to ensure the due realisation, protection and preservation of its assets and the settlement of its liabilities.

2. In the event of liquidation, the Board of Governors shall appoint the liquidators and give them instructions for carrying out the liquidation.

ARTICLE 28⁽³⁾

1. In each of the Member States, the Bank shall enjoy the most extensive legal capacity accorded to legal persons under their laws; it may, in particular, acquire or dispose of movable or immovable property and may be a party to legal proceedings.

2. The property of the Bank shall be exempt from all forms of requisition or expropriation.

ARTICLE 29

Disputes between the Bank on the one hand, and its creditors, debtors or any other person on the other, shall be decided by the Competent national courts, save where jurisdiction has been conferred on the Court of Justice.

The Bank shall have an address for service in each Member State. It may, however, in any contract, specify a particular address for service or provide for arbitration.

The property and assets of the Bank shall not be liable to attachment or to seizure by way of execution except by decision of a court.

DONE at Rome this twenty-fifth day of March in the year one thousand nine hundred and fifty-seven.

P. H. SPAAK	J. Ch. SNOY et d'OPPUERS
ADENAUER	HALLSTEIN
PINEAU	M. FAURE
Antonio SEGNI	Gaetano MARTINO
BECH	Lambert SCHAUS
J. LUNS	J. LINTHORST HOMAN

PROTOCOL ON GERMAN INTERNAL TRADE AND CONNECTED PROBLEMS

THE HIGH CONTRACTING PARTIES,

CONSIDERING the conditions at present existing by reason of the division of Germany,

HAVE AGREED upon the following provisions, which shall be annexed to this Treaty:

1. Since trade between the German territories subject to the Basic Law for the Federal Republic of Germany and the German territories in which the Basic Law does not apply is a part of German internal trade, the application of this Treaty in Germany requires no change in the treatment currently accorded this trade.

2. Each Member State shall inform the other Member States and the Commission of any agreements relating to trade with the German territories in which the Basic Law for the Federal Republic of Germany does not apply, and of any implementing provisions. Each Member State shall ensure that the implementation of such agreements does not conflict with the principles of the common market and shall in particular take appropriate measures to avoid harming the economies of the other Member States.

3. Each Member State may take appropriate measures to prevent any difficulties arising for it from trade between another Member State and the German territories in which the Basic Law for the Federal Republic of Germany does not apply.

DONE at Rome this twenty-fifth day of March in the year one thousand nine hundred and fifty-seven.

P. H. SPAAK	J. Ch. SNOY et d'OPPUERS
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PROTOCOL ON CERTAIN PROVISIONS RELATING TO FRANCE

THE HIGH CONTRACTING PARTIES,

DESIRING to settle in accordance with the general objectives of this Treaty certain particular problems existing at the present time,

HAVE AGREED upon the following provisions, which shall be annexed to this Treaty:

I. CHARGES AND AIDS

1. The Commission and the Council shall annually examine the system of aid to exports and of special charges on imports in force in the franc area.

The French Government shall, at the time of this examination, make known the measures it proposes to take to reduce and rationalise the level of the aids and charges.

It shall also inform the Council and the Commission of any new charges which it intends to introduce as a result of further liberalisation and of any adjustments to the aids and charges which it intends to make within the limit of the maximum rate of charge in force on 1 January 1957. These various measures may be discussed within those institutions.

2. If it considers that the lack of uniformity is prejudicial to certain sectors of industry in other Member States, the Council may, acting by a qualified majority on a proposal from the Commission, request the French Government to take certain measures to standardise the charges and aids in each of the following three categories: raw materials, semi-finished products and finished products. If the French Government does not take such measures, the Council shall, again by a qualified majority, authorise the other Member States to take protective measures, the conditions and details of which it shall determine.

3. Where the balance of current payments on the franc area has remained in equilibrium for more than one year, and where its monetary reserves have reached a level which is to be considered satisfactory, in particular as regards the volume of its external trade, the Council, may, acting by a qualified majority on a proposal from the Commission, decide that the French Government must abolish the system of charges and aids.

If the Commission and the French Government do not agree on the question whether the level of the monetary reserves of the franc area can be considered satisfactory, they shall refer the matter for an opinion to a person or body chosen by common accord as arbitrator. In the event of disagreement, the arbitrator shall be designated by the President of the Court of Justice.

If it is decided that the system of charges and aids must be abolished, this shall be done in such a manner as to avoid risk of disturbance to the equilibrium of the balance of payments; it may, in particular, be done progressively. Once the system has been abolished, the provisions of this Treaty shall apply in their entirety.

The expression "balance of current payments" shall have the meaning given to it by international organisations and by the International Monetary Fund; it shall comprise the trade balance and the invisible transactions which have the character of income or services.

II. PAYMENT FOR OVERTIME

1. The Member States consider that the establishment of the common market will result, by the end of the first stage, in a situation in which the basic number of hours beyond which overtime is paid for and the average rate of additional payment for overtime in industry will correspond to the average obtaining in France in 1956.

2. If this situation does not come about by the end of the first stage, the Commission shall authorise France to take, in respect of the sectors of industry affected by disparities in the method of payment for overtime, protective measures, the conditions and details of which the Commission shall determine unless, during this stage, the average increase in the wage level in the same sectors of industry in other Member States, by comparison with the average for 1956, exceeds the increase which has occurred in France by a percentage fixed by the Commission with the approval of the Council acting by a qualified majority.

DONE at Rome this twenty-fifth day of March in the year one thousand nine hundred and fifty-seven.

P. H. SPAAK
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BECH
J. LUNS

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HALLSTEIN
M. FAURE
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PROTOCOL ON ITALY

THE HIGH CONTRACTING PARTIES,

DESIRING to settle certain particular problems relating to Italy,

HAVE AGREED upon the following provisions, which shall be annexed to this Treaty:

THE MEMBER STATES OF THE COMMUNITY

TAKE NOTE of the fact that the Italian Government is carrying out a ten-year programme of economic expansion designed to rectify the disequilibria in the structure of the Italian economy, in particular by providing an infrastructure for the less developed areas in Southern Italy and in the Italian islands and by creating new jobs in order to eliminate unemployment;

RECALL that the principles and objectives of this programme of the Italian Government have been considered and approved by organisations for international co-operation of which the Member States are members;

RECOGNISE that it is in their common interest that the objectives of the Italian programme should be attained;

AGREE, in order to facilitate the accomplishment of this task by the Italian Government, to recommend to the institutions of the Community that they should employ all the methods and procedures provided in this Treaty and, in particular, make appropriate use of the resources of the European Investment Bank and the European Social Fund;

ARE OF THE OPINION that the institutions of the Community should, in applying this Treaty, take account of the sustained effort to be made by the Italian economy in the coming years and of the desirability of avoiding dangerous stresses in particular within the balance of payments or the level of employment, which might jeopardise the application of this Treaty in Italy;

RECOGNISE that in the event of Articles 108 and 109 being applied it will be necessary to take care that any measures required of the Italian Government do not prejudice the completion of its programme for economic expansion and for raising the standard of living of the population.

DONE at Rome this twenty-fifth day of March in the year one thousand nine hundred and fifty-seven.

P. H. SPAAK

ADENAUER

PINEAU

Antonio SEGNI

BECH

J. LUNS

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HALLSTEIN

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Lambert SCHAUS

J. LINTHORST HOMAN

PROTOCOL ON THE GRAND DUCHY OF LUXEMBOURG

THE HIGH CONTRACTING PARTIES,

DESIRING to settle certain particular problems relating to the Grand Duchy of Luxembourg,

HAVE AGREED upon the following provisions, which shall be annexed to this Treaty:

ARTICLE 1

1. By reason of the special position of its agriculture, the Grand Duchy of Luxembourg is hereby authorised to maintain quantitative restrictions on imports of the products included in the list annexed to the Decision of the Contracting Parties to the General Agreement on Tariffs and Trade of 3 December 1955 concerning the agriculture of Luxembourg.

Belgium, Luxembourg and the Netherlands shall apply the system provided for in the third paragraph of Article 6 of the Convention of the Economic Union of Belgium and Luxembourg of 25 July 1921.

2. The Grand Duchy of Luxembourg shall take all measures of a structural, technical or economic nature that will make possible the progressive integration of its agriculture in the common market. The Commission may make recommendations to the Grand Duchy concerning the measures to be taken.

At the end of the transitional period the Council shall, acting by a qualified majority on a proposal from the Commission, decide to what extent the derogations accorded the Grand Duchy of Luxembourg shall be maintained, altered or terminated.

Any Member State concerned may appeal against this decision to an arbitration board appointed in accordance with Article 8 (4) of this Treaty.

ARTICLE 2

When framing the regulations on freedom of movement for workers provided for in Article 48 (3) of this Treaty, the Commission shall take account, as regards the Grand Duchy of Luxembourg, of the special demographic situation in that country.

DONE at Rome this twenty-fifth day of March in the year one thousand nine hundred and fifty-seven.

P. H. SPAAK	J. Ch. SNOY et d'OPPUERS
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J. LUNS	J. LINTHORST HOMAN

PROTOCOL ON GOODS ORIGINATING IN AND COMING FROM CERTAIN COUNTRIES AND ENJOYING SPECIAL TREATMENT WHEN IMPORTED INTO A MEMBER STATE

THE HIGH CONTRACTING PARTIES,

DESIRING to define in greater detail the application of this Treaty to certain goods originating in and coming from certain countries and enjoying special treatment when imported into a Member State,

HAVE AGREED upon the following provisions, which shall be annexed to this Treaty:

1. The application of the Treaty establishing the European Economic Community shall not require any alteration in the customs treatment applicable, at the time of the entry into force of this Treaty, to imports:

- (a) into the Benelux countries of goods originating in and coming from Surinam or the Netherlands Antilles;
- (b) into France of goods originating in and coming from Morocco, Tunisia, the Republic of Vietnam, Cambodia or Laos. This shall also apply to the French Settlements in the Condominium of the New Hebrides;
- (c) into Italy of goods originating in and coming from Libya or the Trust Territory of Somaliland currently under Italian administration.

2. Goods imported into a Member State and benefiting from the treatment referred to above shall not be considered to be in free circulation in that State within the meaning of Article 10 of this Treaty when re-exported to another Member State.

3. Before the end of the first year after the entry into force of this Treaty, Member States shall communicate to the Commission and to the other Member States their rules governing the special treatment referred to in this Protocol, together with a list of the goods entitled to such treatment.

They shall also inform the Commission and the other Member States of any changes subsequently made in those lists or in the treatment.

4. The Commission shall ensure that the application of these rules cannot be prejudicial to other Member States; to this end it may take any appropriate measures as regards relations between Member States.

DONE at Rome this twenty-fifth day of March in the year one thousand nine hundred and fifty-seven.

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BECH	Lambert SCHAUS
J. LUNS	J. LINTHORST HOMAN

PROTOCOL ON THE TREATMENT TO BE APPLIED TO PRODUCTS WITHIN THE PROVINCE OF THE EUROPEAN COAL AND STEEL COMMUNITY IN RESPECT OF ALGERIA AND THE OVERSEAS DEPARTMENTS OF THE FRENCH REPUBLIC

THE HIGH CONTRACTING PARTIES,

CONSCIOUS of the fact that the provisions of this Treaty relating to Algeria and the overseas departments of the French Republic raise the problem of the treatment to be applied, in respect of Algeria and those departments, to products covered by the Treaty establishing the European Coal and Steel Community,

DESIRING to seek an appropriate solution in harmony with the principles of the two Treaties,

UNDERTAKE to settle this problem in a spirit of mutual co-operation within the shortest possible time and not later than the first revision of the Treaty establishing the European Coal and Steel Community.

DONE at Rome this twenty-fifth day of March in the year one thousand nine hundred and fifty-seven.

P. H. SPAAK	J. Ch. SNOY et d'OPPUERS
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PROTOCOL ON MINERAL OILS AND CERTAIN OF THEIR DERIVATIVES

THE HIGH CONTRACTING PARTIES,

HAVE AGREED upon the following provisions, which shall be annexed to this Treaty:

1. Each Member State may, for a period of six years after this Treaty enters into force, maintain in regard to other Member States and third countries the customs duties and charges having equivalent effect applied to products falling within headings Nos. 27.09, 27.10, 27.11, 27.12 and ex 27.13 (paraffin wax, micro-crystalline wax, slack wax and scale wax) of the Brussels Nomenclature on 1 January 1957 or, if lower, on the date when this Treaty enters into force. The duty to be maintained on crude oils shall not, however, be such as to result in an increase of more than 5 per cent in the difference existing on 1 January 1957 between the duties on crude oils and those on the derivatives referred to above. Where no such difference exists, any difference subsequently introduced shall not exceed 5 per cent of the duty which applied on 1 January 1957 to products falling within heading No. 27.09. If, before the end of this period of six years, a reduction is made in the customs duties or charges having equivalent effect in respect of products falling within heading No. 27.09, a corresponding reduction shall be made in any customs duties or charges having equivalent effect imposed on the other products referred to above.

At the end of this period, the duties maintained in accordance with the preceding subparagraph shall be completely abolished in respect of other Member States. At the same time, the common customs tariff shall be applicable to third countries.

2. Any aids to the production of mineral oils falling within heading No. 27.09 of the Brussels Nomenclature shall, where such aids prove necessary in order to bring the price of crude oils down to the world market price c.i.f.

European part of a Member State, be governed by Article 92 (3) (c) of this Treaty. The Commission shall, during the first two stages, make use of the powers provided under Article 93 only to the extent required to prevent such aids being misused.

DONE at Rome this twenty-fifth day of March in the year one thousand nine hundred and fifty-seven.

P. H. SPAAK	J. Ch. SNOY et d'OPPUERS
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PROTOCOL ON THE APPLICATION OF THE TREATY ESTABLISHING THE EUROPEAN ECONOMIC COMMUNITY TO THE NON-EUROPEAN PARTS OF THE KINGDOM OF THE NETHERLANDS

THE HIGH CONTRACTING PARTIES,

ANXIOUS, at the time of signature of the Treaty establishing the European Economic Community, to define the scope of the provisions of Article 227 of this Treaty in respect of the Kingdom of the Netherlands,

HAVE AGREED upon the following provisions, which shall be annexed to this Treaty:

The Government of the Kingdom of the Netherlands, by reason of the constitutional structure of the Kingdom resulting from the Statute of 29 December 1954, shall, by way of derogation from Article 227, be entitled to ratify the Treaty on behalf of the Kingdom in Europe and Netherlands New Guinea only.

DONE at Rome this twenty-fifth day of March in the year one thousand nine hundred and fifty-seven.

P. H. SPAAK	J. Ch. SNOY et d'OPPUERS
ADENAUER	HALLSTEIN
PINEAU	M. FAURE
Antonio SEGNI	Gaetano MARTINO
BECH	Lambert SCHAUS
J. LUNS	J. LINTHORST HOMAN

IMPLEMENTING CONVENTION ON THE ASSOCIATION OF THE OVERSEAS COUNTRIES AND TERRITORIES WITH THE COMMUNITY

THE HIGH CONTRACTING PARTIES,

DESIRING to enter into the Implementing Convention provided for in Article 136 of this Treaty,

HAVE AGREED upon the following provisions, which shall be annexed to this Treaty:

ARTICLE 1

The Member States shall, under the conditions laid down below, participate in measures which will promote the social and economic development of the countries and territories listed in Annex IV to this Treaty, by supplementing the efforts made by the authorities responsible for those countries and territories.

For this purpose, a Development Fund for the Overseas Countries and Territories is hereby established, into which the Member States shall, over a period of five years, pay the annual contributions set out in Annex A to this Convention.

The Fund shall be administered by the Commission.

ARTICLE 2

The authorities responsible for the countries and territories shall, in agreement with the local authorities or with the representatives of the peoples of the countries and territories concerned, submit to the Commission the social or economic projects for which financing by the Community is requested.

ARTICLE 3

The Commission shall draw up annually general programmes for allocation to the different classes of project of the funds made available in accordance with Annex B to this Convention.

The general programmes shall contain projects for financing:

- (a) certain social institutions, in particular hospitals, teaching or technical research establishments and institutions for vocational guidance and advancement among the peoples concerned;
- (b) economic investments which are in the public interest and are directly connected with the implementation of a programme containing specific productive development projects.

ARTICLE 4

At the beginning of each financial year the Council shall, acting by a qualified majority after consulting the Commission, determine what funds will be devoted to financing:

- (a) the social institutions referred to in Article 3 (a);
- (b) the economic investments in the public interest referred to in Article 3 (b).

The decision of the Council shall aim at a rational geographical distribution of the funds made available.

ARTICLE 5

1. The Commission shall determine how the funds made available under Article 4 (a) shall be allocated according to the various requests received for the financing of social institutions.

2. The Commission shall draw up proposals for financing the economic investment projects which it is considering under Article 4 (b).

It shall submit these proposals to the Council.

If, within one month, no Member State requests that the Council examine the proposals, they shall be deemed to be approved.

If the Council examines the proposals, it shall act by a qualified majority within two months.

3. Any funds not allocated during any one year shall be carried forward to the following years.

4. The funds allocated shall be made available to the authorities responsible for carrying out the work concerned. The Commission shall ensure that such funds are used for the purposes which have been decided upon, and are expended to the best economic advantage.

ARTICLE 6

Within six months of the entry into force of this Treaty, the Council shall, acting by a qualified majority on a proposal from the Commission, lay down rules for the collection and transfer of financial contributions, for budgeting and for the administration of the resources of the Development Fund.

ARTICLE 7

The qualified majority referred to in Articles 4, 5 and 6 shall be 67 votes. Member States shall have the following number of votes:

Belgium	...	...	...	...	11 votes
Germany	...	...	...	...	33 votes
France	...	...	...	...	33 votes
Italy	...	...	...	...	11 votes
Luxembourg	...	...	...	...	1 vote
Netherlands	...	...	...	...	11 votes

ARTICLE 8

The right of establishment shall, in each country or territory, be progressively extended to nationals, companies or firms of Member States other than the State which has special relations with the country or territory concerned. During the first year in which this Convention is applied, the manner in which this is to be effected shall be so determined by the Council, acting by a qualified majority on a proposal from the Commission, as to ensure the progressive abolition during the transitional period of any discrimination.

ARTICLE 9

The customs treatment to be applied to trade between Member States and the countries and territories shall be that provided for in Articles 133 and 134 of this Treaty.

ARTICLE 10

For the duration of this Convention, Member States shall apply to their trade with the countries and territories those provisions of the Chapter of this Treaty relating to the elimination of quantitative restrictions between Member States which they apply to trade with one another during the same period.

ARTICLE 11

1. In each country or territory where import quotas exist, one year after this Convention enters into force, the quotas open to States other than the State with which such country or territory has special relations shall be converted into global quotas open without discrimination to the other Member States. As from the same date, these quotas shall be increased annually in accordance with Article 32 and Article 33 (1), (2), (4), (5), (6) and (7) of this Treaty.

2. Where, in the case of a product which has not been liberalised, the global quota does not amount to 7 per cent of total imports into a country or territory, a quota equal to 7 per cent of such imports shall be introduced not later than one year after the entry into force of this Convention, and shall be increased annually in accordance with paragraph 1.

3. Where, in the case of certain products, no quota has been opened for imports into a country or territory, the Commission shall, by means of a decision, determine the manner in which the quotas to be offered to other Member States shall be opened and increased.

ARTICLE 12

Where import quotas established by Member States cover both imports from a State having special relations with a country or territory and imports from the country or territory concerned, the share of imports from the countries and territories shall be the subject of a global quota based on import statistics. Any such quota shall be established during the first year in which this Convention is in force and shall be increased as provided for in Article 10.

ARTICLE 13

The provisions of Article 10 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.

ARTICLE 14

After the date of expiry of this Convention and until provisions covering association for a further period have been adopted, quotas for imports into the countries and territories on the one hand, and into the Member states on the other, of products originating in the countries and territories shall remain at the level set for the fifth year. The arrangements in respect of the right of establishment in force at the end of the fifth year shall also be maintained.

ARTICLE 15

1. Tariff quotas for imports from third countries or raw coffee into Italy and the Benelux countries, and of bananas into the Federal Republic of Germany, shall be introduced in accordance with the Protocols annexed to this Convention.

2. If this Convention expires before the conclusion of a new agreement, the Member States shall, pending such new agreement, enjoy tariff quotas for bananas, cocoa beans and raw coffee at the rates of duty applying at the beginning of the second stage; such quotas shall be equal to the volume of imports from third countries in the course of the latest year for which statistics are available.

Such quotas shall, where appropriate, be increased in proportion to the increase in consumption within the importing countries.

3. Member States enjoying tariff quotas at the rates of duty applied when this Treaty enters into force under the Protocols relating to imports of raw coffee and bananas from third countries may require that, instead of the treatment provided for in paragraph 2, the tariff quotas for these products be maintained at the level reached at the date of expiry of this Convention.

Such quotas shall, where appropriate, be increased as provided in paragraph 2.

4. The Commission shall, at the request of the States concerned, determine the size of the tariff quotas referred to in the preceding paragraphs.

ARTICLE 16

The provisions contained in Articles 1 to 8 of this Convention shall apply to Algeria and the French overseas departments.

ARTICLE 17

Without prejudice to cases in which the provisions of Articles 14 and 15 apply, this Convention is concluded for a period of five years.

DONE at Rome this twenty-fifth day of March in the year one thousand nine hundred and fifty-seven.

P. H. SPAAK	J. Ch. SNOY et d'OPPUERS
ADENAUER	HALLSTEIN
PINEAU	M. FAURE
Antonio SEGNI	Gaetano MARTINO
BECH	Lambert SCHAUS
J. LUNS	J. LINTHORST HOMAN

Annex A referred to in Article 1 of this Convention

Percentages	1st year	2nd year	3rd year	4th year	5th year	Total
	10%	12.5%	16.5%	22.5%	38.5%	100%
Countries	IN MILLIONS OF E.P.U. UNITS OF ACCOUNT					
Belgium	7	8.75	11.55	15.75	26.95	70
Germany	20	25	33	45	77	200
France	20	25	33	45	77	200
Italy	4	5	6.60	9	15.40	40
Luxembourg ...	0.125	0.15625	0.20625	0.28125	0.48125	1.25
Netherlands ...	7	8.75	11.55	15.75	26.95	70

Annex B referred to in Article 3 of this Convention

Percentages	1st year	2nd year	3rd year	4th year	5th year	Total
	10%	12.5%	16.5%	22.5%	38.5%	100%
Overseas Countries and territories of:	IN MILLIONS OF E.P.U. UNITS OF ACCOUNT					
Belgium	3	3.75	4.95	6.75	11.55	30
France	51.125	63.906	84.356	115.031	196.832	511.25
Italy	0.5	0.625	0.825	1.125	1.925	5
Netherlands ...	3.5	4.375	5.775	7.875	13.475	35

PROTOCOL ON THE TARIFF QUOTA FOR IMPORTS OF BANANAS

(ex 08.01 of the Brussels Nomenclature)

THE HIGH CONTRACTING PARTIES

HAVE AGREED upon the following provisions, which shall be annexed to this Convention:

1. From the first approximation of external duties provided for in Article 23(1)(b) of this Treaty until the end of the second stage, the Federal Republic of Germany shall enjoy an annual duty-free import quota equal to 90 per cent of the quantities imported in 1956, less the quantities coming from the countries and territories referred to in Article 131 of this Treaty.

2. From the end of the second stage until the end of the third stage, the quota shall be 80 per cent of the quantity defined above.

3. The annual quotas determined in paragraphs 1 and 2 shall be increased by 50 per cent of the difference between the total quantities imported during each preceding year and the quantities imported in 1956.

If total imports decrease in comparison with those for 1956, the annual quotas provided for above shall not exceed 90 per cent of the imports for each preceding year during the period referred to in paragraph 1, or 80 per cent of the imports for each preceding year during the period referred to in paragraph 2.

4. As soon as the common customs tariff applies in its entirety, the quota shall be 75 per cent of the imports for 1956. This quota shall be increased as provided in the first subparagraph of paragraph 3.

If imports have decreased in comparison with those for 1956, the annual quota provided for above shall not exceed 75 per cent of the imports for each preceding year.

Any decision to abolish or amend this quota shall be taken by the Council, acting by a qualified majority on a proposal from the Commission.

5. The figure for imports for 1956, less imports from the countries and territories referred to in Article 131 of this Treaty, which in accordance with the above provisions is to serve as the basis for calculating quotas, is 290,000 metric tons.

6. If the countries and territories are unable to supply in full the quantities requested by the Federal Republic of Germany, the Member States concerned declare their readiness to agree to a corresponding increase in the German tariff quota.

DONE at Rome this twenty-fifth day of March in the year one thousand nine hundred and fifty-seven.

P. H. SPAAK

ADENAUER

PINEAU

Antonio SEGNI

BECH

J. LUNS

J. Ch. SNOY et d'OPPUERS

HALLSTEIN

M. FAURE

Gaetano MARTINO

Lambert SCHAUS

J. LINTHORST HOMAN

At the time of signature of this Protocol, the Plenipotentiary of the Federal Republic of Germany made, on behalf of his Government, the following declaration, of which the other Plenipotentiaries took note :

The Federal Republic of Germany declares its readiness to support any measures that may be taken by German private interests to encourage sales of bananas from the associated overseas countries and territories within the Federal Republic.

For this purpose, negotiations shall be started as soon as possible between business circles in the various countries concerned in the supply and sale of bananas.

PROTOCOL ON THE TARIFF QUOTA FOR IMPORTS OF RAW COFFEE

(ex 09.01 of the Brussels Nomenclature)

THE HIGH CONTRACTING PARTIES

HAVE AGREED upon the following provisions, which shall be annexed to this Convention :

A.—ITALY

During the first period of association of the overseas countries and territories with the Community and after the first change in customs duties in accordance with Article 23 of this Treaty, raw coffee imported from third countries into the territory of Italy, within an annual quota equal to the total imports into Italy of raw coffee from third countries in 1956, shall be subject to the customs duties applicable at the date of entry into force of this Treaty.

From the sixth year after the entry into force of this Treaty until the end of the second stage, the initial quota provided for in the preceding paragraph shall be reduced by 20 per cent.

From the beginning of the third stage and throughout that stage, the quota shall be 50 per cent of the initial quota.

For four years after the end of the transitional period, customs duties on raw coffee imported into Italy may, up to an amount not exceeding 20 per cent of the initial quota, continue to be charged at the rate applied in that country at the date of entry into force of this Treaty.

The Commission shall examine whether the percentage and the period provided for in the preceding paragraph are justified.

The provisions of this Treaty shall apply to any quantities imported in excess of the quotas provided for above.

B.—THE BENELUX COUNTRIES

From the beginning of the second stage and throughout that stage, raw coffee imported from third countries into the territories of the Benelux countries may continue to be imported free of customs duty, up to a tonnage of 85 per cent of the total quantity of raw coffee imported during the last year for which statistics are available.

From the beginning of the third stage and throughout that stage, the duty-free imports referred to in the preceding paragraph shall be reduced to 50 per cent of the total tonnage of raw coffee imported during the last year for which statistics are available.

The provisions of this Treaty shall apply to any quantities imported in excess of the quotas provided for above.

DONE at Rome this twenty-fifth day of March in the year one thousand nine hundred and fifty-seven.

P. H. SPAAK	J. Ch. SNOY et d'OPPUERS
ADENAUER	HALLSTEIN
PINEAU	M. FAURE
Antonio SEGNI	Gaetano MARTINO
BECH	Lambert SCHAUS
J. LUNS	J. LINTHORST HOMAN

CONVENTION ON CERTAIN INSTITUTIONS COMMON TO THE EUROPEAN COMMUNITIES

HIS MAJESTY THE KING OF THE BELGIANS, THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY, THE PRESIDENT OF THE FRENCH REPUBLIC, THE PRESIDENT OF THE ITALIAN REPUBLIC, HER ROYAL HIGHNESS THE GRAND DUCHESS OF LUXEMBOURG, HER MAJESTY THE QUEEN OF THE NETHERLANDS.

ANXIOUS to limit the number of institutions responsible for carrying out similar tasks in the European Communities which they have constituted, HAVE DECIDED to create for these Communities certain single institutions and to this end have designated as their Plenipotentiaries:

HIS MAJESTY THE KING OF THE BELGIANS:

Mr. Paul-Henri SPAAK, Minister for Foreign Affairs,

Baron J. Ch. SNOY et d'OPPUERS, Secretary-General of the Ministry of Economic Affairs, Head of the Belgian Delegation to the Intergovernmental Conference;

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY :

Dr. Konrad ADENAUER, Federal Chancellor,
Professor Dr. Walter HALLSTEIN, State Secretary of the Federal Foreign
Office;

THE PRESIDENT OF THE FRENCH REPUBLIC :

Mr. Christian PINEAU, Minister for Foreign Affairs,
Mr. Maurice FAURE, Under-Secretary of State for Foreign Affairs;

THE PRESIDENT OF THE ITALIAN REPUBLIC :

Mr. Antonio SEGNI, President of the Council of Ministers,
Professor Gaetano MARTINO, Minister for Foreign Affairs;

HER ROYAL HIGHNESS THE GRAND DUCHESS OF LUXEMBOURG :

Mr. Joseph BECH, President of the Government, Minister for Foreign
Affairs
Mr. Lambert SCHAUS, Ambassador, Head of the Luxembourg Delegation
to the Intergovernmental Conference;

HER MAJESTY THE QUEEN OF THE NETHERLANDS :

Mr. Joseph LUNS, Minister for Foreign Affairs,
Mr. J. LINTHORST HOMAN, Head of the Netherlands Delegation to
the Intergovernmental Conference;

WHO, having exchanged their Full Powers, found in good and due form,
HAVE AGREED as follows :

SECTION 1—THE ASSEMBLY

ARTICLE 1

The powers and jurisdiction which the Treaty establishing the European Economic Community and the Treaty establishing the European Atomic Energy Community confer upon the Assembly shall be exercised, in accordance with those Treaties, by a single Assembly composed and designated as provided in Article 138 of the Treaty establishing the European Economic Community and in Article 108 of the Treaty establishing the European Atomic Energy Community.

ARTICLE 2

1. Upon taking up its duties, the single Assembly referred to in Article 1 shall take the place of the Common Assembly provided for in Article 21 of the Treaty establishing the European Coal and Steel Community. It shall exercise the powers and jurisdiction conferred upon the Common Assembly by that Treaty in accordance with the provisions thereof.

2. To this end, Article 21 of the Treaty establishing the European Coal and Steel Community shall be repealed on the date when the single Assembly referred to in Article 1 takes up its duties, and the following provisions substituted therefor :

“ ARTICLE 21

1. The Assembly shall consist of delegates who shall be designated by the respective Parliaments from among their members in accordance with the procedure laid down by each Member State.

2. The number of these delegates shall be as follows:

Germany	...	...	...	...	...	36
Belgium	...	...	...	...	...	14
France	...	...	...	...	...	36
Italy	...	...	...	...	...	36
Luxembourg	...	...	...	...	...	6
Netherlands	...	...	...	...	...	14

3. The Assembly 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, lay down the appropriate provisions, which it shall recommend to Member States for adoption in accordance with their respective constitutional requirements.”

SECTION II—THE COURT OF JUSTICE

ARTICLE 3

The jurisdiction which the Treaty establishing the European Economic Community and the Treaty establishing the European Atomic Energy Community confer upon the Court of Justice shall be exercised, in accordance with those Treaties, by a single Court of Justice composed and appointed as provided in Articles 165 to 167 of the Treaty establishing the European Economic Community and in Articles 137 to 139 of the Treaty establishing the European Atomic Energy Community.

ARTICLE 4

1. Upon taking up its duties, the single Court of Justice referred to in Article 3 shall take the place of the Court provided for in Article 32 of the Treaty establishing the European Coal and Steel Community. It shall exercise the jurisdiction conferred upon that Court by that Treaty in accordance with the provisions thereof.

The President of the single Court of Justice referred to in Article 3 shall exercise the powers conferred by the Treaty establishing the European Coal and Steel Community upon the President of the Court provided for in that Treaty.

2. To this end, on the date when the single Court of Justice referred to in Article 3 takes up its duties:

(a) Article 32 of the Treaty establishing the European Coal and Steel Community shall be replaced and the following provisions substituted therefor:

“ ARTICLE 32

The Court shall consist of seven Judges.

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

Whenever the Court hears cases brought before it by a Member State or by one of the institutions of the Community or has to give preliminary rulings on questions submitted to it pursuant to Article 41, it shall sit in plenary session.

Should the Court 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 32b.

ARTICLE 32(a)

The Court shall be assisted by two Advocates-General.

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, in order to assist the Court in the performance of the task assigned to it in Article 31.

Should the Court so request, the Council may acting unanimously, increase the number of Advocates-General and make the necessary adjustments to the third paragraph of Article 32 (b).

ARTICLE 32(b)

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 jurisconsults 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. Three and four judges shall be replaced alternately. The three Judges whose terms of office are to expire at the end of the first three years shall be chosen by lot.

Every three years there shall be a partial replacement of the Advocates-General. The Advocate-General whose term of office is to expire at the end of the first three years shall be chosen by lot.

Retiring Judges and Advocates-General shall be eligible for reappointment.

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

ARTICLE 32(c)

The Court shall appoint its Registrar and lay down the rules governing his service.

- (b) The provisions of the Protocol on the Statute of the Court of Justice annexed to the Treaty establishing the European Coal and Steel Community, in so far as they are in conflict with Articles 32 to 32c of that Treaty, shall be repealed."

SECTION III—THE ECONOMIC AND SOCIAL COMMITTEE

ARTICLE 5

1. The functions which the Treaty establishing the European Economic Community and the Treaty establishing the European Atomic Energy Community confer upon the Economic and Social Committee shall be exercised, in accordance with those Treaties, by a single Economic and Social Committee composed and appointed as provided in Article 194 of the Treaty establishing the European Economic Community and in Article 166 of the Treaty establishing the European Atomic Energy Community.

The single Economic and Social Committee referred to in paragraph 1 shall include a section specialising in, and may include subcommittees competent for, the fields or questions dealt with in the Treaty establishing the European Atomic Energy Community.

3. The provisions of Articles 193 and 197 of the Treaty establishing the European Economic Community shall apply to the single Economic and Social Committee referred to in paragraph 1.

SECTION IV—THE FINANCING OF THESE INSTITUTIONS

ARTICLE 6

[This Article is repealed by Article 23 of the Merger Treaty. The original text of Article 6 shall read as follows:

"The administrative expenditure of the single Assembly, the single Court of Justice and the single Economic and Social Committee shall be divided equally between the Communities concerned.

The manner in which effect shall be given to this Article shall be determined by common accord of the competent authorities of each Community."]

FINAL PROVISIONS

ARTICLE 7

This Convention 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.

This Convention shall enter into force at the same time as the Treaty establishing the European Economic Community and the Treaty establishing the European Atomic Energy Community.

ARTICLE 8

This Convention, drawn up in a single original in the German, French Italian and Dutch languages, all four texts being equally authentic, shall be deposited in the archives of the Government of the Italian Republic, which shall transmit a certified copy to each of the Governments of the other signatory States.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries have signed this Convention.

DONE at Rome this twenty-fifth day of March in the year one thousand nine hundred and fifty-seven.

P. H. SPAAK	J. Ch. SNOY et d'OPPUERS
ADENAUER	HALLSTEIN
PINEAU	M. FAURE
Antonio SEGNI	Gaetano MARTINO
BECH	Lambert SCHAUS
J. LUNS	J. LINTHORST HOMAN

PROTOCOL ON THE STATUTE OF THE COURT OF JUSTICE OF THE EUROPEAN ECONOMIC COMMUNITY

THE HIGH CONTRACTING PARTIES TO THE TREATY ESTABLISHING THE EUROPEAN ECONOMIC COMMUNITY.

DESIRING to lay down the Statute of the Court provided for in Article 188 of this Treaty,

HAVE DESIGNATED as their Plenipotentiaries for this purpose:

HIS MAJESTY THE KING OF THE BELGIANS:

Baron J. Ch. SNOY et d'OPPUERS, Secretary-General of the Ministry of Economic Affairs, Head of the Belgian Delegation to the Intergovernmental Conference;

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY:

Professor Dr. Carl Friedrich OPHULS, Ambassador of the Federal Republic of Germany, Head of the German Delegation to the Intergovernmental Conference;

THE PRESIDENT OF THE FRENCH REPUBLIC:

Mr. Robert MARJOLIN, Professor of Law, Deputy Head of the French Delegation to the Intergovernmental Conference;

THE PRESIDENT OF THE ITALIAN REPUBLIC:

Mr. V. BADINI CONFALONIERI, Under-Secretary of State in the Ministry of Foreign Affairs, Head of the Italian Delegation to the Intergovernmental Conference;

HER ROYAL HIGHNESS THE GRAND DUCHESS OF LUXEMBOURG:

Mr. Lambert SCHAUS, Ambassador of the Grand Duchy of Luxembourg, Head of the Luxembourg Delegation to the Intergovernmental Conference;

HER MAJESTY THE QUEEN OF THE NETHERLANDS:

Mr. J. LINTHORST HOMAN, Head of the Netherlands Delegation to the Intergovernmental Conference;

WHO, having exchanged their Full Powers, found in good and due form,

HAVE AGREED upon the following provisions, which shall be annexed to the Treaty establishing the European Economic Community:

ARTICLE 1

The Court established by Article 4 of this Treaty shall be constituted and shall function in accordance with the provisions of this Treaty and of this Statute.

TITLE 1—JUDGES AND ADVOCATES-GENERAL

ARTICLE 2

Before taking up his duties each Judge shall, in open court, take an oath to perform his duties impartially and conscientiously and to preserve the secrecy of the deliberations of the Court.

ARTICLE 3

The Judges shall be immune from legal proceedings. After they have ceased to hold office, they shall continue to enjoy immunity in respect of acts performed by them in their official capacity, including words spoken or written.

The Court, sitting in plenary session, may waive the immunity.

Where immunity has been waived and criminal proceedings are instituted against a Judge, he shall be tried, in any of the Member States, only by the Court competent to judge the members of the highest national judiciary.

ARTICLE 4

The Judges may not hold any political or administrative office.

They may not engage in any occupation, whether gainful or not, unless exemption is exceptionally granted by the Council.

When taking up their duties, they shall give a solemn undertaking that, both during and after their term of office, they will respect the obligations arising therefrom, in particular the duty to behave with integrity and discretion as regards the acceptance, after they have ceased to hold office, of certain appointments or benefits.

Any doubt on this point shall be settled by decision of the Court.

ARTICLE 5

Apart from normal replacement, or death, the duties of a Judge shall end when he resigns.

Where a Judge resigns, his letter of resignation shall be addressed to the President of the Court for transmission to the President of the Council. Upon this notification a vacancy shall arise on the bench.

Save where Article 6 applies, a Judge shall continue to hold office until his successor takes up his duties.

ARTICLE 6

A Judge may be deprived of his office or of his right to a pension or other benefits in its stead only if, in the unanimous opinion of the Judges and Advocates-General of the Court, he no longer fulfils the requisite conditions or meets the obligations arising from his office. The Judge concerned shall not take part in any such deliberations.

The Registrar of the Court shall communicate the decision of the Court to the President of the Assembly and to the President of the Commission and shall notify it to the President of the Council.

In the case of a decision depriving a Judge of his office, a vacancy shall arise on the bench upon this latter notification.

ARTICLE 7

A Judge who is to replace a member of the Court whose term of office has not expired shall be appointed for the remainder of his predecessor's term.

ARTICLE 8

The provisions of Articles 2 to 7 shall apply to the Advocates-General.

TITLE II—ORGANISATION

ARTICLE 9

The Registrar shall take an oath before the Court to perform his duties impartially and conscientiously and to preserve the secrecy of the deliberations of the Court.

ARTICLE 10

The Court shall arrange for replacement of the Registrar on occasions when he is prevented from attending the Court.

ARTICLE 11

Officials and other servants shall be attached to the Court to enable it to function. They shall be responsible to the Registrar under the authority of the President.

ARTICLE 12

On a proposal from the Court, the Council may, acting unanimously, provide for the appointment of Assistant Rapporteurs and lay down the rules governing their service. The Assistant Rapporteurs may be required, under conditions laid down in the rules of procedure, to participate in preparatory inquiries in cases pending before the Court and to co-operate with the Judge who acts as Rapporteur.

The Assistant Rapporteurs shall be chosen from persons whose independence is beyond doubt and who possess the necessary legal qualifications; they shall be appointed by the Council. They shall take an oath before the Court to perform their duties impartially and conscientiously and to preserve the secrecy of the deliberations of the Court.

ARTICLE 13

The Judges, the Advocates-General and the Registrar shall be required to reside at the place where the Court has its seat.

ARTICLE 14

The Court shall remain permanently in session. The duration of the judicial vacations shall be determined by the Court with due regard to the needs of its business.

ARTICLE 15

Decisions of the Court shall be valid only when an uneven number of its members is sitting in the deliberations. Decisions of the full Court shall be valid if five members are sitting. Decisions of the Chambers shall be valid only if three Judges are sitting; in the event of one of the Judges of a Chamber being prevented from attending, a Judge of another Chamber may be called upon to sit in accordance with conditions laid down in the rules of procedure.

ARTICLE 16

No Judge or Advocate-General may take part in the disposal of any case in which he has previously taken part as agent or adviser or has acted for one of the parties, or on which he has been called upon to pronounce as a member of a court or tribunal, of a commission of inquiry or in any other capacity.

If, for some special reason, any Judge or Advocate-General considers that he should not take part in the judgment or examination of a particular case, he shall so inform the President. If, for some special reason, the President considers that any Judge or Advocate-General should not sit or make submissions in a particular case, he shall notify him accordingly.

Any difficulty arising as to the application of this Article shall be settled by decision of the Court.

A party may not apply for a change in the composition of the Court or of one of its Chambers on the grounds of either the nationality of a Judge or the absence from the Court or from the Chamber of a Judge of the nationality of that party.

TITLE III—PROCEDURE

The States and the institutions of the Community shall be represented before the Court by an agent appointed for each case; the agent may be assisted by an adviser or by a lawyer entitled to practise before a court of a Member State.

Other parties must be represented by a lawyer entitled to practise before a court of a Member State.

Such agents, advisers and lawyers shall, when they appear before the Court, enjoy the rights and immunities necessary to the independent exercise of their duties, under conditions laid down in the rules of procedure.

As regards such advisers and lawyers who appear before it, the Court shall have the powers normally accorded to courts of law, under conditions laid down in the rules of procedure.

University teachers being nationals of a Member State whose law accords them a right of audience shall have the same rights before the Court as are accorded by this Article to lawyers entitled to practice before a court of a Member State.

ARTICLE 18

The procedure before the Court shall consist of two parts: written and oral.

The written procedure shall consist of the communication to the parties and to the institutions of the Community whose decisions are in dispute of applications, statements of case, defences and observations, and of replies, if any, as well as of all papers and documents in support or of certified copies of them.

Communications shall be made by the Registrar in the order and within the time laid down in the rules of procedure.

The oral procedure shall consist of the reading of the report presented by a Judge acting as Rapporteur, the hearing by the Court of agents, advisers and lawyers entitled to practise before a court of a Member State and of the submissions of the Advocate-General, as well as the hearing, if any, of witnesses and experts.

ARTICLE 19

A case shall be brought before the Court by a written application addressed to the Registrar. The application shall contain the applicant's name and permanent address and the description of the signatory, the name of the party against whom the application is made, the subject matter of the dispute, the submissions and a brief statement of the grounds on which the application is based.

The application shall be accompanied, where appropriate, by the measure the annulment of which is sought or, in the circumstances referred to in Article 175 of this Treaty, by documentary evidence of the date on which an institution was, in accordance with that Article, requested to act. If the documents are not submitted with the application, the Registrar shall ask the party concerned to produce them within a reasonable period, but in that event the rights of the party shall not lapse even if such documents are produced after the time limit for bringing proceedings.

ARTICLE 20

In the cases governed by Article 177 of this Treaty, the decision of the court or tribunal of a Member State which suspends its proceedings and refers a case to the Court shall be notified to the Court by the court or tribunal concerned. The decision shall then be notified by the Registrar of the Court to the parties, to the Member States and to the Commission, and also to the Council if the act the validity or interpretation of which is in dispute originates from the Council.

Within two months of this notification, the parties, the Member States, the Commission and, where appropriate, the Council, shall be entitled to submit statements of case or written observations to the Court.

ARTICLE 21

The Court may require the parties to produce all documents and to supply all information which the Court considers desirable. Formal note shall be taken of any refusal.

The Court may also require the Member States and institutions not being parties to the case to supply all information which the Court considers necessary for the proceedings.

ARTICLE 22

The Court may at any time entrust any individual, body, authority, committee or other organisation it chooses with the task of giving an expert opinion.

ARTICLE 23

Witnesses may be heard under conditions laid down in the rules of procedure.

ARTICLE 24

With respect to defaulting witnesses the Court shall have the powers generally granted to courts and tribunals and may impose pecuniary penalties under conditions laid down in the rules of procedure.

ARTICLE 25

Witnesses and experts may be heard on oath taken in the form laid down in the rules of procedure or in the manner laid down by the law of the country of the witness or expert.

ARTICLE 26

The Court may order that a witness or expert be heard by the judicial authority of his place of permanent residence.

The order shall be sent for implementation to the competent judicial authority under conditions laid down in the rules of procedure. The documents drawn up in compliance with the letters rogatory shall be returned to the Court under the same conditions.

The Court shall defray the expenses, without prejudice to the right to charge them, where appropriate, to the parties.

ARTICLE 27

A Member State shall treat any violation of an oath by a witness or expert in the same manner as if the offence had been committed before one of its courts with jurisdiction in civil proceedings. At the instance of the Court, the Member State concerned shall prosecute the offender before its competent court.

ARTICLE 28

The hearing in court shall be public, unless the Court, of its own motion or on application by the parties, decides otherwise for serious reasons.

ARTICLE 29

During the hearings the Court may examine the experts, the witnesses and the parties themselves. The latter, however, may address the Court only through their representatives.

ARTICLE 30

Minutes shall be made of each hearing and signed by the President and the Registrar.

ARTICLE 31

The cause list shall be established by the President.

ARTICLE 32

The deliberations of the Court shall be and shall remain secret.

ARTICLE 33

Judgments shall state the reasons on which they are based. They shall contain the names of the Judges who took part in the deliberations.

ARTICLE 34

Judgments shall be signed by the President and the Registrar. They shall be read in open court.

ARTICLE 35

The Court shall adjudicate upon costs.

ARTICLE 36

The President of the Court may, by way of summary procedure, which may, in so far as necessary, differ from some of the rules contained in this Statute and which shall be laid down in the rules of procedure, adjudicate upon applications to suspend execution, as provided for in Article 185 of this Treaty, or to prescribe interim measures in pursuance of Article 186, or to suspend enforcement in accordance with the last paragraph of Article 192.

Should the President be prevented from attending, his place shall be taken by another Judge under conditions laid down in the rules of procedure.

The ruling of the President or of the Judge replacing him shall be provisional and shall in no way prejudice the decision of the Court on the substance of the case.

ARTICLE 37

Member States and institutions of the Community may intervene in cases before the Court.

The same right shall be open to any other person establishing an interest in the result of any case submitted to the Court, save in cases between Member States, between institutions of the Community or between Member States and institutions of the Community.

Submissions made in an application to intervene shall be limited to supporting the submissions of one of the parties.

ARTICLE 38

Where the defending party, after having been duly summoned, fails to file written submissions in defence, judgment shall be given against that party by default. An objection may be lodged against the judgment within one month of it being notified. The objection shall not have the effect of staying enforcement of the judgment by default unless the Court decides otherwise.

ARTICLE 39

Member States, institutions of the Community and any other natural or legal persons may, in cases and under conditions to be determined by the rules of procedure, institute third-party proceedings to contest a judgment rendered without their being heard, where the judgment is prejudicial to their rights.

ARTICLE 40

If the meaning or scope of a judgment is in doubt, the Court shall construe it on application by any party or any institution of the Community establishing an interest therein.

ARTICLE 41

An application for revision of a judgment may be made to the Court only on discovery of a fact which is of such a nature as to be a decisive factor, and which, when the judgment was given, was unknown to the Court and to the party claiming the revision.

The revision shall be opened by a judgment of the Court expressly recording the existence of a new fact, recognising that it is of such a character as to lay the case open to revision and declaring the application admissible on this ground.

No application for revision may be made after the lapse of ten years from the date of the judgment.

ARTICLE 42

Periods of grace based on considerations of distance shall be determined by the rules of procedure.

No right shall be prejudiced in consequence of the expiry of a time limit if the party concerned proves the existence of unforeseeable circumstances or of *force majeure*.

ARTICLE 43

Proceedings against the Community in matters arising from non-contractual liability shall be barred after a period of five years from the occurrence of the event giving rise thereto. The period of limitation shall be interrupted if proceedings are instituted before the Court or if prior to such proceedings an application is made by the aggrieved party to the relevant institution of the Community. In the latter event the proceedings must be instituted within the period of two months provided for in Article 173; the provisions of the second paragraph of Article 175 shall apply where appropriate.

ARTICLE 44

The rules of procedure of the Court provided for in Article 188 of this Treaty shall contain, apart from the provisions contemplated by this Statute, any other provisions necessary for applying and, where required, supplementing it.

ARTICLE 45

The Council may, acting unanimously, make such further adjustments to the provisions of this Statute as may be required by reason of measures taken by the Council in accordance with the last paragraph of Article 165 of this Treaty.

ARTICLE 46

Immediately after the oath has been taken, the President of the Council shall proceed to choose by lot the Judges and the Advocates-General whose terms of office are to expire at the end of the first three years in accordance with the second and third paragraphs of Article 167 of this Treaty.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries have signed this Protocol.

DONE at Brussels this seventeenth day of April in the year one thousand nine hundred and fifty-seven.

J. Ch. SNOY et d'OPPUERS
C. F. OPHÜLS
Robert MARJOLIN
Vittorio BADINI
Lambert SCHAUS
J. LINTHORST HOMAN

FINAL ACT

THE INTERGOVERNMENTAL CONFERENCE ON THE COMMON MARKET AND EURATOM, convened in Venice on 29 May 1956 by the Ministers for Foreign Affairs of the Kingdom of Belgium, the Federal Republic of Germany, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands, having continued its deliberations in Brussels and having, on concluding them, met in Rome on 25 March 1957, HAS ADOPTED THE FOLLOWING TEXTS:

I

1. The Treaty establishing the European Economic Community, and the Annexes thereto
2. The Protocol on the Statute of the European Investment Bank.
3. The Protocol on German Internal Trade and Connected Problems.
4. The Protocol on Certain Provisions relating to France.
5. The Protocol on Italy.
6. The Protocol on the Grand Duchy of Luxembourg.
7. The Protocol on Goods originating in and coming from Certain Countries and enjoying Special Treatment when imported into a Member State.
8. The Protocol on the Treatment to be applied to Products within the Province of the European Coal and Steel Community in respect of Algeria and the Overseas Department of the French Republic.
9. The Protocol on Mineral Oils and Certain of their Derivatives.
10. The Protocol on the Application of the Treaty establishing the European Economic Community to the non-European Parts of the Kingdom of the Netherlands.
11. The Implementing Convention on the Association of the Overseas Countries and Territories with the Community, and the Annexes thereto.
12. The Protocol on the Tariff Quota for Imports of Bananas.
13. The Protocol on the Tariff Quota for Imports of Raw Coffee.

II

1. The Treaty establishing the European Atomic Energy Community, and the Annexes thereto.
2. The Protocol on the Application of the Treaty establishing the European Atomic Energy Community to the non-European parts of the Kingdom of the Netherlands.

III

The Convention on Certain Institutions Common to the European Communities.

At the time of signature of these texts, the Conference adopted the Declarations listed below and annexed to this Act:

1. A Joint Declaration on Cooperation with the States Members of International Organisations.

2. A Joint Declaration on Berlin.

3. A Declaration of Intent on the Association of the Independent Countries of the Franc Area with the European Economic Community.

4. A Declaration of Intent on the Association of the Kingdom of Libya with the European Economic Community.

5. A Declaration of Intent on the Trust Territory of Somaliland currently under the Administration of the Italian Republic.

6. A Declaration of Intent on the Association of Surinam and the Netherlands Antilles with the European Economic Community.

The Conference further took note of the declarations listed below and annexed to this Act:

1. A Declaration by the Government of the Federal Republic of Germany on the Definition of the Expression "German National".

2. A Declaration by the Government of the Federal Republic of Germany on the Application of the Treaties to Berlin.

3. A Declaration by the Government of the French Republic on Applications for Patents covering Information to be kept secret for Defence Reasons.

Finally, the Conference decided to draw up at a later date:

1. The Protocol on the Statute of the Court of Justice of the European Economic Community.

2. The Protocol on the Privileges and Immunities of the European Economic Community.

3. The Protocol on the Statute of the Court of Justice of the European Atomic Energy Community.

4. The Protocol on the Privileges and Immunities of the European Atomic Energy Community.

Protocols 1 and 2 shall be annexed to the Treaty establishing the European Economic Community; Protocols 3 and 4 shall be annexed to the Treaty establishing the European Atomic Energy Community.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries have signed this Final Act.

DONE at Rome this twenty-fifth day of March in the year one thousand nine hundred and fifty-seven.

P. H. SPAAK

ADENAUER

PINEAU

Antonio SEGNI

BECH

J. LUNS

J. Ch. SNOY et d'OPPUERS

HALLSTEIN

M. FAURE

Gaetano MARTINO

Lambert SCHAUS

J. LINTHORST HOMAN

DECLARATIONS

1. JOINT DECLARATION ON CO-OPERATION WITH THE STATES MEMBERS OF INTERNATIONAL ORGANISATIONS

THE GOVERNMENTS OF THE KINGDOM OF BELGIUM, THE FEDERAL REPUBLIC OF GERMANY, THE FRENCH REPUBLIC, THE ITALIAN REPUBLIC, THE GRAND DUCHY OF LUXEMBOURG AND THE KINGDOM OF THE NETHERLANDS.

AT THE TIME of signature of the Treaties establishing the European Economic Community and the European Atomic Energy Community,

CONSCIOUS of the responsibilities which they are assuming for the future of Europe by combining their markets, bringing their economies closer together and laying down the principles and details of a common policy in this field,

RECOGNISING that, by setting up a customs union and working closely together on the peaceful development of nuclear energy, they will be ensuring economic and social progress and thus contributing not only to their own prosperity but also to that of other countries,

ANXIOUS that these countries should share in the prospects of expansion afforded thereby,

DECLARE THEIR READINESS to conclude, as soon as these Treaties enter into force, agreements with other countries, particularly within the framework of the international organisations to which they belong, in order to attain these objectives of common interest and to ensure the harmonious development of trade in general.

2. JOINT DECLARATION ON BERLIN

THE GOVERNMENTS OF THE KINGDOM OF BELGIUM, THE FEDERAL REPUBLIC OF GERMANY, THE FRENCH REPUBLIC, THE ITALIAN REPUBLIC, THE GRAND DUCHY OF LUXEMBOURG AND THE KINGDOM OF THE NETHERLANDS.

HAVING REGARD to the special position of Berlin and the need to afford it the support of the free world,

ANXIOUS to confirm their solidarity with the people of Berlin,

WILL USE THEIR GOOD OFFICES within the Community in order that all necessary measures may be taken to ease the economic and social situation of Berlin, to promote its development and to ensure its economic stability.

3. DECLARATION OF INTENT ON THE ASSOCIATION OF THE INDEPENDENT COUNTRIES OF THE FRANC AREA WITH THE EUROPEAN ECONOMIC COMMUNITY

THE GOVERNMENTS OF THE KINGDOM OF BELGIUM, THE FEDERAL REPUBLIC OF GERMANY, THE FRENCH REPUBLIC, THE ITALIAN REPUBLIC, THE GRAND DUCHY OF LUXEMBOURG AND THE KINGDOM OF THE NETHERLANDS.

TAKING INTO CONSIDERATION the economic, financial and monetary agreements and conventions concluded between France and the other independent countries of the franc area,

ANXIOUS to maintain and intensify the traditional trade flows between the Member States of the European Economic Community and these independent countries and to contribute to the economic and social development of the latter,

DECLARE THEIR READINESS, as soon as this Treaty enters into force, to propose to these countries the opening of negotiations with a view to concluding conventions for economic association with the Community.

4. DECLARATION OF INTENT ON THE ASSOCIATION OF THE KINGDOM OF LIBYA WITH THE EUROPEAN ECONOMIC COMMUNITY

THE GOVERNMENTS OF THE KINGDOM OF BELGIUM, THE FEDERAL REPUBLIC OF GERMANY, THE FRENCH REPUBLIC, THE ITALIAN REPUBLIC, THE GRAND DUCHY OF LUXEMBOURG AND THE KINGDOM OF THE NETHERLANDS.

TAKING INTO CONSIDERATION the economic links between Italy and the Kingdom of Libya,

ANXIOUS to maintain and intensify the traditional trade flows between the Member States of the Community and the Kingdom of Libya, and to contribute to the economic and social development of Libya,

DECLARE THEIR READINESS, as soon as this Treaty enters into force, to propose to the Kingdom of Libya the opening of negotiations with a view to concluding conventions for economic association with the Community.

5. DECLARATION OF INTENT ON THE TRUST TERRITORY OF SOMALILAND CURRENTLY UNDER THE ADMINISTRATION OF THE ITALIAN REPUBLIC

THE GOVERNMENTS OF THE KINGDOM OF BELGIUM, THE FEDERAL REPUBLIC OF GERMANY, THE FRENCH REPUBLIC, THE ITALIAN REPUBLIC, THE GRAND DUCHY OF LUXEMBOURG AND THE KINGDOM OF THE NETHERLANDS.

ANXIOUS, at the time of signature of the treaty establishing the European Economic Community, to define the exact scope of Articles 131 and 227 of this Treaty, in view of the fact that under Article 24 of the Trusteeship Agreement with respect to the Trust Territory of Somaliland the Italian administration of that Territory will end on 2 December 1960,

HAVE AGREED to give the authorities who will after that date be responsible for the external relations of Somaliland the option of confirming the association of that Territory with the Community, and declare their readiness to propose, if need be, to these authorities the opening of negotiations with a view to concluding conventions for economic association with the Community.

6. DECLARATION OF INTENT ON THE ASSOCIATION OF SURINAM AND THE NETHERLANDS ANTILLES WITH THE EUROPEAN ECONOMIC COMMUNITY

THE GOVERNMENTS OF THE KINGDOM OF BELGIUM, THE FEDERAL REPUBLIC OF GERMANY, THE FRENCH REPUBLIC, THE ITALIAN REPUBLIC, THE GRAND DUCHY OF LUXEMBOURG AND THE KINGDOM OF THE NETHERLANDS.

TAKING INTO CONSIDERATION the close ties which unite the several parts of the Kingdom of the Netherlands,

ANXIOUS to maintain and intensify the traditional trade flows between the Member States of the European Economic Community on the one hand and Surinam and the Netherlands Antilles on the other, and to contribute to the economic and social development of these countries,

DECLARE THEIR READINESS, as soon as this Treaty enters into force, to open negotiations at the request of the Kingdom of the Netherlands, with a view to concluding conventions for the economic association of Surinam and the Netherlands Antilles with the Community.

**1. DECLARATION BY THE GOVERNMENT OF THE FEDERAL
REPUBLIC OF GERMANY ON THE DEFINITION OF THE
EXPRESSION "GERMAN NATIONAL"**

At the time of signature of the Treaty establishing the European Economic Community and the Treaty establishing the European Atomic Energy Community, the Government of the Federal Republic of Germany makes the following declaration:

"All Germans as defined in the Basic Law for the Federal Republic of Germany shall be considered nationals of the Federal Republic of Germany".

**2. DECLARATION BY THE GOVERNMENT OF THE FEDERAL
REPUBLIC OF GERMANY ON THE APPLICATION OF THE
TREATIES TO BERLIN**

The Government of the Federal Republic of Germany reserves the right to declare, when depositing its instruments of ratification, that the Treaty establishing the European Economic Community and the Treaty establishing the European Atomic Energy Community shall equally apply to Land Berlin.

**3. DECLARATION BY THE GOVERNMENT OF THE FRENCH
REPUBLIC ON APPLICATIONS FOR PATENTS COVERING
INFORMATION TO BE KEPT SECRET FOR DEFENCE REASONS**

The Government of the French Republic,

Taking into account the provisions of Articles 17 and 25(2) of the Treaty establishing the European Atomic Energy Community,

Declares its readiness to take such administrative measures and to propose to the French Parliament such legislative measures as may be necessary to ensure that, as soon as this Treaty enters into force, applications for patents covering secret information result, following the normal procedure, in the grant of patents subject to temporary prohibition of publication.

TREATY
ESTABLISHING A SINGLE COUNCIL AND A SINGLE
COMMISSION OF THE EUROPEAN COMMUNITIES
BRUSSELS, 8 APRIL 1965

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III.—Decisions of the Representatives of the Governments of the Member States on the provisional location of certain institutions and departments of the Communities

HIS MAJESTY THE KING OF THE BELGIANS, THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY, THE PRESIDENT OF THE FRENCH REPUBLIC, THE PRESIDENT OF THE ITALIAN REPUBLIC, HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG, HER MAJESTY THE QUEEN OF THE NETHERLANDS,

Having regard to Article 96 of the Treaty establishing the European Coal and Steel Community,

Having regard to Article 236 of the Treaty establishing the European Economic Community,

Having regard to Article 204 of the Treaty establishing the European Atomic Energy Community,

RESOLVED to continue along the road to European unity,

RESOLVED to effect the unification of the three Communities,

MINDFUL of the contribution which the creation of single Community institutions represents for such unification,

HAVE DECIDED to create a single Council and a single Commission of the European Communities and to this end have designated as their Plenipotentiaries:

HIS MAJESTY THE KING OF THE BELGIANS,

M. Paul-Henri SPAAK, Deputy Prime Minister and Minister for Foreign Affairs;

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY,

M. Kurt SCHMÜCKER, Minister for Economic Affairs;

THE PRESIDENT OF THE FRENCH REPUBLIC,

M. Maurice COUVE de MURVILLE, Minister for Foreign Affairs;

THE PRESIDENT OF THE ITALIAN REPUBLIC,

M. Amintore FANFANI, Minister for Foreign Affairs;

HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG,

M. Pierre WERNER, President of the Government, Minister for Foreign Affairs;

HER MAJESTY THE QUEEN OF THE NETHERLANDS,

M. J. M. A. H. LUNS, Minister for Foreign Affairs;

WHO, having exchanged their Full Powers, found in good and due form,

HAVE AGREED as follows:

CHAPTER I—THE COUNCIL OF THE EUROPEAN COMMUNITIES

ARTICLE 1

A Council of the European Communities (hereinafter called the "Council") is hereby established. This Council shall take the place of the Special Council of Ministers of the European Coal and Steel Community, the Council of the European Economic Community and the Council of the European Atomic Energy Community.

It shall exercise the powers and jurisdiction conferred on those institutions in accordance with the provisions of the Treaties establishing the European Coal and Steel Community, the European Economic Community and the European Atomic Energy Community, and of this Treaty.

ARTICLE 2^(2a)

The Council shall consist of representatives of the Member States. Each Government shall delegate to it one of its members.

The office of President shall be held for a term of six months by each member of the Council in turn, in the following order of Member States: Belgium, Denmark, Germany, France, Ireland, Italy, Luxembourg, Netherlands, United Kingdom.

ARTICLE 3

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 4

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.

ARTICLE 5

The Council shall adopt its rules of procedure.

ARTICLE 6

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.

ARTICLE 7

Article 27, the first paragraph of Article 28, and Articles 29 and 30 of the Treaty establishing the European Coal and Steel Community, Articles 146, 147, 151 and 154 of the Treaty establishing the European Economic Community, and Articles 116, 117, 121 and 123 of the Treaty establishing the European Atomic Energy Community are repealed.

ARTICLE 8

1. The conditions governing the exercise of the jurisdiction conferred on the Special Council of Ministers by the Treaty establishing the European Coal and Steel Community and by the Protocol on the Statute of the Court of Justice annexed thereto shall be amended as set out in paragraphs 2 and 3.

2. Article 28 of the Treaty establishing the European Coal and Steel Community shall be amended as follows:

(a) To the provisions of the third paragraph, worded thus:

“Wherever this Treaty requires a unanimous decision or unanimous assent, such decision or assent shall be duly given if all the members of the Council vote in favour.”

there shall be added the following provisions:

“However, for the purposes of applying Articles 21, 32, 32a, 78d and 78f of this Treaty, and Article 16, the third paragraph of Article 20, the fifth paragraph of Article 28 and Article 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 acts which require unanimity.”

(b) To the provisions of the fourth paragraph, worded thus:

“Decisions of the Council, other than those which require a qualified majority or unanimity, shall be taken by a vote of the majority of its members; this majority shall be considered to be attained if it represents an absolute majority of the representatives of the Member States, including the vote of the representative of one of the States which each produce at least one sixth of the total value of the coal and steel output of the Community.”

there shall be added the following provisions:

“However, for the purposes of applying those provisions of Articles 78, 78b and 78d of this Treaty which require a qualified majority, the votes of the members of the Council shall be weighted as follows: Belgium 2, Germany 4, France 4, Italy 4, Luxembourg 1, Netherlands 2. For their adoption, acts shall require at least twelve votes in favour, cast by not less than four members.”

3. The Protocol on the Statute of the Court of Justice annexed to the Treaty establishing the European Coal and Steel Community shall be amended as follows:

(a) Articles 5 and 15 are repealed.

(b) Article 16 is repealed and the following substituted therefor:

“1. Officials and other servants shall be attached to the Court to enable it to function. They shall be responsible to the Registrar under the authority of the President.

2. On a proposal from the Court, the Council may, acting unanimously, provide for the appointment of Assistant Rapporteurs and lay down the rules governing their service. The Assistant Rapporteurs

may be required, under conditions laid down in the rules of procedure, to participate in preparatory inquiries in cases pending before the Court and to cooperate with the Judge who acts as Rapporteur.

The Assistant Rapporteurs shall be chosen from persons whose independence is beyond doubt and who possess the necessary legal qualifications; they shall be appointed by the Council. They shall take an oath before the Court to perform their duties impartially and conscientiously and to preserve the secrecy of the deliberations of the Court."

(c) The third paragraph of Article 20 and the fifth paragraph of Article 28 shall be amended by the addition at the end of each paragraph of the words:

"acting unanimously."

(d) The first sentence of Article 44 is repealed and the following substituted therefor:

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

CHAPTER II—THE COMMISSION OF THE EUROPEAN COMMUNITIES

ARTICLE 9

A Commission of the European Communities (hereinafter called the "Commission") is hereby established. This Commission shall take the place of the High Authority of the European Coal and Steel Community, the Commission of the European Economic Community and the Commission of the European Atomic Energy Community.

It shall exercise the powers and jurisdiction conferred on those institutions in accordance with the provisions of the Treaties establishing the European Coal and Steel Community, the European Economic Community and the European Atomic Energy Community, and of this Treaty.

ARTICLE 10^(2a)

1. The Commission shall consist of thirteen 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 Communities, 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 the provisions of Article 13 or deprived of his right to a pension or other benefits in its stead.

ARTICLE 11

The members of the Commission shall be appointed by common accord of the Governments of the Member States.

Their term of office shall be four years. It shall be renewable.

ARTICLE 12

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. The Council may, acting unanimously, decide that such a vacancy need not be filled.

Save in the case of compulsory retirement under the provisions of Article 13, members of the Commission shall remain in office until they have been replaced.

ARTICLE 13

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 14^(a)

The President and the five Vice-Presidents of the Commission shall be appointed from among its members for a term of two years in accordance with the same procedure as that laid down for the appointment of members of the Commission. Their appointments may be renewed.

Save where the entire Commission is replaced, such appointments shall be made after the Commission has been consulted.

In the event of retirement or death, the President and the Vice-Presidents shall be replaced for the remainder of their term of office in accordance with the preceding provisions.

ARTICLE 15

The Council and the Commission shall consult each other and shall settle by common accord their methods of cooperation.

ARTICLE 16

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 the Treaties establishing the European Coal and Steel Community, the European Economic Community and the European Atomic Energy Community, and of this Treaty. It shall ensure that these rules are published.

ARTICLE 17

The Commission shall act by a majority of the number of members provided for in Article 10.

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

ARTICLE 18

The Commission shall publish annually, not later than one month before the opening of the session of the Assembly, a general report on the activities of the Communities.

ARTICLE 19

Articles 156 to 163 of the Treaty establishing the European Economic Community, Articles 125 to 133 of the Treaty establishing the European Atomic Energy Community and Articles 9 to 13, the third paragraph of Article 16, Article 17 and the sixth paragraph of Article 18 of the Treaty establishing the European Coal and Steel Community are repealed.

CHAPTER III—FINANCIAL PROVISIONS

ARTICLE 20⁽¹⁵⁾

1. The administrative expenditure of the European Coal and Steel Community and the revenue relating thereto, the revenue and expenditure of the European Economic Community, and the revenue and expenditure of the European Atomic Energy Community, with the exception of that of

⁽¹⁵⁾ Amended by Budgetary Powers Treaty, 1970, Treaty Series No. 1 (1973) Part II p. 306, Cmnd. 5179.

the Supply Agency and the Joint Undertakings, shall be shown in the budget of the European Communities in accordance with the appropriate provisions of the Treaties establishing the three Communities. This budget, which shall be in balance as to revenue and expenditure, shall take the place of the administrative budget of the European Coal and Steel Community, the budget of the European Economic Community and the operating budget and research and investment budget of the European Atomic Energy Community.

2. The portion of the expenditure covered by the levies provided for in Article 49 of the Treaty establishing the European Coal and Steel Community shall be fixed at eighteen million units of account.

As from the financial year beginning 1 January 1967, the Commission shall submit annually 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 Communities. The Council shall act by the majority laid down in the first sentence of the fourth paragraph of Article 28 of the Treaty establishing the European Coal and Steel Community. The adjustment shall be made on the basis of an assessment of developments in expenditure arising from the application of the Treaty establishing the European Coal and Steel Community.

3. The portion of the levies assigned to cover expenditure under the budget of the Communities shall be allocated by the Commission for the implementation of that budget in accordance with the timetable provided for in the financial regulations adopted pursuant to Article 209(b) of the Treaty establishing the European Economic Community and Article 183(b) of the Treaty establishing the European Atomic Energy Community relating to the methods and procedure whereby the contributions of the Member States shall be made available.

ARTICLE 21

Article 78 of the Treaty establishing the European Coal and Steel Community is repealed and the following substituted therefor:

“ Article 78

1. The financial year of the Community shall run from 1 January to 31 December.

2. The administrative expenditure of the Community shall comprise the expenditure of the High Authority, including that relating to the functioning of the Consultative Committee, and that of the Court, the Assembly and the Council.

3. Each institution of the Community shall draw up estimates of its administrative expenditure. The High Authority shall consolidate these estimates in a preliminary draft administrative budget. It shall attach thereto an opinion which may contain different estimates.

The High Authority shall place the preliminary draft budget before the Council not later than 30 September of the year preceding that in which the budget is to be implemented.

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

4. The Council shall, acting by a qualified majority, establish the draft administrative budget and then forward it to the Assembly.

The draft administrative budget shall be placed before the Assembly not later than 31 October of the year preceding that in which the budget is to be implemented.

The Assembly shall have the right to propose to the Council modifications to the draft administrative budget.

5. If, within one month of the draft administrative budget being placed before it, the Assembly has given its approval or has not forwarded its opinion to the Council, the draft administrative budget shall be deemed to be finally adopted.

If within this period the Assembly has proposed modifications, the draft administrative budget so modified shall be forwarded to the Council. The Council shall discuss it with the High Authority and, where appropriate, with the other institutions concerned, and shall finally adopt the administrative budget, acting by a qualified majority.

6. The final adoption of the administrative budget shall have the effect of authorising and requiring the High Authority to collect the corresponding revenue in accordance with the provisions of Article 49.

Article 78a

The administrative budget shall be drawn up in the unit of account determined in accordance with the provisions of the regulations made pursuant to Article 78f.

The expenditure shown in the budget shall be authorised for one financial year, unless the regulations made pursuant to Article 78f provide otherwise.

In accordance with conditions to be laid down pursuant to Article 78f, 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 78f.

The expenditure of the Assembly, the Council, the High Authority and the Court shall be set out in separate parts of the administrative budget, without prejudice to special arrangements for certain common items of expenditure.

Article 78b

1. If, at the beginning of a financial year the administrative 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 administrative budget in accordance with the provisions of the regulations made pursuant to Article 78f; this arrangement shall not, however, have the effect of placing at the disposal of the High Authority appropriations in excess of one-twelfth of those provided for in the draft administrative budget in course of preparation.

The High Authority is authorised and required to impose the levies up to the amount of the appropriations for the preceding financial year, but shall not thereby exceed the amount which would have resulted from the adoption of the draft administrative budget.

2. The Council may, acting by a qualified majority, provided that the other conditions laid down in paragraph 1 are observed, authorise expenditure in excess of one-twelfth. The authorisation and requirement to impose the levies may be adjusted accordingly.

Article 78c

The High Authority shall implement the administrative budget, in accordance with the provisions of the regulations made pursuant to Article 78f, on its own responsibility and within the limits of the appropriations.

The regulations shall lay down detailed rules for each institution concerning its part in effecting its own expenditure.

Within the administrative budget, the High Authority may, subject to the limits and conditions laid down in the regulations made pursuant to Article 78f, transfer appropriations from one chapter to another or from one subdivision to another.

Article 78d

The accounts of all the administrative expenditure referred to in Article 78(2), and of administrative revenue and of revenue derived from the tax for the benefit of the Community levied on the salaries, wages and emoluments of its officials and other servants, shall be examined by an Audit Board consisting of auditors whose independence is beyond doubt, one of whom shall be chairman. The Council shall, acting unanimously, determine the number of the auditors. The auditors and the chairman of the Audit Board shall be appointed by the Council, acting unanimously, for a period of five years. Their remuneration shall be determined by the Council, acting by a qualified majority.

The purpose of the audit, which shall be based on records and, if necessary, performed on the spot, shall be to establish that all revenue has been received and all expenditure incurred in a lawful and regular manner and that the financial management has been sound. After the close of each financial year, the Audit Board shall draw up a report, which shall be adopted by a majority of its members.

The High Authority shall submit annually to the Council and to the Assembly the accounts of the preceding financial year relating to the implementation of the administrative budget, together with the report of the Audit Board. The High Authority shall also forward to them a financial statement of the assets and liabilities of the Community in the field covered by that budget.

The Council shall, acting by a qualified majority, give a discharge to the High Authority in respect of the implementation of the administrative budget. It shall communicate its decision to the Assembly.

Article 78e

The Council shall appoint an auditor to serve for three years; he shall draw up an annual report stating whether the accounting and the financial management of the High Authority have been effected in a regular manner; this report shall not cover entries relating to the administrative expenditure referred to in Article 78(2), to administrative revenue or to revenue derived from the tax for the benefit of the Community levied on the salaries, wages and emoluments of its officials and other servants. He shall draw up this report within six months of the close of the financial year to which the accounts refer and shall submit it to the High Authority and the Council. The High Authority shall forward it to the Assembly.

The auditor shall be completely independent in the performance of his duties. The office of auditor shall be incompatible with any other office in an institution or department of the Communities other than that of member of the Audit Board provided for in Article 78d. His term of office shall be renewable.

Article 78f

The Council shall, acting unanimously on a proposal from the High Authority:

- (a) make financial regulations specifying in particular the procedure to be adopted for establishing and implementing the administrative budget and for presenting and auditing accounts;
- (b) lay down rules concerning the responsibility of authorising officers and accounting officers and concerning appropriate arrangements for inspection."

ARTICLE 22⁽⁴⁾

1. The powers and jurisdiction conferred upon the Court of Auditors established by Article 78e of the Treaty establishing the European Coal and Steel Community, by Article 206 of the Treaty establishing the European Economic Community, and by Article 180 of the Treaty establishing the European Atomic Energy Community shall be exercised in accordance with those Treaties by a single Court of Auditors of the European Communities constituted as provided in these articles.

2. Without prejudice to the powers and jurisdiction referred to in paragraph 1, the Court of Auditors of the European Communities shall exercise the powers and jurisdiction conferred, before the entry into force of this Treaty, upon the Audit Board of the European Communities and upon the Auditor of the European Coal and Steel Community under the conditions laid down in the various instruments referring to the Audit Board and to the Auditor. In all these instruments the words "Audit Board" and "Auditor" shall be replaced by the words "Court of Auditors".

ARTICLE 23

Article 6 of the Convention on Certain Institutions Common to the European Communities is repealed.

CHAPTER IV—OFFICIALS AND OTHER SERVANTS
OF THE EUROPEAN COMMUNITIES

ARTICLE 24

1. The officials and other servants of the European Coal and Steel Community, the European Economic Community and the European Atomic Energy Community shall, at the date of entry into force of this Treaty, become officials and other servants of the European Communities and form part of the single administration of those Communities.

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 Communities and the Conditions of Employment of other servants of those Communities.

2. The third paragraph of Article 7 of the Convention on the Transitional Provisions annexed to the Treaty establishing the European Coal and Steel Community, Article 212 of the Treaty establishing the European Economic Community and Article 186 of the Treaty establishing the European Atomic Energy Community are repealed.

ARTICLE 25

Until the uniform Staff Regulations and Conditions of Employment provided for in Article 24 and the regulations to be made pursuant to Article 13 of the Protocol annexed to this Treaty enter into force, officials and other servants recruited before the date of entry into force of this Treaty shall continue to be governed by the provisions which were until then applicable to them.

Officials and other servants recruited on or after the date of entry into force of this Treaty shall, pending the adoption of the uniform Staff Regulations and Conditions of Employment provided for in Article 24 and of regulations to be made pursuant to Article 13 of the Protocol annexed to this Treaty, be governed by the provisions applicable to officials and other servants of the European Economic Community and of the European Atomic Energy Community.

ARTICLE 26

The second paragraph of Article 40 of the Treaty establishing the European Coal and Steel Community is repealed and the following substituted therefor:

“The Court shall also have jurisdiction to order the Community to make good any injury caused by a personal wrong by a servant of the Community in the performance of his duties. The personal liability of its servants towards the Community shall be governed by the provisions laid down in their Staff Regulations or the Conditions of Employment applicable to them.”

CHAPTER V—GENERAL AND FINAL PROVISIONS

ARTICLE 27

1. The first paragraph of Article 22 of the Treaty establishing the European Coal and Steel Community, the first paragraph of Article 139 of the Treaty establishing the European Economic Community, and the first paragraph of Article 109 of the Treaty establishing the European Atomic Energy Community are repealed and the following substituted therefor:

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

2. The second paragraph of Article 24 of the Treaty establishing the European Coal and Steel Community is repealed and the following substituted therefor:

“If a motion of censure on the activities of the High Authority is tabled before it, the Assembly shall not vote thereon until at least three days after the motion has been tabled and only by open vote.”

ARTICLE 28

The European Communities 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 76 of the Treaty establishing the European Coal and Steel Community, Article 218 of the Treaty establishing the European Economic Community and Article 191 of the Treaty establishing the European Atomic Energy Community; the Protocols on Privileges and Immunities annexed to these three Treaties; the fourth paragraph of Article 3 and the second paragraph of Article 14 of the Protocol on the Statute of the Court of Justice annexed to the Treaty establishing the European Coal and Steel Community; and the second subparagraph of Article 28(1) of the Protocol on the Statute of the European Investment Bank annexed to the Treaty establishing the European Economic Community are repealed.

ARTICLE 29

The jurisdiction conferred upon the Council by Articles 5, 6, 10, 12, 13, 24, 34 and 35 of this Treaty and by the Protocol annexed thereto shall be exercised according to the rules laid down in Articles 148, 149 and 150 of the Treaty establishing the European Economic Community and Articles 118, 119 and 120 of the Treaty establishing the European Atomic Energy Community.

ARTICLE 30

The provisions of the Treaties establishing the European Economic Community and the European Atomic Energy Community relating to the jurisdiction of the Court of Justice and the exercise of this jurisdiction shall be applicable to the provisions of this Treaty and of the Protocol

annexed thereto, with the exception of those which represent amendments to Articles of the Treaty establishing the European Coal and Steel Community, in respect of which the provisions of the Treaty establishing the European Coal and Steel Community shall remain applicable.

ARTICLE 31

The Council shall take up its duties on the date of entry into force of this Treaty.

On that date the office of President of the Council shall be held by the member of the Council who, in accordance with the rules laid down in the Treaties establishing the European Economic Community and the European Atomic Energy Community, was to take up the office of President of the Council of the European Economic Community and of the European Atomic Energy Community; this will apply for the remainder of his term of office. On expiry of this term, the office of President shall then be held in the order of Member States laid down in Article 2 of this Treaty.

ARTICLE 32

1. Until the date of entry into force of the Treaty establishing a Single European Community, or until three years after the appointment of its members, whichever is the earlier, the Commission shall consist of fourteen members.

During this period, not more than three members may have the nationality of the same State.

2. The President, the Vice-Presidents and the members of the Commission shall be appointed upon the entry into force of this Treaty. The Commission shall take up its duties on the fifth day after the appointment of its members. The term of office of the members of the High Authority and of the Commissions of the European Economic Community and of the European Atomic Energy Community shall end at the same time.

ARTICLE 33

The term of office of the members of the Commission provided for in Article 32 shall expire on the date determined by Article 32(1). The members of the Commission provided for in Article 10 shall be appointed one month before that date at the latest.

If any or all of these appointments are not made within the required time, the provisions of the third paragraph of Article 12 shall not be applicable to that member who, among the nationals of each State, has least seniority as a member of a Commission or of the High Authority or, where two or more members have the same seniority, to the youngest of them. The provisions of the third paragraph of Article 12 shall remain applicable, however, to all members of the same nationality, where, before the date determined by Article 32(1), a member of that nationality has ceased to hold office and has not been replaced.

ARTICLE 34

The Council shall, acting unanimously, make financial arrangements for past members of the High Authority and of the Commissions of the European Economic Community and of the European Atomic Energy Community who, having ceased to hold office in pursuance of Article 32, have not been appointed members of the Commission.

ARTICLE 35

1. The first budget of the Communities shall be established and adopted for the financial year beginning 1 January following the entry into force of this Treaty.

2. If this Treaty enters into force before 1 July 1965, the general estimates of the administrative expenditure of the European Coal and Steel Community which expire on 1 July shall be extended until 31 December of the same year; the appropriations made in these estimates shall be proportionately increased, unless the Council, acting by a qualified majority, decides otherwise.

If this Treaty enters into force after 30 June 1965, the Council shall, acting unanimously on a proposal from the Commission, take the appropriate decisions, taking account of the need to ensure that the Communities function smoothly and that the first budget of the Communities is adopted at as early a date as possible.

ARTICLE 36

The chairman and members of the Audit Board of the European Economic Community and of the European Atomic Energy Community shall take up the duties of chairman and members of the Audit Board of the European Communities upon the entry into force of this Treaty and for the remainder of their former term of office.

The auditor who, until the entry into force of this Treaty, is performing his duties pursuant to Article 78 of the Treaty establishing the European Coal and Steel Community shall take up the duties of the auditor provided for in Article 78e of that Treaty for the remainder of his former term of office.

ARTICLE 37

Without prejudice to the application of Article 77 of the Treaty establishing the European Coal and Steel Community, Article 216 of the Treaty establishing the European Economic Community, Article 189 of the Treaty establishing the European Atomic Energy Community and the second paragraph of Article 1 of the Protocol on the Statute of the European Investment Bank, the representatives of the Governments of the Member States shall by common accord lay down the provisions required in order to settle certain problems peculiar to the Grand Duchy of Luxembourg which arise out of the creation of a single Council and a single Commission of the European Communities.

The decision of the representatives of the Governments of the Member States shall enter into force on the same date as this Treaty.

ARTICLE 38

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.

This Treaty shall enter into force 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 39

This Treaty, drawn up in a single original in the Dutch, French, German and Italian languages, all four texts being equally authentic, shall be deposited in the archives of the Government of the Italian Republic, which shall transmit a certified copy to each of the Governments of the other signatory States.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries have signed this Treaty.

DONE at Brussels this eighth day of April in the year one thousand nine hundred and sixty-five.

PAUL-HENRI SPAAK

KURT SCHMÜCKER

MAURICE COUVE DE MURVILLE

AMINTORE FANFANI

PIERRE WERNER

J. M. A. H. LUNS

**PROTOCOL ON THE PRIVILEGES AND IMMUNITIES
OF THE EUROPEAN COMMUNITIES**

THE HIGH CONTRACTING PARTIES,

CONSIDERING that, in accordance with Article 28 of the Treaty establishing a Single Council and a Single Commission of the European Communities, these Communities and the European Investment Bank shall enjoy in the territories of the Member States such privileges and immunities as are necessary for the performance of their tasks,

HAVE AGREED upon the following provisions, which shall be annexed to this Treaty:

**CHAPTER I—PROPERTY, FUNDS, ASSETS AND
OPERATIONS OF THE EUROPEAN COMMUNITIES**

ARTICLE 1

The premises and buildings of the Communities shall be inviolable. They shall be exempt from search, requisition, confiscation or expropriation. The property and assets of the Communities shall not be the subject of any administrative or legal measure of constraint without the authorisation of the Court of Justice.

ARTICLE 2

The archives of the Communities shall be inviolable.

ARTICLE 3

The Communities, their assets, revenues and other property shall be exempt from all direct taxes.

The Governments of the Member States shall, wherever possible, take the appropriate measures to remit or refund the amount of indirect taxes or sales taxes included in the price of movable or immovable property, where the Communities make, for their official use, substantial purchases the price of which includes taxes of this kind. These provisions shall not be applied, however, so as to have the effect of distorting competition within the Communities.

No exemption shall be granted in respect of taxes and dues which amount merely to charges for public utility services.

ARTICLE 4

The Communities shall be exempt from all customs duties, prohibitions and restrictions on imports and exports in respect of articles intended for their official use; articles so imported shall not be disposed of, whether or not

in return for payment, in the territory of the country into which they have been imported, except under conditions approved by the Government of that country.

The Communities shall also be exempt from any customs duties and any prohibitions and restrictions on imports and exports in respect of their publications.

ARTICLE 5

The European Coal and Steel Community may hold currency of any kind and operate accounts in any currency.

CHAPTER II—COMMUNICATIONS AND *LAISSEZ-PASSER*

ARTICLE 6

For their official communications and the transmission of all their documents, the institutions of the Communities shall enjoy in the territory of each Member State the treatment accorded by that State to diplomatic missions.

Official correspondence and other official communications of the institutions of the Communities shall not be subject to censorship.

ARTICLE 7

1. *Laissez-passer* in a form to be prescribed by the Council, which shall be recognised as valid travel documents by the authorities of the Member States, may be issued to members and servants of the institutions of the Communities by the Presidents of these institutions. These *laissez-passer* shall be issued to officials and other servants under conditions laid down in the Staff Regulations of officials and the Conditions of Employment of other servants of the Communities.

The Commission may conclude agreements for these *laissez-passer* to be recognised as valid travel documents within the territory of third countries.

2. The provisions of Article 6 of the Protocol on the Privileges and Immunities of the European Coal and Steel Community shall, however, remain applicable to members and servants of the institutions who are at the date of entry into force of this Treaty in possession of the *laissez-passer* provided for in that Article, until the provisions of paragraph 1 of this Article are applied.

CHAPTER III—MEMBERS OF THE ASSEMBLY

ARTICLE 8

No administrative or other restriction shall be imposed on the free movement of members of the Assembly travelling to or from the place of meeting of the Assembly.

Members of the Assembly shall, in respect of customs and exchange control, be accorded:

- (a) by their own Government, the same facilities as those accorded to senior officials travelling abroad on temporary official missions;
- (b) by the Governments of other Member States, the same facilities as those accorded to representatives of foreign Governments on temporary official missions.

ARTICLE 9

Members of the Assembly shall not be subject to any form of inquiry, detention or legal proceedings in respect of opinions expressed or votes cast by them in the performance of their duties.

ARTICLE 10

During the sessions of the Assembly, its members shall enjoy:

- (a) in the territory of their own State, the immunities accorded to members of their parliament;
- (b) in the territory of any other Member State, immunity from any measure of detention and from legal proceedings.

Immunity shall likewise apply to members while they are travelling to and from the place of meeting of the Assembly.

Immunity cannot be claimed when a member is found in the act of committing an offence and shall not prevent the Assembly from exercising its right to waive the immunity of one of its members.

CHAPTER IV—REPRESENTATIVES OF MEMBER STATES TAKING PART IN THE WORK OF THE INSTITUTIONS OF THE EUROPEAN COMMUNITIES

ARTICLE 11

Representatives of Member States taking part in the work of the institutions of the Communities, their advisers and technical experts shall, in the performance of their duties and during their travel to and from the place of meeting, enjoy the customary privileges, immunities and facilities.

This Article shall also apply to members of the advisory bodies of the Communities.

CHAPTER V—OFFICIALS AND OTHER SERVANTS OF THE EUROPEAN COMMUNITIES

ARTICLE 12

In the territory of each Member State and whatever their nationality, officials and other servants of the Communities shall:

- (a) subject to the provisions of the Treaties relating, on the one hand, to the rules on the liability of officials and other servants towards

the Communities and, on the other hand, to the jurisdiction of the Court in disputes between the Communities and their officials and other servants, be immune from legal proceedings in respect of acts performed by them in their official capacity, including their words spoken or written. They shall continue to enjoy this immunity after they have ceased to hold office.

- (b) together with their spouses and dependent members of their families, not be subject to immigration restrictions or to formalities for the registration of aliens;
- (c) in respect of currency or exchange regulations, be accorded the same facilities as are customarily accorded to officials of international organisations;
- (d) enjoy the right to import free of duty their furniture and effects at the time of first taking up their post in the country concerned, and the right to re-export free of duty their furniture and effects, on termination of their duties in that country, subject in either case to the conditions considered to be necessary by the Government of the country in which this right is exercised;
- (e) have the right to import free of duty a motor car for their personal use, acquired either in the country of their last residence or in the country of which they are nationals on the terms ruling in the home market in that country, and to re-export it free of duty, subject in either case to the conditions considered to be necessary by the Government of the country concerned.

ARTICLE 13

Officials and other servants of the Communities shall be liable to a tax for the benefit of the Communities on salaries, wages and emoluments paid to them by the Communities, in accordance with the conditions and procedure laid down by the Council, acting on a proposal from the Commission.

They shall be exempt from national taxes on salaries, wages and emoluments paid by the Communities.

ARTICLE 14

In the application of income tax, wealth tax and death duties and in the application of conventions on the avoidance of double taxation concluded between Member States of the Communities, officials and other servants of the Communities who, solely by reason of the performance of their duties in the service of the Communities, establish their residence in the territory of a Member State other than their country of domicile for tax purposes at the time of entering the service of the Communities, shall be considered, both in the country of their actual residence and in the country of domicile for tax purposes, as having maintained their domicile in the latter country provided that it is a member of the Communities. This provision shall also apply to a spouse to the extent that the latter is not separately engaged in a gainful occupation, and to children dependent on and in the care of the persons referred to in this Article.

Movable property belonging to persons referred to in the first paragraph and situated in the territory of the country where they are staying shall be exempt from death duties in that country; such property shall, for the assessment of such duty, be considered as being in the country of domicile for tax purposes, subject to the rights of third countries and to the possible application of provisions of international conventions on double taxation.

Any domicile acquired solely by reason of the performance of duties in the service of other international organisations shall not be taken into consideration in applying the provisions of this Article.

ARTICLE 15

The Council shall, acting unanimously on a proposal from the Commission, lay down the scheme of social security benefits for officials and other servants of the Communities.

ARTICLE 16

The Council shall, acting on a proposal from the Commission and after consulting the other institutions concerned, determine the categories of officials and other servants of the Communities to whom the provisions of Article 12, the second paragraph of Article 13, and Article 14 shall apply, in whole or in part.

The names, grades and addresses of officials and other servants included in such categories shall be communicated periodically to the Governments of the Member States.

CHAPTER VI—PRIVILEGES AND IMMUNITIES OF MISSIONS OF THIRD COUNTRIES ACCREDITED TO THE EUROPEAN COMMUNITIES

ARTICLE 17

The Member State in whose territory the Communities have their seat shall accord the customary diplomatic immunities and privileges to missions of third countries accredited to the Communities.

CHAPTER VII—GENERAL PROVISIONS

ARTICLE 18

Privileges, immunities and facilities shall be accorded to officials and other servants of the Communities solely in the interests of the Communities.

Each institution of the Communities shall be required to waive the immunity accorded to an official or other servant wherever that institution considers that the waiver of such immunity is not contrary to the interests of the Communities.

ARTICLE 19

The institutions of the Communities shall, for the purpose of applying this Protocol, cooperate with the responsible authorities of the Member States concerned.

ARTICLE 20

Articles 12 to 15 and Article 18 shall apply to members of the Commission.

ARTICLE 21

Articles 12 to 15 and Article 18 shall apply to the Judges, the Advocates-General, the Registrar and the Assistant Rapporteurs of the Court of Justice, without prejudice to the provisions of Article 3 of the Protocols on the Statute of the Court of Justice concerning immunity from legal proceedings of Judges and Advocates-General.

ARTICLE 22

This Protocol shall also apply to the European Investment Bank, to the members of its organs, to its staff and to the representatives of the Member States taking part in its activities, without prejudice to the provisions of the Protocol on the Statute of the Bank.

The European Investment Bank shall in addition be exempt from any form of taxation or imposition of a like nature on the occasion of any increase in its capital and from the various formalities which may be connected therewith in the State where the Bank has its seat. Similarly, its dissolution or liquidation shall not give rise to any imposition. Finally, the activities of the Bank and of its organs carried on in accordance with its Statute shall not be subject to any turnover tax.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries have signed this Protocol.

DONE at Brussels this eighth day of April in the year one thousand nine hundred and sixty-five.

PAUL-HENRI SPAAK
KURT SCHMÜCKER
MAURICE COUVE DE MURVILLE
AMINTORE FANFANI
PIERRE WERNER
J. M. A. H. LUNS

FINAL ACT

THE PLENIPOTENTIARIES of His Majesty the King of the Belgians, the President of the Federal Republic of Germany, the President of the French Republic, the President of the Italian Republic, His Royal Highness the Grand Duke of Luxembourg, Her Majesty the Queen of the Netherlands, ASSEMBLED at Brussels on 8 April 1965 for the signature of the Treaty establishing a Single Council and a Single Commission of the European Communities,

HAVE ADOPTED the following texts :

The Treaty establishing a Single Council and a Single Commission of the European Communities,

The Protocol on the Privileges and Immunities of the European Communities.

At the time of signature of these texts, the Plenipotentiaries have :

assigned to the Commission of the European Communities the task set out in Annex I; and

taken note of the Declaration by the Government of the Federal Republic of Germany set out in Annex II.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries have signed this Final Act.

DONE at Brussels this eighth day of April in the year one thousand nine hundred and sixty-five.

PAUL-HENRI SPAAK
KURT SCHMÜCKER
MAURICE COUVE DE MURVILLE
AMINTORE FANFANI
PIERRE WERNER
J. M. A. H. LUNS

ANNEX I

TASK ASSIGNED TO THE COMMISSION OF THE EUROPEAN COMMUNITIES

The Commission of the European Communities shall, within the framework of its responsibilities, have the task of taking the necessary steps to rationalise its departments within a reasonable and relatively short period of time not exceeding one year. To this end, the Commission may seek all appropriate opinions. To enable the Council to follow the progress of this operation, the Commission is requested to report periodically to the Council.

ANNEX II

DECLARATION

by the Government of the Federal Republic of Germany on the Application to Berlin of the Treaty establishing a Single Council and a Single Commission of the European Communities and of the Treaty establishing the European Coal and Steel Community

The Government of the Federal Republic of Germany reserves the right to declare, when depositing its instrument of ratification, that the Treaty establishing a Single Council and a Single Commission of the European Communities and the Treaty establishing the Coal and Steel Community shall equally apply to Land Berlin.

DECISION

of the Representatives of the Governments of the Member States on the provisional location of certain institutions and departments of the Communities

The Representatives of the Governments of the Member States,

HAVING REGARD to Article 37 of the Treaty establishing a Single Council and a Single Commission of the European Communities,

CONSIDERING that it is appropriate, at the time of setting up a single Council and a single Commission of the European Communities, in order to settle certain problems peculiar to the Grand Duchy of Luxembourg, to designate Luxembourg as the provisional place of work of certain institutions and departments, without prejudice to the application of Article 77 of the Treaty establishing the European Coal and Steel Community, Article 216 of the Treaty establishing the European Economic Community, Article 189 of the Treaty establishing the European Atomic Energy Community and of the second paragraph of Article 1 of the Protocol on the Statute of the European Investment Bank

HAVE DECIDED:

ARTICLE 1

Luxembourg, Brussels and Strasbourg shall remain the provisional places of work of the institutions of the Communities.

ARTICLE 2

During the months of April, June and October, the Council shall hold its sessions in Luxembourg.

ARTICLE 3

The Court of Justice shall remain in Luxembourg.

There shall also be located in Luxembourg the judicial and quasi-judicial bodies, including those competent to apply the rules on competition, already existing or yet to be set up pursuant to the Treaties establishing the European Coal and Steel Community, the European Economic Community and the European Atomic Energy Community, or to conventions concluded within the framework of the Communities, whether between Member States or with third countries.

ARTICLE 4

The General Secretariat of the Assembly and its departments shall remain in Luxembourg.

ARTICLE 5

The European Investment Bank shall be located in Luxembourg, where its governing bodies shall meet and all its activities shall be carried on.

This provision relates in particular to the development of its present activities, especially those mentioned in Article 130 of the Treaty establishing the European Economic Community, to the possible extension of those activities to other fields and to such new tasks as may be assigned to the Bank.

An office for liaison between the Commission and the European Investment Bank shall be located in Luxembourg, with the particular task of facilitating the operations of the European Development Fund.

ARTICLE 6

The Monetary Committee shall meet in Luxembourg and in Brussels.

ARTICLE 7

The financial departments of the European Coal and Steel Community shall be located in Luxembourg. These comprise the Directorate-General for Credit and Investments, the department responsible for collecting the levy and the accounts departments attached thereto.

ARTICLE 8

An Official Publications Office of the European Communities with a joint sales office and a medium- and long-term translation service attached shall be located in Luxembourg.

ARTICLE 9

Further, the following departments of the Commission shall be located in Luxembourg:

- (a) The Statistical Office and the Data-processing Department;
- (b) The hygiene and industrial safety departments of the European Economic Community and of the European Coal and Steel Community;
- (c) The Directorate-General for the Dissemination of Information, the Directorate for Health Protection and the Directorate for Safeguards of the European Atomic Energy Community;

and the appropriate administrative and technical infrastructure.

ARTICLE 10

The Governments of the Member States are willing to locate in Luxembourg, or to transfer thereto, other Community bodies and departments, particularly those concerned with finance, provided that their proper functioning can be ensured.

To this end, they request the Commission to present to them annually a report on the current situation concerning the location of Community bodies and departments and on the possibility of taking new steps to give effect to this provision, account being taken of the need to ensure the proper function of the Communities.

ARTICLE 11

In order to ensure the proper functioning of the European Coal and Steel Community, the Commission is requested to transfer the various departments in a gradual and coordinated manner, transferring last the departments which manage the coal and steel markets.

ARTICLE 12

Subject to the preceding provisions, this Decision shall not affect the provisional places of work of the institutions and departments of the European Communities, as determined by previous decisions of the Governments, nor the regrouping of departments occasioned by the establishing of a single Council and a single Commission.

ARTICLE 13

This Decision shall enter into force on the same date as the Treaty establishing a Single Council and a Single Commission of the European Communities.

DONE at Brussels this eighth day of April in the year one thousand nine hundred and sixty-five.

PAUL-HENRI SPAAK

Kurt SCHMÜCKER

MAURICE COUVE DE MURVILLE

AMINTORE FANFANI

PIERRE WERNER

J. M. A. H. LUNS

DECISION
OF THE COUNCIL OF THE EUROPEAN COMMUNITIES WITH
ANNEXED ACT CONCERNING THE ELECTION OF THE
REPRESENTATIVES OF THE ASSEMBLY BY DIRECT
UNIVERSAL SUFFRAGE

The Council, composed of the representatives of the Member States and acting unanimously,

Having regard to Article 21(3) of the Treaty establishing the European Coal and Steel Community,

Having regard to Article 138(3) of the Treaty establishing the European Economic Community,

Having regard to Article 108(3) of the Treaty establishing the European Atomic Energy Community,

Having regard to the proposal from the Assembly,

Intending to give effect to the conclusions of the European Council in Rome on 1 and 2 December 1975, that the election of the Assembly should be held on a single date within the period May-June 1978, has laid down the provisions annexed to this Decision which it recommends to the Member States for adoption in accordance with their respective constitutional requirements.

This Decision and the provisions annexed hereto shall be published in the Official Journal of the European Communities.

The Member States shall notify the Secretary-General of the Council of the European Communities without delay of the completion of the procedures necessary in accordance with their respective constitutional requirements for the adoption of the provisions annexed to this Decision.

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

Done at Brussels, 20 September 1976

For the Council,

The President.

SIGNATURES

Belgium

Denmark

France

Germany, Federal Republic of

Ireland

Italy

Luxembourg

Netherlands

United Kingdom

ACT

concerning the election of the representatives of the Assembly by direct universal suffrage

ARTICLE 1

The representatives in the Assembly of the peoples of the States brought together in the Community shall be elected by direct universal suffrage.

ARTICLE 2

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

Belgium	...	...	...	...	...	24
Denmark	...	...	...	...	...	16
France	...	...	...	...	...	81
Germany	...	...	...	...	...	81
Ireland	...	...	...	...	...	15
Italy	...	...	...	...	...	81
Luxembourg	...	...	...	...	...	6
Netherlands	...	...	...	...	...	25
United Kingdom	...	...	...	...	...	81

ARTICLE 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 Article 10(2).

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

ARTICLE 4

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

2. Representatives shall enjoy the privileges and immunities applicable to members of the Assembly by virtue of the Protocol on the Privileges and Immunities of the European Communities annexed to the Treaty establishing a Single Council and a Single Commission of the European Communities⁽²⁾.

ARTICLE 5

The office of representative in the Assembly shall be compatible with membership of the Parliament of a Member State.

ARTICLE 6

1. The office of representative in the Assembly shall be incompatible with that of:

- member of the Government of a Member State;
- member of the Commission of the European Communities;
- Judge, Advocate-General or Registrar of the Court of Justice of the European Communities;
- member of the Court of Auditors of the European Communities;
- member of the Consultative Committee of the European Coal and Steel Community or member of the Economic and Social Committee of the European Economic Community and of the European Atomic Energy Community;
- member of committees or other bodies set up pursuant to the Treaties establishing the European Coal and Steel Community, the European Economic Community and the European Atomic Energy Community for the purpose of managing the Communities' funds or carrying out a permanent direct administrative task;
- member of the Board of Directors, Management Committee or staff of the European Investment Bank;
- active official or servant of the institutions of the European Communities or of the specialized bodies attached to them.

2. In addition, each Member State may, in the circumstances provided for in Article 7(2), lay down rules at national level relating to incompatibility.

3. Representatives in the Assembly to whom paragraphs 1 and 2 become applicable in the course of the five-year period referred to in Article 3 shall be replaced in accordance with Article 12.

ARTICLE 7

1. Pursuant to Article 21(3) of the Treaty establishing the European Coal and Steel Community, Article 138(3) of the Treaty establishing the European Economic Community and Article 108(3) of the Treaty establishing the European Atomic Energy Community, the Assembly shall draw up a proposal for a uniform electoral procedure.

2. Pending the entry into force of a uniform electoral procedure and subject to the other provisions of this Act, the electoral procedure shall be governed in each Member State by its national provisions.

ARTICLE 8

No one may vote more than once in any election of representatives to the Assembly.

ARTICLE 9

1. Elections to the Assembly shall be held on the date fixed by each Member State; for all Member States this date shall fall within the same period starting on a Thursday morning and ending on the following Sunday.

2. The counting of votes may not begin until after the close of polling in the Member State whose electors are the last to vote within the period referred to in paragraph 1.

3. If a Member State adopts a double ballot system for elections to the Assembly, the first ballot must take place during the period referred to in paragraph 1.

ARTICLE 10

1. The Council, acting unanimously after consulting the Assembly, shall determine the period referred to in Article 9(1) for the first elections.

2. Subsequent elections shall take place in the corresponding period in the last year of the five-year period referred to in Article 3.

Should it prove impossible to hold the elections in the Community during that period, the Council acting unanimously shall, after consulting the Assembly, determine another period which shall be not more than one month before or one month after the period fixed pursuant to the preceding subparagraph.

3. Without prejudice to Article 22 of the Treaty establishing the European Coal and Steel Community, Article 139 of the Treaty establishing the European Economic Community and Article 109 of the Treaty establishing the European Atomic Energy Community, the Assembly shall meet, without requiring to be convened, on the first Tuesday after expiry of an interval of one month from the end of the period referred to in Article 9(1).

4. The powers of the outgoing Assembly shall cease upon the opening of the first sitting of the new Assembly.

ARTICLE 11

Pending the entry into force of the uniform electoral procedure referred to in Article 7(1), the Assembly shall verify the credentials of representatives. For this purpose it shall take note of the results declared officially by the Member States and shall rule on any disputes which may arise out of the provisions of this Act other than those arising out of the national provisions to which the Act refers.

ARTICLE 12

1. Pending the entry into force of the uniform electoral procedure referred to in Article 7(1) and subject to the other provisions of this Act, each Member State shall lay down appropriate procedures for filling any seat which falls vacant during the five-year term of office referred to in Article 3 for the remainder of that period.

2. Where a seat falls vacant pursuant to national provisions in force in a Member State, the latter shall inform the Assembly, which shall take note of that fact.

In all other cases, the Assembly shall establish that there is a vacancy and inform the Member State thereof.

ARTICLE 13

Should it appear necessary to adopt measures to implement this Act, the Council, acting unanimously on a proposal from the Assembly after consulting the Commission, shall adopt such measures after endeavouring to reach agreement with the Assembly in a conciliation committee consisting of the Council and representatives of the Assembly.

ARTICLE 14

Article 21(1) and (2) of the Treaty establishing the European Coal and Steel Community, Article 138(1) and (2) of the Treaty establishing the European Economic Community and Article 108(1) and (2) of the Treaty establishing the European Atomic Energy Community shall lapse on the date of the sitting held in accordance with Article 10(3) by the first Assembly elected pursuant to this Act.

ARTICLE 15

This Act is drawn up in the Danish, Dutch, English, French, German, Irish and Italian languages, all the texts being equally authentic.

Annexes I to III shall form an integral part of this Act.

A declaration by the Government of the Federal Republic of Germany is attached hereto.

ARTICLE 16

The provisions of this Act shall enter into force on the first day of the month following that during which the last of the notifications referred to in the Decision is received.

Done at Brussels, 20 September 1976

SIGNATURES

Belgium

Denmark

France

Germany, Federal Republic of

Ireland

Italy

Luxembourg

Netherlands

United Kingdom

ANNEX I

The Danish authorities may decide on the dates on which the election of members to the Assembly shall take place in Greenland.

ANNEX II

The United Kingdom will apply the provisions of this Act only in respect of the United Kingdom.

ANNEX III

Declaration on Article 13

As regards the procedure to be followed by the conciliation committee, it is agreed to have recourse to the provisions of paragraphs 5, 6 and 7 of the procedure laid down in the Joint Declaration of the European Parliament, the Council and the Commission of 4 March 1975⁽¹⁴⁾.

Declaration by the Government of the Federal Republic of Germany

The Government of the Federal Republic of Germany declares that the Act concerning the election of the members of the European Parliament by direct universal suffrage shall equally apply to Land Berlin.

In consideration of the rights and responsibilities of France, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, the Berlin House of Deputies will elect representatives to those seats within the quota of the Federal Republic of Germany that fall to Land Berlin.

⁽¹⁴⁾ Official Journal of the European Communities No. C 89 of 22 April 1975, available through Agency Section, Her Majesty's Stationery Office, PO Box 569, London SE1 9NY—Tel 01-928 6977, ext 410.