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EUROPEAN
COMMUNITIES



Treaty Series No. 1 (1973) — Part II

Treaty

concerning the Accession of
the Kingdom of Denmark, Ireland, the Kingdom of Norway and
the United Kingdom of Great Britain and Northern Ireland
to the European Economic Community and
the European Atomic Energy Community

including the
Act concerning the Conditions of Accession
and the Adjustments to the Treaties

(with Final Act)

Brussels, 22 January 1972

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on 18 October 1972 and the Treaty entered into force on
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*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty*

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Treaty establishing the European Economic Community and the Treaty establishing the European Atomic Energy Community, Rome, 25 March 1957 (See United Nations Treaty Series*, Volumes 294, 295, 296 and 297 for French, German, Italian and Dutch texts respectively. The Danish, Irish and Norwegian texts have not yet been published.)

Convention to amend the Treaty setting up the European Economic Community with the Object of making the Special System of Association defined in Part Four of that Treaty applicable to the Netherlands Antilles (Official Journal No 150 of 1 October 1964)†

Protocol concerning Imports into the European Economic Community of Petroleum Products refined in the Netherlands Antilles (Official Journal No 150 of 1 October 1964).†

Final Act of the Conference of the Representatives of the Governments of the Member States for the purpose of amending the Treaty setting up the European Economic Community in accordance with the terms of Article 236 thereof (Official Journal No 150 of 1 October 1964)†

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† Published in the Official Journal in Dutch, French, German and Italian. The Danish, Irish and Norwegian texts have not yet been published.

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**TREATY
ESTABLISHING THE EUROPEAN ECONOMIC COMMUNITY**

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,

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

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

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

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

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

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

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

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

HAVE DECIDED to create a European Economic Community 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:

Part One

PRINCIPLES

ARTICLE 1

By this Treaty, the High Contracting Parties establish among themselves a **EUROPEAN ECONOMIC COMMUNITY**.

ARTICLE 2

The Community shall have as its task, by establishing a common market and progressively approximating the economic policies of Member States, to promote throughout the Community a harmonious development of economic activities, a continuous and balanced expansion, an increase in stability, an accelerated raising of the standard of living and closer relations between the States belonging to it.

ARTICLE 3

For the purposes set out in Article 2, the activities of the Community shall include, as provided in this Treaty and in accordance with the timetable set out therein:

- (a) the elimination, as between Member States, of customs duties and of quantitative restrictions on the import and export of goods, and of all other measures having equivalent effect;
- (b) the establishment of a common customs tariff and of a common commercial policy towards third countries;
- (c) the abolition, as between Member States, of obstacles to freedom of movement for persons, services and capital;
- (d) the adoption of a common policy in the sphere of agriculture;
- (e) the adoption of a common policy in the sphere of transport;
- (f) the institution of a system ensuring that competition in the common market is not distorted;
- (g) the application of procedures by which the economic policies of Member States can be coordinated and disequilibria in their balances of payments remedied;
- (h) the approximation of the laws of Member States to the extent required for the proper functioning of the common market;
- (i) the creation of a European Social Fund in order to improve employment opportunities for workers and to contribute to the raising of their standard of living;

- (j) the establishment of a European Investment Bank to facilitate the economic expansion of the Community by opening up fresh resources;
- (k) the association of the overseas countries and territories in order to increase trade and to promote jointly economic and social development.

ARTICLE 4

1. The tasks entrusted to the Community shall be carried out by the following institutions:

- an ASSEMBLY,
- a COUNCIL,
- a COMMISSION,
- a COURT OF JUSTICE.

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

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

ARTICLE 5

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

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

ARTICLE 6

1. Member States shall, in close co-operation with the institutions of the Community, co-ordinate their respective economic policies to the extent necessary to attain the objectives of this Treaty.

2. The institutions of the Community shall take care not to prejudice the internal and external financial stability of the Member States.

ARTICLE 7

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

The Council may, on a proposal from the Commission and after consulting the Assembly, adopt, by a qualified majority, rules designed to prohibit such discrimination.

ARTICLE 8

1. The common market shall be progressively established during a transitional period of twelve years.

This transitional period shall be divided into three stages of four years each; the length of each stage may be altered in accordance with the provisions set out below.

2. To each stage there shall be assigned a set of actions to be initiated and carried through concurrently.

3. Transition from the first to the second stage shall be conditional upon a finding that the objectives specifically laid down in this Treaty for the first stage have in fact been attained in substance and that, subject to the exceptions and procedures provided for in this Treaty, the obligations have been fulfilled.

This finding shall be made at the end of the fourth year by the Council, acting unanimously on a report from the Commission. A Member State may not, however, prevent unanimity by relying upon the non-fulfilment of its own obligations. Failing unanimity, the first stage shall automatically be extended for one year.

At the end of the fifth year, the Council shall make its finding under the same conditions. Failing unanimity, the first stage shall automatically be extended for a further year.

At the end of the sixth year, the Council shall make its finding, acting by a qualified majority on a report from the Commission.

4. Within one month of the last-mentioned vote any Member State which voted with the minority or, if the required majority was not obtained, any Member State shall be entitled to call upon the Council to appoint an arbitration board whose decision shall be binding upon all Member States and upon the institutions of the Community. The arbitration board shall consist of three members appointed by the Council acting unanimously on a proposal from the Commission.

If the Council has not appointed the members of the arbitration board within one month of being called upon to do so, they shall be appointed by the Court of Justice within a further period of one month.

The arbitration board shall elect its own Chairman.

The board shall make its award within six months of the date of the Council vote referred to in the last subparagraph of paragraph 3.

5. The second and third stages may not be extended or curtailed except by a decision of the Council, acting unanimously on a proposal from the Commission.

6. Nothing in the preceding paragraphs shall cause the transitional period to last more than fifteen years after the entry into force of this Treaty.

7. Save for the exceptions or derogations provided for in this Treaty, the expiry of the transitional period shall constitute the latest date by which all the rules laid down must enter into force and all the measures required for establishing the common market must be implemented.

Part Two

FOUNDATIONS OF THE COMMUNITY

TITLE I—FREE MOVEMENT OF GOODS

ARTICLE 9

1. The Community shall be based upon a customs union which shall cover all trade in goods and which shall involve the prohibition between Member States of customs duties on imports and exports and of all charges having equivalent effect, and the adoption of a common customs tariff in their relations with third countries.

2. The provisions of Chapter 1, Section 1, and of Chapter 2 of this Title shall apply to products originating in Member States and to products coming from third countries which are in free circulation in Member States.

ARTICLE 10

1. Products coming from a third country shall be considered to be in free circulation in a Member State if the import formalities have been complied with and any customs duties or charges having equivalent effect which are payable have been levied in that Member State, and if they have not benefited from a total or partial drawback of such duties or charges.

2. The Commission shall, before the end of the first year after the entry into force of this Treaty, determine the methods of administrative co-operation to be adopted for the purpose of applying Article 9 (2), taking into account the need to reduce as much as possible formalities imposed on trade.

Before the end of the first year after the entry into force of this Treaty, the Commission shall lay down the provisions applicable, as regards trade between Member States, to goods originating in another Member State in whose manufacture products have been used on which the exporting Member State has not levied the appropriate customs duties or charges having equivalent effect, or which have benefited from a total or partial drawback of such duties or charges.

In adopting these provisions, the Commission shall take into account the rules for the elimination of customs duties within the Community and for the progressive application of the common customs tariff.

ARTICLE 11

Member States shall take all appropriate measures to enable Governments to carry out, within the periods of time laid down, the obligations with regard to customs duties which devolve upon them pursuant to this Treaty.

CHAPTER 1—THE CUSTOMS UNION

SECTION 1

ELIMINATION OF CUSTOMS DUTIES BETWEEN MEMBER STATES

ARTICLE 12

Member States shall refrain from introducing between themselves any new customs duties on imports or exports or any charges having equivalent effect, and from increasing those which they already apply in their trade with each other.

ARTICLE 13

1. Customs duties on imports in force between Member States shall be progressively abolished by them during the transitional period in accordance with Articles 14 and 15.

2. Charges having an effect equivalent to customs duties on imports, in force between Member States, shall be progressively abolished by them during the transitional period. The Commission shall determine by means of directives the timetable for such abolition. It shall be guided by the rules contained in Article 14 (2) and (3) and by the directives issued by the Council pursuant to Article 14 (2).

ARTICLE 14

1. For each product, the basic duty to which the successive reductions shall be applied shall be the duty applied on 1 January 1957.

2. The timetable for the reductions shall be determined as follows:

- (a) during the first stage, the first reduction shall be made one year after the date when this Treaty enters into force; the second reduction, eighteen months later; the third reduction, at the end of the fourth year after the date when this Treaty enters into force;
- (b) during the second stage, a reduction shall be made eighteen months after that stage begins; a second reduction, eighteen months after the preceding one; a third reduction, one year later;
- (c) any remaining reductions shall be made during the third stage; the Council shall, acting by a qualified majority on a proposal from the Commission, determine the timetable therefor by means of directives.

3. At the time of the first reduction, Member States shall introduce between themselves a duty on each product equal to the basic duty minus 10 per cent.

At the time of each subsequent reduction, each Member State shall reduce its customs duties as a whole in such manner as to lower by 10 per cent its total customs receipts as defined in paragraph 4 and to reduce the duty on each product by at least 5 per cent of the basic duty.

In the case, however, of products on which the duty is still in excess of 30 per cent, each reduction must be at least 10 per cent of the basic duty.

4. The total customs receipts of each Member State, as referred to in paragraph 3, shall be calculated by multiplying the value of its imports from other Member States during 1956 by the basic duties.

5. Any special problems raised in applying paragraphs 1 to 4 shall be settled by directives issued by the Council acting by a qualified majority on a proposal from the Commission.

6. Member States shall report to the Commission on the manner in which effect has been given to the preceding rules for the reduction of duties. They shall endeavour to ensure that the reduction made in the duties on each product shall amount:

- at the end of the first stage, to at least 25 per cent of the basic duty;
- at the end of the second stage, to at least 50 per cent of the basic duty.

If the Commission finds that there is a risk that the objectives laid down in Article 13, and the percentages laid down in this paragraph, cannot be attained, it shall make all appropriate recommendations to Member States.

7. The provisions of this Article may be amended by the Council, acting unanimously on a proposal from the Commission and after consulting the Assembly.

ARTICLE 15

1. Irrespective of the provisions of Article 14, any Member State may, in the course of the transitional period, suspend in whole or in part the collection of duties applied by it to products imported from other Member States. It shall inform the other Member States and the Commission thereof.

2. The Member States declare their readiness to reduce customs duties against the other Member States more rapidly than is provided for in Article 14 if their general economic situation and the situation of the economic sector concerned so permit.

To this end, the Commission shall make recommendations to the Member States concerned.

ARTICLE 16

Member States shall abolish between themselves customs duties on exports and charges having equivalent effect by the end of the first stage at the latest.

ARTICLE 17

1. The provisions of Articles 9 to 15 (1) shall also apply to customs duties of a fiscal nature. Such duties shall not, however, be taken into consideration for the purpose of calculating either total customs receipts or the reduction of customs duties as a whole as referred to in Article 14 (3) and (4).

Such duties shall, at each reduction, be lowered by not less than 10 per cent of the basic duty. Member States may reduce such duties more rapidly than is provided for in Article 14.

2. Member States shall, before the end of the first year after the entry into force of this Treaty, inform the Commission of their customs duties of a fiscal nature.

3. Member States shall retain the right to substitute for these duties an internal tax which complies with the provisions of Article 95.

4. If the Commission finds that substitution for any customs duty of a fiscal nature meets with serious difficulties in a Member State, it shall authorise that State to retain the duty on condition that it shall abolish it not later than six years after the entry into force of this Treaty. Such authorisation must be applied for before the end of the first year after the entry into force of this Treaty.

SECTION 2

SETTING UP OF THE COMMON CUSTOMS TARIFF

ARTICLE 18

The Member States declare their readiness to contribute to the development of international trade and the lowering of barriers to trade by entering into agreements designed, on a basis of reciprocity and mutual advantage, to reduce customs duties below the general level of which they could avail themselves as a result of the establishment of a customs union between them.

ARTICLE 19

1. Subject to the conditions and within the limits provided for hereinafter, duties in the common customs tariff shall be at the level of the arithmetical average of the duties applied in the four customs territories comprised in the Community.

2. The duties taken as the basis for calculating this average shall be those applied by Member States on 1 January 1957.

In the case of the Italian tariff, however, the duty applied shall be that without the temporary 10 per cent reduction. Furthermore, with respect to items on which the Italian tariff contains a conventional duty, this duty shall be substituted for the duty applied as defined above, provided that it does not exceed the latter by more than 10 per cent. Where the conventional duty exceeds the duty applied as defined above by more than 10 per cent, the latter duty plus 10 per cent shall be taken as the basis for calculating the arithmetical average.

With regard to the tariff headings in List A, the duties shown in that List shall, for the purpose of calculating the arithmetical average, be substituted for the duties applied.

3. The duties in the common customs tariff shall not exceed:

- (a) 3 per cent for products within the tariff headings in List B;
- (b) 10 per cent for products within the tariff headings in List C;
- (c) 15 per cent for products within the tariff headings in List D;

(d) 25 per cent for products within the tariff headings in List E; where, in respect of such products, the tariff of the Benelux countries contains a duty not exceeding 3 per cent, such duty shall, for the purpose of calculating the arithmetical average, be raised to 12 per cent.

4. List F prescribes the duties applicable to the products listed therein.

5. The Lists of tariff headings referred to in this Article and in Article 20 are set out in Annex I to this Treaty.

ARTICLE 20

The duties applicable to the products in List G shall be determined by negotiation between the Member States. Each Member State may add further products to this List to a value not exceeding 2 per cent of the total value of its imports from third countries in the course of the year 1956.

The Commission shall take all appropriate steps to ensure that such negotiations shall be undertaken before the end of the second year after the entry into force of this Treaty and be concluded before the end of the first stage.

If, for certain products, no agreement can be reached within these periods, the Council shall, on a proposal from the Commission, acting unanimously until the end of the second stage and by a qualified majority thereafter, determine the duties in the common customs tariff.

ARTICLE 21

1. Technical difficulties which may arise in applying Articles 19 and 20 shall be resolved, within two years of the entry into force of this Treaty, by directives issued by the Council acting by a qualified majority on a proposal from the Commission.

2. Before the end of the first stage, or at latest when the duties are determined, the Council shall, acting by a qualified majority on a proposal from the Commission, decide on any adjustments required in the interests of the internal consistency of the common customs tariff as a result of applying the rules set out in Articles 19 and 20, taking account in particular of the degree of processing undergone by the various goods to which the common tariff applies.

ARTICLE 22

The Commission shall, within two years of the entry into force of this Treaty, determine the extent to which the customs duties of a fiscal nature referred to in Article 17 (2) shall be taken into account in calculating the arithmetical average provided for in Article 19 (1). The Commission shall take account of any protective character which such duties may have.

Within six months of such determination, any Member State may request that the procedure provided for in Article 20 should be applied to the product in question, but in this event the percentage limit provided in that Article shall not be applicable to that State.

ARTICLE 23

1. For the purpose of the progressive introduction of the common customs tariff, Member States shall amend their tariffs applicable to third countries as follows:

- (a) in the case of tariff headings on which the duties applied in practice on 1 January 1957 do not differ by more than 15 per cent in either direction from the duties in the common customs tariff, the latter duties shall be applied at the end of the fourth year after the entry into force of this Treaty;
- (b) in any other case, each Member State shall, as from the same date, apply a duty reducing by 30 per cent the difference between the duty applied in practice on 1 January 1957 and the duty in the common customs tariff;
- (c) at the end of the second stage this difference shall again be reduced by 30 per cent;
- (d) in the case of tariff headings for which the duties in the common customs tariff are not yet available at the end of the first stage, each Member State shall, within six months of the Council's action in accordance with Article 20, apply such duties as would result from application of the rules contained in this paragraph.

2. Where a Member State has been granted an authorisation under Article 17 (4), it need not, for as long as that authorisation remains valid, apply the preceding provisions to the tariff headings to which the authorisation applies. When such authorisation expires, the Member State concerned shall apply such duty as would have resulted from application of the rules contained in paragraph 1.

3. The common customs tariff shall be applied in its entirety by the end of the transitional period at the latest.

ARTICLE 24

Member States shall remain free to change their duties more rapidly than is provided for in Article 23 in order to bring them into line with the common customs tariff.

ARTICLE 25

1. If the Commission finds that the production in Member States of particular products contained in Lists B, C and D is insufficient to supply the demands of one of the Member States, and that such supply traditionally depends to a considerable extent on imports from third countries, the Council shall, acting by a qualified majority on a proposal from the Commission, grant the Member State concerned tariff quotas at a reduced rate of duty or duty free.

Such quotas may not exceed the limits beyond which the risk might arise of activities being transferred to the detriment of other Member States.

2. In the case of the products in List E, and of those in List G for which the rates of duty have been determined in accordance with the procedure provided

for in the third paragraph of Article 20, the Commission shall, where a change in sources of supply or a shortage of supplies within the Community is such as to entail harmful consequences for the processing industries of a Member State, at the request of that Member State, grant it tariff quotas at a reduced rate of duty or duty free.

Such quotas may not exceed the limits beyond which the risk might arise of activities being transferred to the detriment of other Member States.

3. In the case of the products listed in Annex II to this Treaty, the Commission may authorise any Member State to suspend, in whole or in part, collection of the duties applicable or may grant such Member State tariff quotas at a reduced rate of duty or duty free, provided that no serious disturbance of the market of the products concerned results therefrom.

4. The Commission shall periodically examine tariff quotas granted pursuant to this Article.

ARTICLE 26

The Commission may authorise any Member State encountering special difficulties to postpone the lowering or raising of duties provided for in Article 23 in respect of particular headings in its tariff.

Such authorisation may only be granted for a limited period and in respect of tariff headings which, taken together, represent for such State not more than 5 per cent of the value of its imports from third countries in the course of the latest year for which statistical data are available.

ARTICLE 27

Before the end of the first stage, Member States shall, in so far as may be necessary, take steps to approximate their provisions laid down by law, regulation or administrative action in respect of customs matters. To this end, the Commission shall make all appropriate recommendations to Member States.

ARTICLE 28

Any autonomous alteration or suspension of duties in the common customs tariff shall be decided unanimously by the Council. After the transitional period has ended, however, the Council may, acting by a qualified majority on a proposal from the Commission, decide on alterations or suspensions which shall not exceed 20 per cent of the rate in the case of any one duty for a maximum period of six months. Such alterations or suspensions may only be extended, under the same conditions, for one further period of six months.

ARTICLE 29

In carrying out the tasks entrusted to it under this Section the Commission shall be guided by:

- (a) the need to promote trade between Member States and third countries;

- (b) developments in conditions of competition within the Community in so far as they lead to an improvement in the competitive capacity of undertakings;
- (c) the requirements of the Community as regards the supply of raw materials and semi-finished goods; in this connection the Commission shall take care to avoid distorting conditions of competition between Member States in respect of finished goods;
- (d) the need to avoid serious disturbances in the economies of Member States and to ensure rational development of production and an expansion of consumption within the Community.

CHAPTER 2—ELIMINATION OF QUANTITATIVE RESTRICTIONS BETWEEN MEMBER STATES

ARTICLE 30

Quantitative restrictions on imports and all measures having equivalent effect shall, without prejudice to the following provisions, be prohibited between Member States.

ARTICLE 31

Member States shall refrain from introducing between themselves any new quantitative restrictions or measures having equivalent effect.

This obligation shall, however, relate only to the degree of liberalisation attained in pursuance of the decisions of the Council of the Organisation for European Economic Co-operation of 14 January 1955. Member States shall supply the Commission, not later than six months after the entry into force of this Treaty, with lists of the products liberalised by them in pursuance of these decisions. These lists shall be consolidated between Member States.

ARTICLE 32

In their trade with one another Member States shall refrain from making more restrictive the quotas and measures having equivalent effect existing at the date of the entry into force of this Treaty.

These quotas shall be abolished by the end of the transitional period at the latest. During that period, they shall be progressively abolished in accordance with the following provisions.

ARTICLE 33

1. One year after the entry into force of this Treaty, each Member State shall convert any bilateral quotas open to any other Member States into global quotas open without discrimination to all other Member States.

On the same date, Member States shall increase the aggregate of the global quotas so established in such a manner as to bring about an increase of not less than 20 per cent in their total value as compared with the preceding year. The global quota for each product, however, shall be increased by not less than 10 per cent.

The quotas shall be increased annually in accordance with the same rules and in the same proportions in relation to the preceding year.

The fourth increase shall take place at the end of the fourth year after the entry into force of this Treaty; the fifth, one year after the beginning of the second stage.

2. Where, in the case of a product which has not been liberalised, the global quota does not amount to 3 per cent of the national production of the State concerned, a quota equal to not less than 3 per cent of such national production shall be introduced not later than one year after the entry into force of this Treaty. This quota shall be raised to 4 per cent at the end of the second year, and to 5 per cent at the end of the third. Thereafter, the Member State concerned shall increase the quota by not less than 15 per cent annually.

Where there is no such national production, the Commission shall take a decision establishing an appropriate quota.

3. At the end of the tenth year, each quota shall be equal to not less than 20 per cent of the national production.

4. If the Commission finds by means of a decision that during two successive years the imports of any product have been below the level of the quota opened, this global quota shall not be taken into account in calculating the total value of the global quotas. In such case, the Member State shall abolish quota restrictions on the product concerned.

5. In the case of quotas representing more than 20 per cent of the national production of the product concerned, the Council may, acting by a qualified majority on a proposal from the Commission, reduce the minimum percentage of 10 per cent laid down in paragraph 1. This alteration shall not, however, affect the obligation to increase the total value of global quotas by 20 per cent annually.

6. Member States which have exceeded their obligations as regards the degree of liberalisation attained in pursuance of the decisions of the Council of the Organisation for European Economic Cooperation of 14 January 1955 shall be entitled, when calculating the annual total increase of 20 per cent provided for in paragraph 1, to take into account the amount of imports liberalised by autonomous action. Such calculation shall be submitted to the Commission for its prior approval.

7. The Commission shall issue directives establishing the procedure and timetable in accordance with which Member States shall abolish, as between themselves, any measures in existence when this Treaty enters into force which have an effect equivalent to quotas.

8. If the Commission finds that the application of the provisions of this Article, and in particular of the provisions concerning percentages, makes it impossible to ensure that the abolition of quotas provided for in the second paragraph of Article 32 is carried out progressively, the Council may, on a proposal from the Commission, acting unanimously during the first stage and by a qualified majority thereafter, amend the procedure laid down in this Article and may, in particular, increase the percentages fixed.

ARTICLE 34

1. Quantitative restrictions on exports, and all measures having equivalent effect, shall be prohibited between Member States.

2. Member States shall, by the end of the first stage at the latest, abolish all quantitative restrictions on exports and any measures having equivalent effect which are in existence when this Treaty enters into force.

ARTICLE 35

The Member States declare their readiness to abolish quantitative restrictions on imports from and exports to other Member States more rapidly than is provided for in the preceding Articles, if their general economic situation and the situation of the economic sector concerned so permit.

To this end, the Commission shall make recommendations to the States concerned.

ARTICLE 36

The provisions of Articles 30 to 34 shall not preclude prohibitions or restrictions on imports, exports or goods in transit justified on grounds of public morality, public policy or public security; the protection of health and life of humans, animals or plants; the protection of national treasures possessing artistic, historic or archaeological value; or the protection of industrial and commercial property. Such prohibitions or restrictions shall not, however, constitute a means of arbitrary discrimination or a disguised restriction on trade between Member States.

ARTICLE 37

1. Member States shall progressively adjust any State monopolies of a commercial character so as to ensure that when the transitional period has ended no discrimination regarding the conditions under which goods are procured and marketed exists between nationals of Member States.

The provisions of this Article shall apply to any body through which a Member State, in law or in fact, either directly or indirectly supervises, determines or appreciably influences imports or exports between Member States. These provisions shall likewise apply to monopolies delegated by the State to others.

2. Member States shall refrain from introducing any new measure which is contrary to the principles laid down in paragraph 1 or which restricts the scope of the Articles dealing with the abolition of customs duties and quantitative restrictions between Member States.

3. The timetable for the measures referred to in paragraph 1 shall be harmonised with the abolition of quantitative restrictions on the same products provided for in Articles 30 to 34.

If a product is subject to a State monopoly of a commercial character in only one or some Member States, the Commission may authorise the other Member States to apply protective measures until the adjustment provided for in paragraph 1 has been effected; the Commission shall determine the conditions and details of such measures.

4. If a State monopoly of a commercial character has rules which are designed to make it easier to dispose of agricultural products or obtain for them the best return, steps should be taken in applying the rules contained in this Article to ensure equivalent safeguards for the employment and standard of living of the producers concerned, account being taken of the adjustments that will be possible and the specialisation that will be needed with the passage of time.

5. The obligations on Member States shall be binding only in so far as they are compatible with existing international agreements.

6. With effect from the first stage the Commission shall make recommendations as to the manner in which and the timetable according to which the adjustment provided for in this Article shall be carried out.

TITLE II—AGRICULTURE

ARTICLE 38

1. The common market shall extend to agriculture and trade in agricultural products. "Agricultural products" means the products of the soil, of stock-farming and of fisheries and products of first-stage processing directly related to these products.

2. Save as otherwise provided in Articles 39 to 46, the rules laid down for the establishment of the common market shall apply to agricultural products.

3. The products subject to the provisions of Articles 39 to 46 are listed in Annex II to this Treaty. Within two years of the entry into force of this Treaty, however, the Council shall, acting by a qualified majority on a proposal from the Commission, decide what products are to be added to this list.

4. The operation and development of the common market for agricultural products must be accompanied by the establishment of a common agricultural policy among the Member States.

ARTICLE 39

1. The objectives of the common agricultural policy shall be:

(a) to increase agricultural productivity by promoting technical progress and by ensuring the rational development of agricultural production and the optimum utilisation of the factors of production, in particular labour;

(b) thus to ensure a fair standard of living for the agricultural community, in particular by increasing the individual earnings of persons engaged in agriculture;

(c) to stabilise markets;

(d) to assure the availability of supplies;

(e) to ensure that supplies reach consumers at reasonable prices.

2. In working out the common agricultural policy and the special methods for its application, account shall be taken of:
 - (a) the particular nature of agricultural activity, which results from the social structure of agriculture and from structural and natural disparities between the various agricultural regions;
 - (b) the need to effect the appropriate adjustments by degrees;
 - (c) the fact that in the Member States agriculture constitutes a sector closely linked with the economy as a whole.

ARTICLE 40

1. Member States shall develop the common agricultural policy by degrees during the transitional period and shall bring it into force by the end of that period at the latest.

2. In order to attain the objectives set out in Article 39 a common organisation of agricultural markets shall be established.

This organisation shall take one of the following forms, depending on the product concerned:

- (a) common rules on competition;
- (b) compulsory coordination of the various national market organisations;
- (c) a European market organisation.

3. The common organisation established in accordance with paragraph 2 may include all measures required to attain the objectives set out in Article 39, in particular regulation of prices, aids for the production and marketing of the various products, storage and carry-over arrangements and common machinery for stabilising imports or exports.

The common organisation shall be limited to pursuit of the objectives set out in Article 39 and shall exclude any discrimination between producers or consumers within the Community.

Any common price policy shall be based on common criteria and uniform methods of calculation.

4. In order to enable the common organisation referred to in paragraph 2 to attain its objectives, one or more agricultural guidance and guarantee funds may be set up.

ARTICLE 41

To enable the objectives set out in Article 39 to be attained, provision may be made within the framework of the common agricultural policy for measures such as:

- (a) an effective coordination of efforts in the spheres of vocational training, of research and of the dissemination of agricultural knowledge; this may include joint financing of projects or institutions;
- (b) joint measures to promote consumption of certain products.

ARTICLE 42

The provisions of the Chapter relating to rules on competition shall apply to production of and trade in agricultural products only to the extent determined by the Council within the framework of Article 43 (2) and (3) and in accordance with the procedure laid down therein, account being taken of the objectives set out in Article 39.

The Council may, in particular, authorise the granting of aid:

- (a) for the protection of enterprises handicapped by structural or natural conditions;
- (b) within the framework of economic development programmes.

ARTICLE 43

1. In order to evolve the broad lines of a common agricultural policy, the Commission shall, immediately this Treaty enters into force, convene a conference of the Member States with a view to making a comparison of their agricultural policies, in particular by producing a statement of their resources and needs.

2. Having taken into account the work of the conference provided for in paragraph 1, after consulting the Economic and Social Committee and within two years of the entry into force of this Treaty, the Commission shall submit proposals for working out and implementing the common agricultural policy, including the replacement of the national organisations by one of the forms of common organisation provided for in Article 40 (2), and for implementing the measures specified in this Title.

These proposals shall take account of the interdependence of the agricultural matters mentioned in this Title.

The Council shall, on a proposal from the Commission and after consulting the Assembly, acting unanimously during the first two stages and by a qualified majority thereafter, make regulations, issue directives, or take decisions, without prejudice to any recommendations it may also make.

3. The Council may, acting by a qualified majority and in accordance with paragraph 2, replace the national market organisations by the common organisation provided for in Article 40 (2) if:

- (a) the common organisation offers Member States which are opposed to this measure and which have an organisation of their own for the production in question equivalent safeguards for the employment and standard of living of the producers concerned, account being taken of the adjustments that will be possible and the specialisation that will be needed with the passage of time;
- (b) such an organisation ensures conditions for trade within the Community similar to those existing in a national market.

4. If a common organisation for certain raw materials is established before a common organisation exists for the corresponding processed products, such raw materials as are used for processed products intended for export to third countries may be imported from outside the Community.

ARTICLE 44

1. In so far as progressive abolition of customs duties and quantitative restrictions between Member States may result in prices likely to jeopardise the attainment of the objectives set out in Article 39, each Member State shall, during the transitional period, be entitled to apply to particular products, in a non-discriminatory manner and in substitution for quotas and to such an extent as shall not impede the expansion of the volume of trade provided for in Article 45 (2), a system of minimum prices below which imports may be either:

—temporarily suspended or reduced; or

—allowed, but subjected to the condition that they are made at a price higher than the minimum price for the product concerned.

In the latter case the minimum prices shall not include customs duties.

2. Minimum prices shall neither cause a reduction of the trade existing between Member States when this Treaty enters into force nor form an obstacle to progressive expansion of this trade. Minimum prices shall not be applied so as to form an obstacle to the development of a natural preference between Member States.

3. As soon as this Treaty enters into force the Council shall, on a proposal from the Commission, determine objective criteria for the establishment of minimum price systems and for the fixing of such prices.

These criteria shall in particular take account of the average national production costs in the Member State applying the minimum price, of the position of the various undertakings concerned in relation to such average production costs, and of the need to promote both the progressive improvement of agricultural practice and the adjustments and specialisation needed within the common market.

The Commission shall further propose a procedure for revising these criteria in order to allow for and speed up technical progress and to approximate prices progressively within the common market.

These criteria and the procedure for revising them shall be determined by the Council acting unanimously within three years of the entry into force of this Treaty.

4. Until the decision of the Council takes effect, Member States may fix minimum prices on condition that these are communicated beforehand to the Commission and to the other Member States so that they may submit their comments.

Once the Council has taken its decision, Member States shall fix minimum prices on the basis of the criteria determined as above.

The Council may, acting by a qualified majority on a proposal from the Commission, rectify any decisions taken by Member States which do not conform to the criteria defined above.

5. If it does not prove possible to determine the said objective criteria for certain products by the beginning of the third stage, the Council may, acting by a qualified majority on a proposal from the Commission, vary the minimum prices applied to these products.

6. At the end of the transitional period, a table of minimum prices still in force shall be drawn up. The Council shall, acting on a proposal from the Commission and by a majority of nine votes in accordance with the weighting laid down in the first subparagraph of Article 148 (2), determine the system to be applied within the framework of the common agricultural policy.

ARTICLE 45

1. Until national market organisations have been replaced by one of the forms of common organisation referred to in Article 40 (2), trade in products in respect of which certain Member States:

—have arrangements designed to guarantee national producers a market for their products; and

—are in need of imports,

shall be developed by the conclusion of long-term agreements or contracts between importing and exporting Member States.

These agreements or contracts shall be directed towards the progressive abolition of any discrimination in the application of these arrangements to the various producers within the Community.

Such agreements or contracts shall be concluded during the first stage; account shall be taken of the principle of reciprocity.

2. As regards quantities, these agreements or contracts shall be based on the average volume of trade between Member States in the products concerned during the three years before the entry into force of this Treaty and shall provide for an increase in the volume of trade within the limits of existing requirements, account being taken of traditional patterns of trade.

As regards prices, these agreements or contracts shall enable producers to dispose of the agreed quantities at prices which shall be progressively approximated to those paid to national producers on the domestic market of the purchasing country.

This approximation shall proceed as steadily as possible and shall be completed by the end of the transitional period at the latest.

Prices shall be negotiated between the parties concerned within the framework of directives issued by the Commission for the purpose of implementing the two preceding subparagraphs.

If the first stage is extended, these agreements or contracts shall continue to be carried out in accordance with the conditions applicable at the end of the fourth year after the entry into force of this Treaty, the obligation to increase quantities and to approximate prices being suspended until the transition to the second stage.

Member States shall avail themselves of any opportunity open to them under their legislation, particularly in respect of import policy, to ensure the conclusion and carrying out of these agreements or contracts.

3. To the extent that Member States require raw materials for the manufacture of products to be exported outside the Community in competition with products of third countries, the above agreements or contracts shall not form an obstacle to the importation of raw materials for this purpose from third

countries. This provision shall not, however, apply if the Council unanimously decides to make provision for payments required to compensate for the higher price paid on goods imported for this purpose on the basis of these agreements or contracts in relation to the delivered price of the same goods purchased on the world market.

ARTICLE 46

Where in a Member State a product is subject to a national market organisation or to internal rules having equivalent effect which affect the competitive position of similar production in another Member State, a countervailing charge shall be applied by Member States to imports of this product coming from the Member State where such organisation or rules exist, unless that State applies a countervailing charge on export.

The Commission shall fix the amount of these charges at the level required to redress the balance; it may also authorise other measures, the conditions and details of which it shall determine.

ARTICLE 47

As to the functions to be performed by the Economic and Social Committee in pursuance of this Title, its agricultural section shall hold itself at the disposal of the Commission to prepare, in accordance with the provisions of Articles 197 and 198, the deliberations of the Committee.

TITLE III—FREE MOVEMENT OF PERSONS, SERVICES AND CAPITAL

CHAPTER 1—WORKERS

ARTICLE 48

1. Freedom of movement for workers shall be secured within the Community by the end of the transitional period at the latest.

2. Such freedom of movement shall entail the abolition of any discrimination based on nationality between workers of the Member States as regards employment, remuneration and other conditions of work and employment.

3. It shall entail the right, subject to limitations justified on grounds of public policy, public security or public health:

- (a) to accept offers of employment actually made;
- (b) to move freely within the territory of Member States for this purpose;
- (c) to stay in a Member State for the purpose of employment in accordance with the provisions governing the employment of nationals of that State laid down by law, regulation or administrative action;
- (d) to remain in the territory of a Member State after having been employed in that State, subject to conditions which shall be embodied in implementing regulations to be drawn up by the Commission.

4. The provisions of this Article shall not apply to employment in the public service.

ARTICLE 49

As soon as this Treaty enters into force, the Council shall, acting on a proposal from the Commission and after consulting the Economic and Social Committee, issue directives or make regulations setting out the measures required to bring about, by progressive stages, freedom of movement for workers, as defined in Article 48, in particular:

- (a) by ensuring close cooperation between national employment services;
- (b) by systematically and progressively abolishing those administrative procedures and practices and those qualifying periods in respect of eligibility for available employment, whether resulting from national legislation or from agreements previously concluded between Member States, the maintenance of which would form an obstacle to liberalisation of the movement of workers;
- (c) by systematically and progressively abolishing all such qualifying periods and other restrictions provided for either under national legislation or under agreements previously concluded between Member States as imposed on workers of other Member States conditions regarding the free choice of employment other than those imposed on workers of the State concerned;
- (d) by setting up appropriate machinery to bring offers of employment into touch with applications for employment and to facilitate the achievement of a balance between supply and demand in the employment market in such a way as to avoid serious threats to the standard of living and level of employment in the various regions and industries.

ARTICLE 50

Member States shall, within the framework of a joint programme, encourage the exchange of young workers.

ARTICLE 51

The Council shall, acting unanimously on a proposal from the Commission, adopt such measures in the field of social security as are necessary to provide freedom of movement for workers; to this end, it shall make arrangements to secure for migrant workers and their dependants:

- (a) aggregation, for the purpose of acquiring and retaining the right to benefit and of calculating the amount of benefit, of all periods taken into account under the laws of the several countries;
- (b) payment of benefits to persons resident in the territories of Member States.

CHAPTER 2—RIGHT OF ESTABLISHMENT

ARTICLE 52

Within the framework of the provisions set out below, restrictions on the freedom of establishment of nationals of a Member State in the territory of another Member State shall be abolished by progressive stages in the course of the transitional period. Such progressive abolition shall also apply to restrictions on the setting up of agencies, branches or subsidiaries by nationals of any Member State established in the territory of any Member State.

Freedom of establishment shall include the right to take up and pursue activities as self-employed persons and to set up and manage undertakings, in particular companies or firms within the meaning of the second paragraph of Article 58, under the conditions laid down for its own nationals by the law of the country where such establishment is effected, subject to the provisions of the Chapter relating to capital.

ARTICLE 53

Member States shall not introduce any new restrictions on the right of establishment in their territories of nationals of other Member States, save as otherwise provided in this Treaty.

ARTICLE 54

1. Before the end of the first stage, the Council shall, acting unanimously on a proposal from the Commission and after consulting the Economic and Social Committee and the Assembly, draw up a general programme for the abolition of existing restrictions on freedom of establishment within the Community. The Commission shall submit its proposal to the Council during the first two years of the first stage.

The programme shall set out the general conditions under which freedom of establishment is to be attained in the case of each type of activity and in particular the stages by which it is to be attained.

2. In order to implement this general programme or, in the absence of such programme, in order to achieve a stage in attaining freedom of establishment as regards a particular activity, the Council shall, on a proposal from the Commission and after consulting the Economic and Social Committee and the Assembly, issue directives, acting unanimously until the end of the first stage and by a qualified majority thereafter.

3. The Council and the Commission shall carry out the duties devolving upon them under the preceding provisions, in particular:

- (a) by according, as a general rule, priority treatment to activities where freedom of establishment makes a particularly valuable contribution to the development of production and trade;
- (b) by ensuring close cooperation between the competent authorities in the Member States in order to ascertain the particular situation within the Community of the various activities concerned;

- (c) by abolishing those administrative procedures and practices, whether resulting from national legislation or from agreements previously concluded between Member States, the maintenance of which would form an obstacle to freedom of establishment;
- (d) by ensuring that workers of one Member State employed in the territory of another Member State may remain in that territory for the purpose of taking up activities therein as self-employed persons, where they satisfy the conditions which they would be required to satisfy if they were entering that State at the time when they intended to take up such activities;
- (e) by enabling a national of one Member State to acquire and use land and buildings situated in the territory of another Member State, in so far as this does not conflict with the principles laid down in Article 39 (2);
- (f) by effecting the progressive abolition of restrictions on freedom of establishment in every branch of activity under consideration, both as regards the conditions for setting up agencies, branches or subsidiaries in the territory of a Member State and as regards the conditions governing the entry of personnel belonging to the main establishment into managerial or supervisory posts in such agencies, branches or subsidiaries;
- (g) by coordinating to the necessary extent the safeguards which, for the protection of the interests of members and others, are required by Member States of companies or firms within the meaning of the second paragraph of Article 58 with a view to making such safeguards equivalent throughout the Community;
- (h) by satisfying themselves that the conditions of establishment are not distorted by aids granted by Member States.

ARTICLE 55

The provisions of this Chapter shall not apply, so far as any given Member State is concerned, to activities which in that State are connected, even occasionally, with the exercise of official authority.

The Council may, acting by a qualified majority on a proposal from the Commission, rule that the provisions of this Chapter shall not apply to certain activities.

ARTICLE 56

1. The provisions of this Chapter and measures taken in pursuance thereof shall not prejudice the applicability of provisions laid down by law, regulation or administrative action providing for special treatment for foreign nationals on grounds of public policy, public security or public health.

2. Before the end of the transitional period, the Council shall, acting unanimously on a proposal from the Commission and after consulting the Assembly, issue directives for the coordination of the aforementioned provisions laid down by law, regulation or administrative action. After the end of the second stage, however, the Council shall, acting by a qualified majority on a proposal from the Commission, issue directives for the coordination of such provisions as, in each Member State, are a matter for regulation or administrative action.

ARTICLE 57

1. In order to make it easier for persons to take up and pursue activities as self-employed persons, the Council shall, on a proposal from the Commission and after consulting the Assembly, acting unanimously during the first stage and by a qualified majority thereafter, issue directives for the mutual recognition of diplomas, certificates and other evidence of formal qualifications.

2. For the same purpose, the Council shall, before the end of the transitional period, acting on a proposal from the Commission and after consulting the Assembly, issue directives for the coordination of the provisions laid down by law, regulation or administrative action in Member States concerning the taking up and pursuit of activities as self-employed persons. Unanimity shall be required on matters which are the subject of legislation in at least one Member State and measures concerned with the protection of savings, in particular the granting of credit and the exercise of the banking profession, and with the conditions governing the exercise of the medical and allied, and pharmaceutical professions in the various Member States. In other cases, the Council shall act unanimously during the first stage and by a qualified majority thereafter.

3. In the case of the medical and allied, and pharmaceutical professions, the progressive abolition of restrictions shall be dependent upon coordination of the conditions for their exercise in the various Member States.

ARTICLE 58

Companies or firms formed in accordance with the law of a Member State and having their registered office, central administration or principal place of business within the Community shall, for the purposes of this Chapter, be treated in the same way as natural persons who are nationals of Member States.

“Companies or firms” means companies or firms constituted under civil or commercial law, including cooperative societies, and other legal persons governed by public or private law, save for those which are non-profit-making.

CHAPTER 3—SERVICES

ARTICLE 59

Within the framework of the provisions set out below, restrictions on freedom to provide services within the Community shall be progressively abolished during the transitional period in respect of nationals of Member States who are established in a State of the Community other than that of the person for whom the services are intended.

The Council may, acting unanimously on a proposal from the Commission, extend the provisions of this Chapter to nationals of a third country who provide services and who are established within the Community.

ARTICLE 60

Services shall be considered to be “services” within the meaning of this Treaty where they are normally provided for remuneration, in so far as they are

not governed by the provisions relating to freedom of movement for goods, capital and persons.

“Services” shall in particular include:

- (a) activities of an industrial character;
- (b) activities of a commercial character;
- (c) activities of craftsmen;
- (d) activities of the professions.

Without prejudice to the provisions of the Chapter relating to the right of establishment, the person providing a service may, in order to do so, temporarily pursue his activity in the State where the service is provided, under the same conditions as are imposed by that State on its own nationals.

ARTICLE 61

1. Freedom to provide services in the field of transport shall be governed by the provisions of the Title relating to transport.

2. The liberalisation of banking and insurance services connected with movements of capital shall be effected in step with the progressive liberalisation of movement of capital.

ARTICLE 62

Save as otherwise provided in this Treaty, Member States shall not introduce any new restrictions on the freedom to provide services which has in fact been attained at the date of the entry into force of this Treaty.

ARTICLE 63

1. Before the end of the first stage, the Council shall, acting unanimously on a proposal from the Commission and after consulting the Economic and Social Committee and the Assembly, draw up a general programme for the abolition of existing restrictions on freedom to provide services within the Community. The Commission shall submit its proposal to the Council during the first two years of the first stage.

The programme shall set out the general conditions under which and the stages by which each type of service is to be liberalised.

2. In order to implement this general programme or, in the absence of such programme, in order to achieve a stage in the liberalisation of a specific service, the Council shall, on a proposal from the Commission and after consulting the Economic and Social Committee and the Assembly, issue directives, acting unanimously until the end of the first stage and by a qualified majority thereafter.

3. As regards the proposals and decisions referred to in paragraphs 1 and 2, priority shall as a general rule be given to those services which directly affect production costs or the liberalisation of which helps to promote trade in goods.

ARTICLE 64

The Member States declare their readiness to undertake the liberalisation of services beyond the extent required by the directives issued pursuant to Article 63 (2), if their general economic situation and the situation of the economic sector concerned so permit.

To this end, the Commission shall make recommendations to the Member States concerned.

ARTICLE 65

As long as restrictions on freedom to provide services have not been abolished, each Member State shall apply such restrictions without distinction on grounds of nationality or residence to all persons providing services within the meaning of the first paragraph of Article 59.

ARTICLE 66

The provisions of Articles 55 to 58 shall apply to the matters covered by this Chapter.

CHAPTER 4—CAPITAL

ARTICLE 67

1. During the transitional period and to the extent necessary to ensure the proper functioning of the common market, Member States shall progressively abolish between themselves all restrictions on the movement of capital belonging to persons resident in Member States and any discrimination based on the nationality or on the place of residence of the parties or on the place where such capital is invested.

2. Current payments connected with the movement of capital between Member States shall be freed from all restrictions by the end of the first stage at the latest.

ARTICLE 68

1. Member States shall, as regards the matters dealt with in this Chapter, be as liberal as possible in granting such exchange authorisations as are still necessary after the entry into force of this Treaty.

2. Where a Member State applies to the movements of capital liberalised in accordance with the provisions of this Chapter the domestic rules governing the capital market and the credit system, it shall do so in a non-discriminatory manner.

3. Loans for the direct or indirect financing of a Member State or its regional or local authorities shall not be issued or placed in other Member States unless the States concerned have reached agreement thereon. This provision shall not preclude the application of Article 22 of the Protocol on the Statute of the European Investment Bank.

ARTICLE 69

The Council shall, on a proposal from the Commission, which for this purpose shall consult the Monetary Committee provided for in Article 105, issue the necessary directives for the progressive implementation of the provisions of Article 67, acting unanimously during the first two stages and by a qualified majority thereafter.

ARTICLE 70

1. The Commission shall propose to the Council measures for the progressive coordination of the exchange policies of Member States in respect of the movement of capital between those States and third countries. For this purpose the Council shall issue directives, acting unanimously. It shall endeavour to attain the highest possible degree of liberalisation.

2. Where the measures taken in accordance with paragraph 1 do not permit the elimination of differences between the exchange rules of Member States and where such differences could lead persons resident in one of the Member States to use the freer transfer facilities within the Community which are provided for in Article 67 in order to evade the rules of one of the Member States concerning the movement of capital to or from third countries, that State may, after consulting the other Member States and the Commission, take appropriate measures to overcome these difficulties.

Should the Council find that these measures are restricting the free movement of capital within the Community to a greater extent than is required for the purpose of overcoming the difficulties, it may, acting by a qualified majority on a proposal from the Commission, decide that the State concerned shall amend or abolish these measures.

ARTICLE 71

Member States shall endeavour to avoid introducing within the Community any new exchange restrictions on the movement of capital and current payments connected with such movements, and shall endeavour not to make existing rules more restrictive.

They declare their readiness to go beyond the degree of liberalisation of capital movements provided for in the preceding Articles in so far as their economic situation, in particular the situation of their balance of payments, so permits.

The Commission may, after consulting the Monetary Committee, make recommendations to Member States on this subject.

ARTICLE 72

Member States shall keep the Commission informed of any movements of capital to and from third countries which come to their knowledge. The Commission may deliver to Member States any opinions which it considers appropriate on this subject.

ARTICLE 73

1. If movements of capital lead to disturbances in the functioning of the capital market in any Member State, the Commission shall, after consulting the

Monetary Committee, authorise that State to take protective measures in the field of capital movements, the conditions and details of which the Commission shall determine.

The Council may, acting by a qualified majority, revoke this authorisation or amend the conditions or details thereof.

2. A Member State which is in difficulties may, however, on grounds of secrecy or urgency, take the measures mentioned above, where this proves necessary, on its own initiative. The Commission and the other Member States shall be informed of such measures by the date of their entry into force at the latest. In this event the Commission may, after consulting the Monetary Committee, decide that the State concerned shall amend or abolish the measures.

TITLE IV—TRANSPORT

ARTICLE 74

The objectives of this Treaty shall, in matters governed by this Title, be pursued by Member States within the framework of a common transport policy.

ARTICLE 75

1. For the purpose of implementing Article 74, and taking into account the distinctive features of transport, the Council shall, acting unanimously until the end of the second stage and by a qualified majority thereafter, lay down, on a proposal from the Commission and after consulting the Economic and Social Committee and the Assembly:

- (a) common rules applicable to international transport to or from the territory of a Member State or passing across the territory of one or more Member States;
- (b) the conditions under which non-resident carriers may operate transport services within a Member State;
- (c) any other appropriate provisions.

2. The provisions referred to in (a) and (b) of paragraph 1 shall be laid down during the transitional period.

3. By way of derogation from the procedure provided for in paragraph 1, where the application of provisions concerning the principles of the regulatory system for transport would be liable to have a serious effect on the standard of living and on employment in certain areas and on the operation of transport facilities, they shall be laid down by the Council acting unanimously. In so doing, the Council shall take into account the need for adaptation to the economic development which will result from establishing the common market.

ARTICLE 76

Until the provisions referred to in Article 75 (1) have been laid down, no Member State may, without the unanimous approval of the Council, make the

various provisions governing the subject when this Treaty enters into force less favourable in their direct or indirect effect on carriers of other Member States as compared with carriers who are nationals of that State.

ARTICLE 77

Aids shall be compatible with this Treaty if they meet the needs of coordination of transport or if they represent reimbursement for the discharge of certain obligations inherent in the concept of a public service.

ARTICLE 78

Any measures taken within the framework of this Treaty in respect of transport rates and conditions shall take account of the economic circumstances of carriers.

ARTICLE 79

1. In the case of transport within the Community, discrimination which takes the form of carriers charging different rates and imposing different conditions for the carriage of the same goods over the same transport links on grounds of the country of origin or of destination of the goods in question, shall be abolished, at the latest, before the end of the second stage.

2. Paragraph 1 shall not prevent the Council from adopting other measures in pursuance of Article 75 (1).

3. Within two years of the entry into force of this Treaty, the Council shall, acting by a qualified majority on a proposal from the Commission and after consulting the Economic and Social Committee, lay down rules for implementing the provisions of paragraph 1.

The Council may in particular lay down the provisions needed to enable the institutions of the Community to secure compliance with the rule laid down in paragraph 1 and to ensure that users benefit from it to the full.

4. The Commission shall, acting on its own initiative or on application by a Member State, investigate any cases of discrimination falling within paragraph 1 and, after consulting any Member State concerned, shall take the necessary decisions within the framework of the rules laid down in accordance with the provisions of paragraph 3.

ARTICLE 80

1. The imposition by a Member State, in respect of transport operations carried out within the Community, of rates and conditions involving any element of support or protection in the interest of one or more particular undertakings or industries shall be prohibited as from the beginning of the second stage, unless authorised by the Commission.

2. The Commission shall, acting on its own initiative or on application by a Member State, examine the rates and conditions referred to in paragraph 1, taking account in particular of the requirements of an appropriate regional

economic policy, the needs of underdeveloped areas and the problems of areas seriously affected by political circumstances on the one hand, and of the effects of such rates and conditions on competition between the different modes of transport on the other.

After consulting each Member State concerned, the Commission shall take the necessary decisions.

3. The prohibition provided for in paragraph 1 shall not apply to tariffs fixed to meet competition.

ARTICLE 81

Charges or dues in respect of the crossing of frontiers which are charged by a carrier in addition to the transport rates shall not exceed a reasonable level after taking the costs actually incurred thereby into account.

Member States shall endeavour to reduce these costs progressively.

The Commission may make recommendations to Member States for the application of this Article.

ARTICLE 82

The provisions of this Title shall not form an obstacle to the application of measures taken in the Federal Republic of Germany to the extent that such measures are required in order to compensate for the economic disadvantages caused by the division of Germany to the economy of certain areas of the Federal Republic affected by that division.

ARTICLE 83

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

ARTICLE 84

1. The provisions of this Title shall apply to transport by rail, road and inland waterway.

2. The Council may, acting unanimously, decide whether, to what extent and by what procedure appropriate provisions may be laid down for sea and air transport.

Part Three

POLICY OF THE COMMUNITY

TITLE I—COMMON RULES

CHAPTER 1—RULES ON COMPETITION

SECTION 1

RULES APPLYING TO UNDERTAKINGS

ARTICLE 85

1. The following shall be prohibited as incompatible with the common market: all agreements between undertakings, decisions by associations of undertakings and concerted practices which may affect trade between Member States and which have as their object or effect the prevention, restriction or distortion of competition within the common market, and in particular those which:

- (a) directly or indirectly fix purchase or selling prices or any other trading conditions;
- (b) limit or control production, markets, technical development, or investment;
- (c) share markets or sources of supply;
- (d) apply dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage;
- (e) make the conclusion of contracts subject to acceptance by the other parties of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of such contracts.

2. Any agreements or decisions prohibited pursuant to this Article shall be automatically void.

3. The provisions of paragraph 1 may, however, be declared inapplicable in the case of:

- any agreement or category of agreements between undertakings;
- any decision or category of decisions by associations of undertakings;
- any concerted practice or category of concerted practices;

which contributes to improving the production or distribution of goods or to promoting technical or economic progress, while allowing consumers a fair share of the resulting benefit, and which does not:

- (a) impose on the undertakings concerned restrictions which are not indispensable to the attainment of these objectives;

- (b)* afford such undertakings the possibility of eliminating competition in respect of a substantial part of the products in question.

ARTICLE 86

Any abuse by one or more undertakings of a dominant position within the common market or in a substantial part of it shall be prohibited as incompatible with the common market in so far as it may affect trade between Member States. Such abuse may, in particular, consist in:

- (a)* directly or indirectly imposing unfair purchase or selling prices or other unfair trading conditions;
- (b)* limiting production, markets or technical development to the prejudice of consumers;
- (c)* applying dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage;
- (d)* making the conclusion of contracts subject to acceptance by the other parties of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of such contracts.

ARTICLE 87

1. Within three years of the entry into force of this Treaty the Council shall, acting unanimously on a proposal from the Commission and after consulting the Assembly, adopt any appropriate regulations or directives to give effect to the principles set out in Articles 85 and 86.

If such provisions have not been adopted within the period mentioned, they shall be laid down by the Council, acting by a qualified majority on a proposal from the Commission and after consulting the Assembly.

2. The regulations or directives referred to in paragraph 1 shall be designed, in particular:

- (a)* to ensure compliance with the prohibitions laid down in Article 85 (1) and in Article 86 by making provision for fines and periodic penalty payments;
- (b)* to lay down detailed rules for the application of Article 85 (3), taking into account the need to ensure effective supervision on the one hand, and to simplify administration to the greatest possible extent on the other;
- (c)* to define, if need be, in the various branches of the economy, the scope of the provisions of Articles 85 and 86;
- (d)* to define the respective functions of the Commission and of the Court of Justice in applying the provisions laid down in this paragraph;
- (e)* to determine the relationship between national laws and the provisions contained in this Section or adopted pursuant to this Article.

ARTICLE 88

Until the entry into force of the provisions adopted in pursuance of Article 87, the authorities in Member States shall rule on the admissibility of agreements, decisions and concerted practices and on abuse of a dominant position in the common market in accordance with the law of their country and with the provisions of Article 85, in particular paragraph 3, and of Article 86.

ARTICLE 89

1. Without prejudice to Article 88, the Commission shall, as soon as it takes up its duties, ensure the application of the principles laid down in Articles 85 and 86. On application by a Member State or on its own initiative, and in cooperation with the competent authorities in the Member States, who shall give it their assistance, the Commission shall investigate cases of suspected infringement of these principles. If it finds that there has been an infringement, it shall propose appropriate measures to bring it to an end.

2. If the infringement is not brought to an end, the Commission shall record such infringement of the principles in a reasoned decision. The Commission may publish its decision and authorise Member States to take the measures, the conditions and details of which it shall determine, needed to remedy the situation.

ARTICLE 90

1. In the case of public undertakings and undertakings to which Member States grant special or exclusive rights, Member States shall neither enact nor maintain in force any measure contrary to the rules contained in this Treaty, in particular to those rules provided for in Article 7 and Articles 85 to 94.

2. Undertakings entrusted with the operation of services of general economic interest or having the character of a revenue-producing monopoly shall be subject to the rules contained in this Treaty, in particular to the rules on competition, in so far as the application of such rules does not obstruct the performance, in law or in fact, of the particular tasks assigned to them. The development of trade must not be affected to such an extent as would be contrary to the interests of the Community.

3. The Commission shall ensure the application of the provisions of this Article and shall, where necessary, address appropriate directives or decisions to Member States.

SECTION 2

DUMPING

ARTICLE 91

1. If, during the transitional period, the Commission, on application by a Member State or by any other interested party, finds that dumping is being practised within the common market, it shall address recommendations to the person or persons with whom such practices originate for the purpose of putting an end to them.

Should the practices continue, the Commission shall authorise the injured Member State to take protective measures, the conditions and details of which the Commission shall determine.

2. As soon as this Treaty enters into force, products which originate in or are in free circulation in one Member State and which have been exported to another Member State shall, on reimportation, be admitted into the territory of the first-mentioned State free of all customs duties, quantitative restrictions or measures having equivalent effect. The Commission shall lay down appropriate rules for the application of this paragraph.

SECTION 3

AIDS GRANTED BY STATES

ARTICLE 92

1. Save as otherwise provided in this Treaty, any aid granted by a Member State or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods shall, in so far as it affects trade between Member States, be incompatible with the common market.

2. The following shall be compatible with the common market:

- (a) aid having a social character, granted to individual consumers, provided that such aid is granted without discrimination related to the origin of the products concerned;
- (b) aid to make good the damage caused by natural disasters or other exceptional occurrences;
- (c) aid granted to the economy of certain areas of the Federal Republic of Germany affected by the division of Germany, in so far as such aid is required in order to compensate for the economic disadvantages caused by that division.

3. The following may be considered to be compatible with the common market:

- (a) aid to promote the economic development of areas where the standard of living is abnormally low or where there is serious underemployment;
- (b) aid to promote the execution of an important project of common European interest or to remedy a serious disturbance in the economy of a Member State;
- (c) aid to facilitate the development of certain economic activities or of certain economic areas, where such aid does not adversely affect trading conditions to an extent contrary to the common interest. However, the aids granted to shipbuilding as of 1 January 1957 shall, in so far as they serve only to compensate for the absence of customs protection, be progressively reduced under the same conditions as apply to the elimination of customs duties, subject to the provisions of this Treaty concerning common commercial policy towards third countries;

(d) such other categories of aid as may be specified by decision of the Council acting by a qualified majority on a proposal from the Commission.

ARTICLE 93

1. The Commission shall, in cooperation with Member States, keep under constant review all systems of aid existing in those States. It shall propose to the latter any appropriate measures required by the progressive development or by the functioning of the common market.

2. If, after giving notice to the parties concerned to submit their comments, the Commission finds that aid granted by a State or through State resources is not compatible with the common market having regard to Article 92, or that such aid is being misused, it shall decide that the State concerned shall abolish or alter such aid within a period of time to be determined by the Commission.

If the State concerned does not comply with this decision within the prescribed time, the Commission or any other interested State may, in derogation from the provisions of Articles 169 and 170, refer the matter to the Court of Justice direct.

On application by a Member State, the Council, may, acting unanimously, decide that aid which that State is granting or intends to grant shall be considered to be compatible with the common market, in derogation from the provisions of Article 92 or from the regulations provided for in Article 94, if such a decision is justified by exceptional circumstances. If, as regards the aid in question, the Commission has already initiated the procedure provided for in the first subparagraph of this paragraph, the fact that the State concerned has made its application to the Council shall have the effect of suspending that procedure until the Council has made its attitude known.

If, however, the Council has not made its attitude known within three months of the said application being made, the Commission shall give its decision on the case.

3. The Commission shall be informed, in sufficient time to enable it to submit its comments, of any plans to grant or alter aid. If it considers that any such plan is not compatible with the common market having regard to Article 92, it shall without delay initiate the procedure provided for in paragraph 2. The Member State concerned shall not put its proposed measures into effect until this procedure has resulted in a final decision.

ARTICLE 94

The Council may, acting by a qualified majority on a proposal from the Commission, make any appropriate regulations for the application of Articles 92 and 93 and may in particular determine the conditions in which Article 93 (3) shall apply and the categories of aid exempted from this procedure.

CHAPTER 2—TAX PROVISIONS

ARTICLE 95

No Member State shall impose, directly or indirectly, on the products of other Member States any internal taxation of any kind in excess of that imposed directly or indirectly on similar domestic products.

Furthermore, no Member State shall impose on the products of other Member States any internal taxation of such a nature as to afford indirect protection to other products.

Member States shall, not later than at the beginning of the second stage, repeal or amend any provisions existing when this Treaty enters into force which conflict with the preceding rules.

ARTICLE 96

Where products are exported to the territory of any Member State, any repayment of internal taxation shall not exceed the internal taxation imposed on them, whether directly or indirectly.

ARTICLE 97

Member States which levy a turnover tax calculated on a cumulative multi-stage tax system may, in the case of internal taxation imposed by them on imported products or of repayments allowed by them on exported products, establish average rates for products or groups of products, provided that there is no infringement of the principles laid down in Articles 95 and 96.

Where the average rates established by a Member State do not conform to these principles, the Commission shall address appropriate directives or decisions to the State concerned.

ARTICLE 98

In the case of charges other than turnover taxes, excise duties and other forms of indirect taxation, remissions and repayments in respect of exports to other Member States may not be granted and countervailing charges in respect of imports from Member States may not be imposed unless the measures contemplated have been previously approved for a limited period by the Council acting by a qualified majority on a proposal from the Commission.

ARTICLE 99

The Commission shall consider how the legislation of the various Member States concerning turnover taxes, excise duties and other forms of indirect taxation, including countervailing measures applicable to trade between Member States, can be harmonised in the interest of the common market.

The Commission shall submit proposals to the Council, which shall act unanimously without prejudice to the provisions of Articles 100 and 101.

CHAPTER 3—APPROXIMATION OF LAWS

ARTICLE 100

The Council shall, acting unanimously on a proposal from the Commission, issue directives for the approximation of such provisions laid down by law, regulation or administrative action in Member States as directly affect the establishment or functioning of the common market.

The Assembly and the Economic and Social Committee shall be consulted in the case of directives whose implementation would, in one or more Member States, involve the amendment of legislation.

ARTICLE 101

Where the Commission finds that a difference between the provisions laid down by law, regulation or administrative action in Member States is distorting the conditions of competition in the common market and that the resultant distortion needs to be eliminated, it shall consult the Member States concerned.

If such consultation does not result in an agreement eliminating the distortion in question, the Council shall, on a proposal from the Commission, acting unanimously during the first stage and by a qualified majority thereafter, issue the necessary directives. The Commission and the Council may take any other appropriate measures provided for in this Treaty.

ARTICLE 102

1. Where there is reason to fear that the adoption or amendment of a provision laid down by law, regulation or administrative action may cause distortion within the meaning of Article 101, a Member State desiring to proceed therewith shall consult the Commission. After consulting the Member States, the Commission shall recommend to the States concerned such measures as may be appropriate to avoid the distortion in question.

2. If a State desiring to introduce or amend its own provisions does not comply with the recommendation addressed to it by the Commission, other Member States shall not be required, in pursuance of Article 101, to amend their own provisions in order to eliminate such distortion. If the Member State which has ignored the recommendation of the Commission causes distortion detrimental only to itself, the provisions of Article 101 shall not apply.

TITLE II—ECONOMIC POLICY

CHAPTER 1—CONJUNCTURAL POLICY

ARTICLE 103

1. Member States shall regard their conjunctural policies as a matter of common concern. They shall consult each other and the Commission on the measures to be taken in the light of the prevailing circumstances.

2. Without prejudice to any other procedures provided for in this Treaty, the Council may, acting unanimously on a proposal from the Commission, decide upon the measures appropriate to the situation.

3. Acting by a qualified majority on a proposal from the Commission, the Council shall, where required, issue any directives needed to give effect to the measures decided upon under paragraph 2.

4. The procedures provided for in this Article shall also apply if any difficulty should arise in the supply of certain products.

CHAPTER 2—BALANCE OF PAYMENTS

ARTICLE 104

Each Member State shall pursue the economic policy needed to ensure the equilibrium of its overall balance of payments and to maintain confidence in its currency, while taking care to ensure a high level of employment and a stable level of prices.

ARTICLE 105

1. In order to facilitate attainment of the objectives set out in Article 104, Member States shall coordinate their economic policies. They shall for this purpose provide for cooperation between their appropriate administrative departments and between their central banks.

The Commission shall submit to the Council recommendations on how to achieve such cooperation.

2. In order to promote coordination of the policies of Member States in the monetary field to the full extent needed for the functioning of the common market, a Monetary Committee with advisory status is hereby set up. It shall have the following tasks:

—to keep under review the monetary and financial situation of the Member States and of the Community and the general payments system of the Member States and to report regularly thereon to the Council and to the Commission;

—to deliver opinions at the request of the Council or of the Commission or on its own initiative, for submission to these institutions.

The Member States and the Commission shall each appoint two members of the Monetary Committee.

ARTICLE 106

1. Each Member State undertakes to authorise, in the currency of the Member State in which the creditor or the beneficiary resides, any payments connected with the movement of goods, services or capital, and any transfers of capital and earnings, to the extent that the movement of goods, services, capital and persons between Member States has been liberalised pursuant to this Treaty.

The Member States declare their readiness to undertake the liberalisation of payments beyond the extent provided in the preceding subparagraph, in so far as their economic situation in general and the state of their balance of payments in particular so permit.

2. In so far as movements of goods, services, and capital are limited only by restrictions on payments connected therewith, these restrictions shall be progressively abolished by applying, *mutatis mutandis*, the provisions of the Chapters relating to the abolition of quantitative restrictions, to the liberalisation of services and to the free movement of capital.

3. Member States undertake not to introduce between themselves any new restrictions on transfers connected with the invisible transactions listed in Annex III to this Treaty.

The progressive abolition of existing restrictions shall be effected in accordance with the provisions of Articles 63 to 65, in so far as such abolition is not governed by the provisions contained in paragraphs 1 and 2 or by the Chapter relating to the free movement of capital.

4. If need be, Member States shall consult each other on the measures to be taken to enable the payments and transfers mentioned in this Article to be effected; such measures shall not prejudice the attainment of the objectives set out in this Chapter.

ARTICLE 107

1. Each Member State shall treat its policy with regard to rates of exchange as a matter of common concern.

2. If a Member State makes an alteration in its rate of exchange which is inconsistent with the objectives set out in Article 104 and which seriously distorts conditions of competition, the Commission may, after consulting the Monetary Committee, authorise other Member States to take for a strictly limited period the necessary measures, the conditions and details of which it shall determine, in order to counter the consequences of such alteration.

ARTICLE 108

1. Where a Member State is in difficulties or is seriously threatened with difficulties as regards its balance of payments either as a result of an overall disequilibrium in its balance of payments, or as a result of the type of currency at its disposal, and where such difficulties are liable in particular to jeopardise the functioning of the common market or the progressive implementation of the common commercial policy, the Commission shall immediately investigate the position of the State in question and the action which, making use of all the means at its disposal, that State has taken or may take in accordance with the provisions of Article 104. The Commission shall state what measures it recommends the State concerned to take.

If the action taken by a Member State and the measures suggested by the Commission do not prove sufficient to overcome the difficulties which have arisen or which threaten, the Commission shall, after consulting the Monetary Committee, recommend to the Council the granting of mutual assistance and appropriate methods therefor.

The Commission shall keep the Council regularly informed of the situation and of how it is developing.

2. The Council, acting by a qualified majority, shall grant such mutual assistance; it shall adopt directives or decisions laying down the conditions and details of such assistance, which may take such forms as:

- (a) a concerted approach to or within any other international organisations to which Member States may have recourse;
- (b) measures needed to avoid deflection of trade where the State which is in difficulties maintains or reintroduces quantitative restrictions against third countries;
- (c) the granting of limited credits by other Member States, subject to their agreement.

During the transitional period, mutual assistance may also take the form of special reductions in customs duties or enlargements of quotas in order to facilitate an increase in imports from the State which is in difficulties, subject to the agreement of the States by which such measures would have to be taken.

3. If the mutual assistance recommended by the Commission is not granted by the Council or if the mutual assistance granted and the measures taken are insufficient, the Commission shall authorise the State which is in difficulties to take protective measures, the conditions and details of which the Commission shall determine.

Such authorisation may be revoked and such conditions and details may be changed by the Council acting by a qualified majority.

ARTICLE 109

1. Where a sudden crisis in the balance of payments occurs and a decision within the meaning of Article 108 (2) is not immediately taken, the Member State concerned may, as a precaution, take the necessary protective measures. Such measures must cause the least possible disturbance in the functioning of the common market and must not be wider in scope than is strictly necessary to remedy the sudden difficulties which have arisen.

2. The Commission and the other Member States shall be informed of such protective measures not later than when they enter into force. The Commission may recommend to the Council the granting of mutual assistance under Article 108.

3. After the Commission has delivered an opinion and the Monetary Committee has been consulted, the Council may, acting by a qualified majority, decide that the State concerned shall amend, suspend or abolish the protective measures referred to above.

CHAPTER 3—COMMERCIAL POLICY

ARTICLE 110

By establishing a customs union between themselves Member States aim to contribute, in the common interest, to the harmonious development of world trade, the progressive abolition of restrictions on international trade and the lowering of customs barriers.

The common commercial policy shall take into account the favourable effect which the abolition of customs duties between Member States may have on the increase in the competitive strength of undertakings in those States.

ARTICLE 111

The following provisions shall, without prejudice to Articles 115 and 116, apply during the transitional period:

1. Member States shall coordinate their trade relations with third countries so as to bring about, by the end of the transitional period, the conditions needed for implementing a common policy in the field of external trade.

The Commission shall submit to the Council proposals regarding the procedure for common action to be followed during the transitional period and regarding the achievement of uniformity in their commercial policies.

2. The Commission shall submit to the Council recommendations for tariff negotiations with third countries in respect of the common customs tariff.

The Council shall authorise the Commission to open such negotiations.

The Commission shall conduct these negotiations in consultation with a special committee appointed by the Council to assist the Commission in this task and within the framework of such directives as the Council may issue to it.

3. In exercising the powers conferred upon it by this Article, the Council shall act unanimously during the first two stages and by a qualified majority thereafter.

4. Member States shall, in consultation with the Commission, take all necessary measures, particularly those designed to bring about an adjustment of tariff agreements in force with third countries, in order that the entry into force of the common customs tariff shall not be delayed.

5. Member States shall aim at securing as high a level of uniformity as possible between themselves as regards their liberalisation lists in relation to third countries or groups of third countries. To this end, the Commission shall make all appropriate recommendations to Member States.

If Member States abolish or reduce quantitative restrictions in relation to third countries, they shall inform the Commission beforehand and shall accord the same treatment to other Member States.

ARTICLE 112

1. Without prejudice to obligations undertaken by them within the framework of other international organisations, Member States shall, before the end of the transitional period, progressively harmonise the systems whereby they grant aid for exports to third countries, to the extent necessary to ensure that competition between undertakings of the Community is not distorted.

On a proposal from the Commission, the Council, shall, acting unanimously until the end of the second stage and by a qualified majority thereafter, issue any directives needed for this purpose.

2. The preceding provisions shall not apply to such drawback of customs duties or charges having equivalent effect nor to such repayment of indirect taxation including turnover taxes, excise duties and other indirect taxes as is allowed when goods are exported from a Member State to a third country, in so far as such drawback or repayment does not exceed the amount imposed, directly or indirectly, on the products exported.

ARTICLE 113

1. After the transitional period has ended, the common commercial policy shall be based on uniform principles, particularly in regard to changes in tariff rates, the conclusion of tariff and trade agreements, the achievement of uniformity in measures of liberalisation, export policy and measures to protect trade such as those to be taken in case of dumping or subsidies.

2. The Commission shall submit proposals to the Council for implementing the common commercial policy.

3. Where agreements with third countries need to be negotiated, the Commission shall make recommendations to the Council, which shall authorise the Commission to open the necessary negotiations.

The Commission shall conduct these negotiations in consultation with a special committee appointed by the Council to assist the Commission in this task and within the framework of such directives as the Council may issue to it.

4. In exercising the powers conferred upon it by this Article, the Council shall act by a qualified majority.

ARTICLE 114

The agreements referred to in Article 111 (2) and in Article 113 shall be concluded by the Council on behalf of the Community, acting unanimously during the first two stages and by a qualified majority thereafter.

ARTICLE 115

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

In case of urgency during the transitional period, Member States may themselves take the necessary measures and shall notify them to the other Member States and to the Commission, which may decide that the States concerned shall amend or abolish such measures.

In the selection of such measures, priority shall be given to those which cause the least disturbance to the functioning of the common market and which take into account the need to expedite, as far as possible, the introduction of the common customs tariff.

ARTICLE 116

From the end of the transitional period onwards, Member States shall, in respect of all matters of particular interest to the common market, proceed within the framework of international organisations of an economic character only by common action. To this end, the Commission shall submit to the Council, which shall act by a qualified majority, proposals concerning the scope and implementation of such common action.

During the transitional period, Member States shall consult each other for the purpose of concerting the action they take and adopting as far as possible a uniform attitude.

TITLE III—SOCIAL POLICY

CHAPTER 1—SOCIAL PROVISIONS

ARTICLE 117

Member States agree upon the need to promote improved working conditions and an improved standard of living for workers, so as to make possible their harmonisation while the improvement is being maintained.

They believe that such a development will ensue not only from the functioning of the common market, which will favour the harmonisation of social systems, but also from the procedures provided for in this Treaty and from the approximation of provisions laid down by law, regulation or administrative action.

ARTICLE 118

Without prejudice to the other provisions of this Treaty and in conformity with its general objectives, the Commission shall have the task of promoting close cooperation between Member States in the social field, particularly in matters relating to:

- employment;
- labour law and working conditions;
- basic and advanced vocational training;
- social security;
- prevention of occupational accidents and diseases;
- occupational hygiene;
- the right of association, and collective bargaining between employers and workers.

To this end, the Commission shall act in close contact with Member States by making studies, delivering opinions and arranging consultations both on problems arising at national level and on those of concern to international organisations.

Before delivering the opinions provided for in this Article, the Commission shall consult the Economic and Social Committee.

ARTICLE 119

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

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

Equal pay without discrimination based on sex means:

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

ARTICLE 120

Member States shall endeavour to maintain the existing equivalence between paid holiday schemes.

ARTICLE 121

The Council may, acting unanimously and after consulting the Economic and Social Committee, assign to the Commission tasks in connection with the implementation of common measures, particularly as regards social security for the migrant workers referred to in Articles 48 to 51.

ARTICLE 122

The Commission shall include a separate chapter on social developments within the Community in its annual report to the Assembly.

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

CHAPTER 2—THE EUROPEAN SOCIAL FUND

ARTICLE 123

In order to improve employment opportunities for workers in the common market and to contribute thereby to raising the standard of living, a European Social Fund is hereby established in accordance with the provisions set out below; it shall have the task of rendering the employment of workers easier and of increasing their geographical and occupational mobility within the Community.

ARTICLE 124

The Fund shall be administered by the Commission.

The Commission shall be assisted in this task by a Committee presided over by a member of the Commission and composed of representatives of Governments, trade unions and employers' organisations.

ARTICLE 125

1. On application by a Member State the Fund shall, within the framework of the rules provided for in Article 127, meet 50 per cent of the expenditure incurred after the entry into force of this Treaty by that State or by a body governed by public law for the purposes of:

- (a) ensuring productive re-employment of workers by means of:
 - vocational retraining;
 - resettlement allowances;

- (b) granting aid for the benefit of workers whose employment is reduced or temporarily suspended, in whole or in part, as a result of the conversion of an undertaking to other production, in order that they may retain the same wage level pending their full re-employment.

2. Assistance granted by the Fund towards the cost of vocational retraining shall be granted only if the unemployed workers could not be found employment except in a new occupation and only if they have been in productive employment for at least six months in the occupation for which they have been retrained.

Assistance towards **resettlement allowances** shall be granted only if the unemployed workers have been caused to change their home within the Community and have been in productive employment for at least six months in their new place of residence.

Assistance for workers in the case of the conversion of an undertaking shall be granted only if:

- (a) the workers concerned have again been fully employed in that undertaking for at least six months;
- (b) the Government concerned has submitted a plan beforehand, drawn up by the undertaking in question, for that particular conversion and for financing it;
- (c) the Commission has given its prior approval to the conversion plan.

ARTICLE 126

When the transitional period has ended, the Council, after receiving the opinion of the Commission and after consulting the Economic and Social Committee and the Assembly, may;

- (a) rule, by a qualified majority, that all or part of the assistance referred to in Article 125 shall no longer be granted; or
- (b) unanimously determine what new tasks may be entrusted to the Fund within the framework of its terms of reference as laid down in Article 123.

ARTICLE 127

The Council shall, acting by a qualified majority on a proposal from the Commission and after consulting the Economic and Social Committee and the Assembly, lay down the provisions required to implement Articles 124 to 126; in particular it shall determine in detail the conditions under which assistance shall be granted by the Fund in accordance with Article 125 and the classes of undertakings whose workers shall benefit from the assistance provided for in Article 125 (1) (b).

ARTICLE 128

The Council shall, acting on a proposal from the Commission and after consulting the Economic and Social Committee, lay down general principles for implementing a common vocational training policy capable of contributing to the harmonious development both of the national economies and of the common market.

TITLE IV—THE EUROPEAN INVESTMENT BANK

ARTICLE 129

A European Investment Bank is hereby established; it shall have legal personality.

The members of the European Investment Bank shall be the Member States.

The Statute of the European Investment Bank is laid down in a Protocol annexed to this Treaty.

ARTICLE 130

The task of the European Investment Bank shall be to contribute, by having recourse to the capital market and utilising its own resources, to the balanced and steady development of the common market in the interest of the Community. For this purpose the Bank shall, operating on a non-profit-making basis, grant loans and give guarantees which facilitate the financing of the following projects in all sectors of the economy:

- (a) projects for developing less developed regions;
- (b) projects for modernising or converting undertakings or for developing fresh activities called for by the progressive establishment of the common market, where these projects are of such a size or nature that they cannot be entirely financed by the various means available in the individual Member States;
- (c) projects of common interest to several Member States which are of such a size or nature that they cannot be entirely financed by the various means available in the individual Member States.

Part Four

ASSOCIATION OF THE OVERSEAS COUNTRIES AND TERRITORIES

ARTICLE 131

The Member States agree to associate with the Community the non-European countries and territories which have special relations with Belgium, France, Italy and the Netherlands. These countries and territories (hereinafter called the "countries and territories") are listed in Annex IV to this Treaty.

The purpose of association shall be to promote the economic and social development of the countries and territories and to establish close economic relations between them and the Community as a whole.

In accordance with the principles set out in the Preamble to this Treaty, association shall serve primarily to further the interests and prosperity of the inhabitants of these countries and territories in order to lead them to the economic, social and cultural development to which they aspire.

ARTICLE 132

Association shall have the following objectives:

1. Member States shall apply to their trade with the countries and territories the same treatment as they accord each other pursuant to this Treaty.
2. Each country or territory shall apply to its trade with Member States and with the other countries and territories the same treatment as that which it applies to the European State with which it has special relations.
3. The Member States shall contribute to the investments required for the progressive development of these countries and territories.
4. For investments financed by the Community, participation in tenders and supplies shall be open on equal terms to all natural and legal persons who are nationals of a Member State or of one of the countries and territories.
5. In relations between Member States and the countries and territories the right of establishment of nationals and companies or firms shall be regulated in accordance with the provisions and procedures laid down in the Chapter relating to the right of establishment and on a non-discriminatory basis, subject to any special provisions laid down pursuant to Article 136.

ARTICLE 133

1. Customs duties on imports into the Member States of goods originating in the countries and territories shall be completely abolished in conformity with the progressive abolition of customs duties between Member States in accordance with the provisions of this Treaty.

2. Customs duties on imports into each country or territory from Member States or from the other countries or territories shall be progressively abolished in accordance with the provisions of Articles 12, 13, 14, 15 and 17.

3. The countries and territories may, however, levy customs duties which meet the needs of their development and industrialisation or produce revenue for their budgets.

The duties referred to in the preceding subparagraph shall nevertheless be progressively reduced to the level of those imposed on imports of products from the Member State with which each country or territory has special relations. The percentages and the timetable of the reductions provided for under this Treaty shall apply to the difference between the duty imposed on a product coming from the Member State which has special relations with the country or territory concerned and the duty imposed on the same product coming from within the Community on entry into the importing country or territory.

4 Paragraph 2 shall not apply to countries and territories which, by reason of the particular international obligations by which they are bound, already apply a non-discriminatory customs tariff when this Treaty enters into force.

5. The introduction of or any change in customs duties imposed on goods imported into the countries and territories shall not, either in law or in fact, give rise to any direct or indirect discrimination between imports from the various Member States.

ARTICLE 134

If the level of the duties applicable to goods from a third country on entry into a country or territory is liable, when the provisions of Article 133 (1) have been applied, to cause deflections of trade to the detriment of any Member State, the latter may request the Commission to propose to the other Member States the measures needed to remedy the situation.

ARTICLE 135

Subject to the provisions relating to public health, public security or public policy, freedom of movement within Member States for workers from the countries and territories, and within the countries and territories for workers from Member States, shall be governed by agreements to be concluded subsequently with the unanimous approval of Member States.

ARTICLE 136

For an initial period of five years after the entry into force of this Treaty, the details of and procedure for the association of the countries and territories with the Community shall be determined by an Implementing Convention annexed to this Treaty.

Before the Convention referred to in the preceding paragraph expires, the Council shall, acting unanimously, lay down provisions for a further period, on the basis of the experience acquired and of the principles set out in this Treaty.

Part Five

INSTITUTIONS OF THE COMMUNITY

TITLE I—PROVISIONS GOVERNING THE INSTITUTIONS

CHAPTER 1—THE INSTITUTIONS

SECTION 1

THE ASSEMBLY

ARTICLE 137

The Assembly, which shall consist of representatives of the peoples of the States brought together in the Community, shall exercise the advisory and supervisory powers which are conferred upon it by this Treaty.

ARTICLE 138

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:

Belgium	..	..	..	..	..	14
Germany	..	..	..	..	..	36
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.

ARTICLE 139

The Assembly shall hold an annual session. It shall meet, without requiring to be convened, on the third Tuesday in October.

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

ARTICLE 140

The Assembly shall elect its President and its officers from among its members. Members of the Commission may attend all meetings and shall, at their request, be heard on behalf of the Commission.

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

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

ARTICLE 141

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

The rules of procedure shall determine the quorum.

ARTICLE 142

The Assembly shall adopt its rules of procedure, acting by a majority of its members.

The proceedings of the Assembly shall be published in the manner laid down in its rules of procedure.

ARTICLE 143

The Assembly shall discuss in open session the annual general report submitted to it by the Commission.

ARTICLE 144

If a motion of censure on the activities of the Commission 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.

If the motion of censure is carried by a two-thirds majority of the votes cast, representing a majority of the members of the Assembly, the members of the Commission shall resign as a body. They shall continue to deal with current business until they are replaced in accordance with Article 158.

SECTION 2

THE COUNCIL

ARTICLE 145

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

- ensure co-ordination of the general economic policies of the Member States;
- have power to take decisions.

ARTICLE 146

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 alphabetical order of the Member States.

ARTICLE 147

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 148

1. Save as otherwise provided in this Treaty, the Council shall act by a majority of its members.

2. Where the Council is required to act by a qualified majority, the votes of its members shall be weighted as follows:

Belgium	..	..	..	..	..	2
Germany	..	..	..	..	..	4
France	..	..	..	..	..	4
Italy	..	..	..	..	..	4
Luxembourg	..	..	..	..	..	1
Netherlands	..	..	..	..	..	2

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

—twelve votes in favour where this Treaty requires them to be adopted on a proposal from the Commission,

—twelve votes in favour, cast by at least four members, in other cases.

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

ARTICLE 149

Where, in pursuance of this Treaty, the Council acts on a proposal from the Commission, unanimity shall be required for an act constituting an amendment to that proposal.

As long as the Council has not acted, the Commission may alter its original proposal, in particular where the Assembly has been consulted on that proposal.

ARTICLE 150

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

ARTICLE 151

The Council shall adopt its rules of procedure.

These rules of procedure may provide for the setting up of a committee consisting of representatives of the Member States. The Council shall determine the task and powers of that committee.

ARTICLE 152

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

ARTICLE 153

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

ARTICLE 154

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.

SECTION 3

THE COMMISSION

ARTICLE 155

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

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

ARTICLE 156

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 Community.

ARTICLE 157

1. The Commission shall consist of nine 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 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 Community, 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 160 or deprived of his right to a pension or other benefits in its stead.

ARTICLE 158

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 159

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 160, members of the Commission shall remain in office until they have been replaced.

ARTICLE 160

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.

In such a case the Council may, acting unanimously and as a provisional measure, suspend the member from office and make provision for his replacement pending the ruling of the Court of Justice.

The Court of Justice may, on application by the Council or the Commission, provisionally suspend the member from office.

ARTICLE 161

The President and the two 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 provisions of the first paragraph.

ARTICLE 162

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

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

ARTICLE 163

The Commission shall act by a majority of the number of members provided for in Article 157.

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

SECTION 4

THE COURT OF JUSTICE

ARTICLE 164

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

ARTICLE 165

The Court of Justice shall consist of seven Judges.

The Court of Justice 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 of Justice 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 177, it shall sit in plenary session.

Should the Court of Justice so request, the Council may, acting unanimously, increase the number of Judges and make the necessary adjustments to the second and third paragraphs of this Article and to the second paragraph of Article 167.

ARTICLE 166

The Court of Justice 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 of Justice, in order to assist the Court in the performance of the task assigned to it in Article 164.

Should the Court of Justice so request, the Council may, acting unanimously, increase the number of Advocates-General and make the necessary adjustments to the third paragraph of Article 167.

ARTICLE 167

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 of Justice from among their number for a term of three years. He may be re-elected.

ARTICLE 168

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

ARTICLE 169

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

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

ARTICLE 170

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

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

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

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

ARTICLE 171

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

ARTICLE 172

Regulations made by the Council pursuant to the provisions of this Treaty may give the Court of Justice unlimited jurisdiction in regard to the penalties provided for in such regulations.

ARTICLE 173

The Court of Justice shall review the legality of acts of the Council and the Commission other than recommendations or opinions. It shall for this purpose have jurisdiction in actions brought by a Member State, the Council or the Commission on grounds of lack of competence, infringement of an essential procedural requirement, infringement of this Treaty or of any rule of law relating to its application, or misuse of powers.

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

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

ARTICLE 174

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

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

ARTICLE 175

Should the Council or the Commission, in infringement of this Treaty, fail to act, the Member States and the other institutions of the Community may bring an action before the Court of Justice to have the infringement established.

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

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

ARTICLE 176

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

This obligation shall not affect any obligation which may result from the application of the second paragraph of Article 215.

ARTICLE 177

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

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

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

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

ARTICLE 178

The Court of Justice shall have jurisdiction in disputes relating to the compensation for damage provided for in the second paragraph of Article 215.

ARTICLE 179

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

ARTICLE 180

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

- (a) the fulfilment by Member States of obligations under the Statute of the European Investment Bank. In this connection, the Board of Directors of the Bank shall enjoy the powers conferred upon the Commission by Article 169;
- (b) measures adopted by the Board of Governors of the Bank. In this connection, any Member State, the Commission or the Board of Directors of the Bank may institute proceedings under the conditions laid down in Article 173;
- (c) measures adopted by the Board of Directors of the Bank. Proceedings against such measures may be instituted only by Member States or by the Commission, under the conditions laid down in Article 173, and solely on the grounds of non-compliance with the procedure provided for in Article 21 (2), (5), (6) and (7) of the Statute of the Bank.

ARTICLE 181

The Court of Justice shall have jurisdiction to give judgment pursuant to any arbitration clause contained in a contract concluded by or on behalf of the Community, whether that contract be governed by public or private law.

ARTICLE 182

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

ARTICLE 183

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

ARTICLE 184

Notwithstanding the expiry of the period laid down in the third paragraph of Article 173, any party may, in proceedings in which a regulation of the Council or of the Commission is in issue, plead the grounds specified in the first paragraph of Article 173, in order to invoke before the Court of Justice the inapplicability of that regulation.

ARTICLE 185

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

ARTICLE 186

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

ARTICLE 187

The judgments of the Court of Justice shall be enforceable under the conditions laid down in Article 192.

ARTICLE 188

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

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

CHAPTER 2—PROVISIONS COMMON TO SEVERAL INSTITUTIONS

ARTICLE 189

In order to carry out their task the Council and the Commission shall, in accordance with the provisions of this Treaty, make regulations, issue directives, take decisions, make recommendations or deliver opinions.

A regulation shall have general application. It shall be binding in its entirety and directly applicable in all Member States.

A directive shall be binding, as to the result to be achieved, upon each Member State to which it is addressed, but shall leave to the national authorities the choice of form and methods.

A decision shall be binding in its entirety upon those to whom it is addressed.

Recommendations and opinions shall have no binding force.

ARTICLE 190

Regulations, directives and decisions of the Council and of the Commission shall state the reasons on which they are based and shall refer to any proposals or opinions which were required to be obtained pursuant to this Treaty.

ARTICLE 191

Regulations shall be published in the Official Journal of the Community. They shall enter into force on the date specified in them or, in the absence thereof, on the twentieth day following their publication.

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

ARTICLE 192

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

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

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

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

CHAPTER 3—THE ECONOMIC AND SOCIAL COMMITTEE

ARTICLE 193

An Economic and Social Committee is hereby established. It shall have advisory status.

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

ARTICLE 194

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

Belgium	..	..	..	..	..	12
Germany	..	..	..	..	..	24
France	..	..	..	..	..	24
Italy	..	..	..	..	..	24
Luxembourg	..	..	..	..	..	5
Netherlands	..	..	..	..	..	12

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

The members of the Committee shall be appointed in their personal capacity and may not be bound by any mandatory instructions.

ARTICLE 195

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

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

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

ARTICLE 196

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

It shall adopt its rules of procedure and shall submit them to the Council for its approval, which must be unanimous.

The Committee shall be convened by its chairman at the request of the Council or of the Commission.

ARTICLE 197

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

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

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

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

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

ARTICLE 198

The Committee must be consulted by the Council or by the Commission where this Treaty so provides. The Committee may be consulted by these institutions in all cases in which they consider it appropriate.

by the Community's own resources, in particular by revenue accruing from the common customs tariff when it has been finally introduced.

To this end, the Commission shall submit proposals to the Council.

After consulting the Assembly on these proposals the Council may, acting unanimously, lay down the appropriate provisions, which it shall recommend to the Member States for adoption in accordance with their respective constitutional requirements.

ARTICLE 202

The expenditure shown in the budget shall be authorised for one financial year, unless the regulations made pursuant to Article 209 provide otherwise.

In accordance with conditions to be laid down pursuant to Article 209, 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 209.

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

ARTICLE 203

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

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

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

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

The draft 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 budget.

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

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

5. For the adoption of the part of the budget relating to the European Social Fund, the votes of the members of the Council shall be weighted as follows:

Belgium	..	..	..	..	..	8
Germany	..	..	..	..	..	32
France	..	..	..	..	..	32
Italy	..	..	..	..	..	20
Luxembourg	..	..	..	..	..	1
Netherlands	..	..	..	..	..	7

For their adoption, acts of the Council shall require at least 67 votes cast in their favour.

ARTICLE 204

If, at the beginning of a financial year, the budget has not yet been voted, a sum equivalent to not more than one twelfth of the budget appropriations for the preceding financial year may be spent each month in respect of any chapter or other subdivision of the budget in accordance with the provisions of the regulations made pursuant to Article 209; this arrangement shall not, however, have the effect of placing at the disposal of the Commission appropriations in excess of one twelfth of those provided for in the draft budget in course of preparation.

The Council may, acting by a qualified majority, provided that the other conditions laid down in the first paragraph are observed, authorise expenditure in excess of one twelfth.

Member States shall pay every month, on a provisional basis and in accordance with the scales laid down for the preceding financial year, the amounts necessary to ensure application of this Article.

ARTICLE 205

The Commission shall implement the budget, in accordance with the provisions of the regulations made pursuant to Article 209, 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 budget, the Commission may, subject to the limits and conditions laid down in the regulations made pursuant to Article 209, transfer appropriations from one chapter to another or from one sub-division to another.

ARTICLE 206

The accounts of all revenue and expenditure shown in the budget 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 Commission shall submit annually to the Council and to the Assembly the accounts of the preceding financial year relating to the implementation of the budget, together with the report of the Audit Board. The Commission shall also forward to them a financial statement of the assets and liabilities of the Community.

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

ARTICLE 207

The budget shall be drawn up in the unit of account determined in accordance with the provisions of the regulations made pursuant to Article 209.

The financial contributions provided for in Article 200 (1) shall be placed at the disposal of the Community by the Member States in their national currencies.

The available balances of these contributions shall be deposited with the Treasuries of Member States or with bodies designated by them. While on deposit, such funds shall retain the value corresponding to the parity, at the date of deposit, in relation to the unit of account referred to in the first paragraph.

The balances may be invested on terms to be agreed between the Commission and the Member State concerned.

The regulations made pursuant to Article 209 shall lay down the technical conditions under which financial operations relating to the European Social Fund shall be carried out.

ARTICLE 208

The Commission may, provided it notifies the competent authorities of the Member States concerned, transfer into the currency of one of the Member States its holdings in the currency of another Member State, to the extent necessary to enable them to be used for purposes which come within the scope of this Treaty. The Commission shall as far as possible avoid making such transfers if it possesses cash or liquid assets in the currencies which it needs.

The Commission shall deal with each Member State through the authority designated by the State concerned. In carrying out financial operations the

Commission shall employ the services of the bank of issue of the Member State concerned or of any other financial institution approved by that State.

ARTICLE 209

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

- (a) make financial regulations specifying in particular the procedure to be adopted for establishing and implementing the budget and for presenting and auditing accounts;
- (b) determine the methods and procedure whereby the contributions of Member States shall be made available to the Commission;
- (c) lay down rules concerning the responsibility of authorising officers and accounting officers and concerning appropriate arrangements for inspection.

Part Six

GENERAL AND FINAL PROVISIONS

ARTICLE 210

The Community shall have legal personality.

ARTICLE 211

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

ARTICLE 212

The Council shall, acting unanimously, in co-operation with the Commission and after consulting the other institutions concerned, lay down the Staff Regulations of officials and the Conditions of Employment of other servants of the Community.

After this Treaty has been in force for four years, the Staff Regulations and Conditions of Employment may be amended by the Council, acting by a qualified majority on a proposal from the Commission and after consulting the other institutions concerned.

ARTICLE 213

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

ARTICLE 214

The members of the institutions of the Community, the members of committees, and the officials and other servants of the Community shall be required, even after their duties have ceased, not to disclose information of the kind covered by the obligation of professional secrecy, in particular information about undertakings, their business relations or their cost components.

ARTICLE 215

The contractual liability of the Community shall be governed by the law applicable to the contract in question.

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

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

ARTICLE 216

The seat of the institutions of the Community shall be determined by common accord of the Governments of the Member States.

ARTICLE 217

The rules governing the languages of the institutions of the Community shall, without prejudice to the provisions contained in the rules of procedure of the Court of Justice, be determined by the Council, acting unanimously.

ARTICLE 218

The Community shall enjoy in the territories of the Member States such privileges and immunities as are necessary for the performance of its tasks, under the conditions laid down in a separate Protocol.

ARTICLE 219

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

ARTICLE 220

Member States shall, so far as is necessary, enter into negotiations with each other with a view to securing for the benefit of their nationals:

- the protection of persons and the enjoyment and protection of rights under the same conditions as those accorded by each State to its own nationals;
- the abolition of double taxation within the Community;
- the mutual recognition of companies or firms within the meaning of the second paragraph of Article 58, the retention of legal personality in the event of transfer of their seat from one country to another, and the possibility of mergers between companies or firms governed by the laws of different countries;
- the simplification of formalities governing the reciprocal recognition and enforcement of judgments of courts or tribunals and of arbitration awards.

ARTICLE 221

Within three years of the entry into force of this Treaty, Member States shall accord nationals of the other Member States the same treatment as their own nationals as regards participation in the capital of companies or firms within the meaning of Article 58, without prejudice to the application of the other provisions of this Treaty.

ARTICLE 222

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

ARTICLE 223

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

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

2. During the first year after the entry into force of this Treaty, the Council shall, acting unanimously, draw up a list of products to which the provisions of paragraph 1 (b) shall apply.

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

ARTICLE 224

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

ARTICLE 225

If measures taken in the circumstances referred to in Articles 223 and 224 have the effect of distorting the conditions of competition in the common market, the Commission shall, together with the State concerned, examine how these measures can be adjusted to the rules laid down in this Treaty.

By way of derogation from the procedure laid down in Articles 169 and 170, the Commission or any Member State may bring the matter directly before the Court of Justice if it considers that another Member State is making improper use of the powers provided for in Articles 223 and 224. The Court of Justice shall give its ruling *in camera*.

see
erratum
note
behind

ARTICLE 226

1. If, during the transitional period, difficulties arise which are serious and liable to persist in any sector of the economy or which could bring about serious deterioration in the economic situation of a given area, a Member State may apply for authorisation to take protective measures in order to rectify the situation and adjust the sector concerned to the economy of the common market.

2. On application by the State concerned, the Commission shall, by emergency procedure, determine without delay the protective measures which it considers necessary, specifying the circumstances and the manner in which they are to be put into effect.

3. The measures authorised under paragraph 2 may involve derogations from the rules of this Treaty, to such an extent and for such periods as are strictly necessary in order to attain the objectives referred to in paragraph 1. Priority shall be given to such measures as will least disturb the functioning of the common market.

ARTICLE 227

1. This Treaty shall apply to 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.

2. With regard to Algeria and the French overseas departments, the general and particular provisions of this Treaty relating to:

- the free movement of goods;
- agriculture, save for Article 40 (4);
- the liberalisation of services;
- the rules on competition;
- the protective measures provided for in Articles 108, 109 and 226;
- the institutions;

shall apply as soon as this Treaty enters into force.

The conditions under which the other provisions of this Treaty are to apply shall be determined, within two years of the entry into force of this Treaty, by decisions of the Council, acting unanimously on a proposal from the Commission.

The institutions of the Community will, within the framework of the procedures provided for in this Treaty, in particular Article 226, take care that the economic and social development of these areas is made possible.

3. The special arrangements for association set out in Part Four of this Treaty shall apply to the overseas countries and territories listed in Annex IV to this Treaty.

4. The provisions of this Treaty shall apply to the European territories for whose external relations a Member State is responsible.

ARTICLE 228

1. Where this Treaty provides for the conclusion of agreements between the Community and one or more States or an international organisation, such

agreements shall be negotiated by the Commission. Subject to the powers vested in the Commission in this field, such agreements shall be concluded by the Council, after consulting the Assembly where required by this Treaty.

The Council, the Commission or a Member State may obtain beforehand the opinion of the Court of Justice as to whether an agreement envisaged is compatible with the provisions of this Treaty. Where the opinion of the Court of Justice is adverse, the agreement may enter into force only in accordance with Article 236.

2. Agreements concluded under these conditions shall be binding on the institutions of the Community and on Member States.

ARTICLE 229

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

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

ARTICLE 230

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

ARTICLE 231

The Community shall establish close co-operation with the Organisation for European Economic Co-operation, the details to be determined by common accord.

ARTICLE 232

1. The provisions of this Treaty shall not affect the provisions of the Treaty establishing the European Coal and Steel Community, in particular as regards the rights and obligations of Member States, the powers of the institutions of that Community and the rules laid down by that Treaty for the functioning of the common market in coal and steel.

2. The provisions of this Treaty shall not derogate from those of the Treaty establishing the European Atomic Energy Community.

ARTICLE 233

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

ARTICLE 234

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

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

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

ARTICLE 235

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

ARTICLE 236

The Government of any Member State or the Commission may submit to the Council proposals for the amendment of this Treaty.

If the Council, after consulting the Assembly and, where appropriate, the Commission, delivers an opinion in favour of calling a conference of representatives of the Governments of the Member States, the conference shall be convened by the President of the Council for the purpose of determining by common accord the amendments to be made to this Treaty.

The amendments shall enter into force after being ratified by all the Member States in accordance with their respective constitutional requirements.

ARTICLE 237

Any European State may apply to become a member of the Community. It shall address its application to the Council, which shall act unanimously after obtaining the opinion of the Commission.

The conditions of admission and the adjustments to this Treaty necessitated thereby shall be the subject of an agreement between the Member States and the applicant State. This agreement shall be submitted for ratification by all the contracting States in accordance with their respective constitutional requirements.

ARTICLE 238

The Community may conclude with a third State, a union of States or an international organisation agreements establishing an association involving reciprocal rights and obligations, common action and special procedures.

These agreements shall be concluded by the Council, acting unanimously after consulting the Assembly.

Where such agreements call for amendments to this Treaty, these amendments shall first be adopted in accordance with the procedure laid down in Article 236.

ARTICLE 239

The Protocols annexed to this Treaty by common accord of the Member States shall form an integral part thereof.

ARTICLE 240

This Treaty is concluded for an unlimited period.

SETTING UP OF THE INSTITUTIONS

ARTICLE 241

The Council shall meet within one month of the entry into force of this Treaty.

ARTICLE 242

The Council shall, within three months of its first meeting, take all appropriate measures to constitute the Economic and Social Committee.

ARTICLE 243

The Assembly shall meet within two months of the first meeting of the Council, having been convened by the President of the Council, in order to elect its officers and draw up its rules of procedure. Pending the election of its officers, the oldest member shall take the chair.

ARTICLE 244

The Court of Justice shall take up its duties as soon as its members have been appointed. Its first President shall be appointed for three years in the same manner as its members.

The Court of Justice shall adopt its rules of procedure within three months of taking up its duties.

No matter may be brought before the Court of Justice until its rules of procedure have been published. The time within which an action must be brought shall run only from the date of this publication.

Upon his appointment, the President of the Court of Justice shall exercise the powers conferred upon him by this Treaty.

ARTICLE 245

The Commission shall take up its duties and assume the responsibilities conferred upon it by this Treaty as soon as its members have been appointed.

Upon taking up its duties, the Commission shall undertake the studies and arrange the contacts needed for making an overall survey of the economic situation of the Community.

ARTICLE 246

1. The first financial year shall run from the date on which this Treaty enters into force until 31 December following. Should this Treaty, however, enter into force during the second half of the year, the first financial year shall run until 31 December of the following year.

2. Until the budget for the first financial year has been established, Member States shall make the Community interest-free advances which shall be deducted from their financial contributions to the implementation of the budget.

3. Until the Staff Regulations of officials and the Conditions of Employment of other servants of the Community provided for in Article 212 have been laid down, each institution shall recruit the staff it needs and to this end conclude contracts of limited duration.

Each institution shall examine together with the Council any question concerning the number, remuneration and distribution of posts.

FINAL PROVISIONS

ARTICLE 247

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. If, however, such deposit is made less than fifteen days before the beginning of the following month, this Treaty shall not enter into force until the first day of the second month after the date of such deposit.

ARTICLE 248

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.

* The Treaty entered into force on 1 January 1958.

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

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

[For signatures and ratifications see page 161]

Annexes

I LISTS

ANNEX I

LISTS A TO G REFERRED TO IN ARTICLES 19 AND 20 OF THIS TREATY

LIST A

List of tariff headings in respect of which the rates of duty listed in column 3 below are to be taken into account in calculating the arithmetical average

1	2	3
<i>No. in the Brussels Nomenclature</i>	<i>Description of products</i>	<i>Duty (in %) to be taken into account for France</i>
ex 15.10	Acid oils from refining	18
15.11	Glycerol and glycerol lyes:	
	—Crude	6
	—Purified	10
19.04	Tapioca and sago; tapioca and sago substitutes obtained from potato or other starches	45
ex 28.28	Vanadic pentoxide	15
ex 28.37	Neutral sodium sulphite	20
ex 28.52	Cerium chlorides; cerium sulphates	20
ex 29.01	Aromatic hydrocarbons:	
	—Xylenes:	
	—Mixed isomers	20
	—Orthoxylene, metaxylene, paraxylene	25
	—Styrene monomer	20
	—Isopropylbenzene (cumene)	25
ex 29.02	Dichloromethane	20
	Vinylidene chloride monomer	25
ex 29.03	Tolueneparasulphonyl chloride	15
ex 29.15	Dimethyl terephthalate	30
ex 29.22	Ethylenediamine and its salts	20
ex 29.23	Cyclic amino-aldehydes, cyclic amino-ketones and amino-quinones, their halogenated, sul- phonated, nitrated or nitrosated derivatives, and their salts and esters	25
ex 29.25	Homoveratrylamine	25

1 <i>No. in the Brussels Nomenclature</i>	2 <i>Description of products</i>	3 <i>Duty (in %) to be taken into account for France</i>
29.28	Diazo-, azo-, and azoxy-compounds	25
ex 29.31	Dilsulphide of chlorinated benzyl	25
ex 29.44	Antibiotics (other than penicillin, streptomycin, chloramphenicol and their salts, and aureomycin)	15
ex 30.02	Foot-and-mouth vaccines, strains of micro-organisms for their manufacture; antisera and vaccines against swine fever	15
ex 30.03	Sarkomycin	18
ex 31.02	Mineral or chemical fertilisers, nitrogenous, composite	20
ex 31.03	Mineral or chemical fertilisers, phosphatic:	
	—Single:	
	—Superphosphates:	
	—Of bone	10
	—Other	12
	—Mixed	7
ex 31.04	Mineral or chemical fertilisers, potassic, mixed	7
ex 31.05	Other fertilisers, including both composite and complex fertilisers:	
	—Phosphor nitrates and ammonium-potassium phosphates	10
	—Other fertilisers, excluding dissolved organic fertilisers	7
	Fertilisers in tablets, lozenges and similar prepared forms or in packings of a gross weight not exceeding ten kilogrammes	15
ex 32.07	Natural magnetite, finely ground, of a kind used for pigments, intended exclusively for cleaning coal	25
ex 37.02	Film in rolls, sensitised, unexposed, perforated:	
	—For monochrome pictures (positives), imported in packages containing three units not separately utilisable, to form the base for a polychrome film	20
	—For polychrome pictures exceeding 100 metres in length	20

1 <i>No. in the Brussels Nomenclature</i>	2 <i>Description of products</i>	3 <i>Duty (in %) to be taken into account for France</i>
ex 39.02	Polyvinylidene chloride; polyvinyl butyral in sheets	30
ex 39.03	Cellulose esters, excluding nitrates and acetates	20
	Plastic materials with a basis of cellulose esters (other than nitrates and acetates)	15
	Plastic materials with a basis of ethers or other chemical derivatives of cellulose	30
ex 39.06	Alginic acid, its salts and esters, dry	20
ex 48.01	Paper and paperboard, machine-made:	
	—Kraft paper and kraft paperboard	25
	Other, continuously made, consisting of two or more layers, with kraft paper inside	25
48.04	Composite paper or paperboard (made by sticking flat layers together with an adhesive), not surface-coated or impregnated, whether or not internally reinforced, in rolls or sheets	25
ex 48.05	Paper and paperboard, corrugated	25
	Kraft paper and kraft paperboard, creped or crinkled	25
ex 48.07	Kraft paper and kraft paperboard, adhesive	25
ex 51.01	Yarn of man-made (regenerated) fibres (continuous), single, without twist or with a twist of less than 400 turns	20
ex 55.05	Cotton yarn, multiple, other than fancy yarn, unbleached, measuring 337.500 metres or more per kilogramme in the single yarn	20
ex 57.07	Yarn of coir	18
ex 58.01	Carpets, carpeting and rugs, knotted, of silk, of silk waste other than noil, of man-made (synthetic) fibres, of yarn falling within heading No. 52.01, of metal thread, of wool or of fine animal hair	80
ex 59.04	Multiple yarn of coir	18
ex 71.04	Dust and powder of diamonds	10
ex 84.10	Pump housings or bodies, of steel other than stainless steel or of light metals or their alloys, for aircraft piston engines	15

1 No. in the Brussels Nomenclature	2 Description of products	3 Duty (in %) to be taken into account for France
ex 84.11	Pump or compressor housings or bodies, of steel other than stainless steel or of light metals or their alloys, for aircraft piston engines	15
ex 84.37	Machines for making plain or figured tulle, and lace	10
	Embroidery machines, other than thread drawing and binding machines (machines for making open-work embroidery)	10
ex 84.38	Auxiliary machinery for use with machines for making plain or figured tulle, and lace:	
	—Slide-lifting machines	10
	—Jacquards	18
	Auxiliary machinery for use with embroidery machines:	
	—Automatic machines	18
	—Card punching machines, card reproducing machines, control machines, spool-winders	10
	Parts and accessories for machines for making plain or figured tulle, and lace, and for auxiliary machinery for such machines:	
	—Slides, bobbins, combs, slide bars and ribs of combs for flat machines, battens (their plates and blades), complete bobbins and parts of battens and bobbins for circular machines	10
	Parts and accessories for embroidery machines and for auxiliary machinery for such machines:	
	—Shuttles, shuttle-boxes including their plates; clips	10
ex 84.59	Coil-winders for winding conductor-wires and insulating or protecting tapes for the manufacture of electric coils and windings	23
	Starters, direct drive or inertia, for aircraft	25
ex 84.63	Crankshafts for aircraft piston engines	10
ex 85.08	Starter motors for aircraft Ignition magnetos, including magneto-dynamos for aircraft	20
		25
88.01	Balloons and airships	25

1 <i>No. in the Brussels Nomenclature</i>	2 <i>Description of products</i>	3 <i>Duty (in %) to be taken into account for France</i>
ex 88.03	Parts of balloons and airships	25
88.04	Parachutes and parts thereof and accessories thereto	12
88.05	Catapults and similar aircraft launching gear, and parts thereof Ground flying trainers and parts thereof	15 20
ex 90.14	Instruments for air navigation	18
ex 92.10	Mechanisms and keyboards (containing not less than 85 notes) for pianos	30

LIST B

List of tariff headings in respect of which the rates of duty in the common customs tariff may not exceed 3 per cent.

1 <i>No. in the Brussels Nomenclature</i>	2 <i>Description of products</i>
CHAPTER 5	
05.01	
05.02	
05.03	
05.05	
05.06	
ex 05.07	Feathers, skins and other parts of birds with their feathers or down, unworked (excluding bed feathers or down, unworked)
05.09	
to	
05.12	
ex 05.13	Natural sponges, raw
CHAPTER 13	
13.01	
13.02	
CHAPTER 14	
14.01	
to	
14.05	
CHAPTER 25	
25.02	
ex 25.04	Natural graphite, not put up for retail sale
25.05	
25.06	

1
*No. in the
Brussels
Nomenclature*

2
Description of products

- ex 25.07 Clay (other than kaolin), andalusite and kyanite, whether or not calcined, but not including expanded clays falling within heading No. 68.07; mullite; chamotte and dinas earths
- ex 25.08 Chalk, not put up for retail sale
- ex 25.09 Earth colours, not calcined or mixed; natural micaceous iron oxides
- 25.10
- 25.11
- ex 25.12 Infusorial earths, siliceous fossil meals and similar siliceous earths (for example, kieselguhr, tripolite or diatomite) of an apparent density of 1 or less, whether or not calcined, not put up for retail sale
- ex 25.13 Pumice stone, emery, natural corundum and other natural abrasives, not put up for retail sale
- 25.14
- ex 25.17 Flint; crushed or broken stone, macadam and tarred macadam, pebbles and gravel, of a kind commonly used for road metalling, for railway or other ballast or for concrete aggregates; shingle
- ex 25.18 Dolomite, including dolomite not further worked than roughly split, roughly squared or squared by sawing
- 25.20
- 25.21
- 25.24
- 25.25
- 25.26
- ex 25.27 Natural steatite, including natural steatite not further worked than roughly split, roughly squared or squared by sawing; talc other than in packings of a net weight not exceeding one kilogramme
- 25.28
- 25.29
- 25.31
- 25.32

1	2
<i>No. in the Brussels Nomenclature</i>	<i>Description of products</i>
CHAPTER 26	
ex 26.01	Metallic ores and concentrates other than lead ores, zinc ores and products within the province of the European Coal and Steel Community; roasted iron pyrites
26.02	
ex 26.03	Ash and residues (other than from the manufacture of iron or steel), containing metals or metallic compounds, other than those containing zinc.
26.04	
CHAPTER 27	
27.03	
ex 27.04	Coke and semi-coke of coal, for the manufacture of electrodes, and coke of peat
27.05	
27.05 (bis)	
27.06	
ex 27.13	Ozokerite, lignite wax and peat wax, crude
27.15	
27.17	
CHAPTER 31	
31.01	
ex 31.02	Natural sodium nitrate
CHAPTER 40	
40.01	
40.03	
40.04	
CHAPTER 41	
41.09	
CHAPTER 43	
43.01	

1
*No. in the
Brussels
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2
Description of products

CHAPTER 44

44.01

CHAPTER 47

47.02

CHAPTER 50

50.01

CHAPTER 53

53.01

53.02

53.03

53.05

CHAPTER 55

ex 55.02 Cotton linters, other than raw

55.04

CHAPTER 57

57.04

CHAPTER 63

63.02

CHAPTER 70

ex 70.01 Waste glass (cullet)

CHAPTER 71

ex 71.01 Pearls, unworked

ex 71.02 Precious and semi-precious stones, unworked

71.04

71.11

CHAPTER 77

ex 77.04 Beryllium, unwrought

LIST C

List of tariff headings in respect of which the rates of duty in the common customs tariff may not exceed 10 per cent

1 <i>No. in the Brussels Nomenclature</i>	2 <i>Description of products</i>
CHAPTER 5	
ex 05.07	Feathers, skins and other parts of birds with their feathers or down, other than unworked
05.14	
CHAPTER 13	
ex 13.03	Vegetable saps and extracts; agar-agar and other natural mucilages and thickeners extracted from vegetable materials (excluding pectin)
CHAPTER 15	
ex 15.04	Fats and oils, of fish and marine mammals, whether or not refined (excluding whale oil)
15.05	
15.06	
15.09	
15.11	
15.14	
CHAPTER 25	
ex 25.09	Earth colours, calcined or mixed
ex 25.15	Marble, travertine, ecaussine and other calcareous monumental and building stone of an apparent density of 2.5 or more and alabaster, not further worked than squared by sawing, of a thickness not exceeding 25 centimetres
ex 25.16	Granite, porphyry, basalt, sandstone and other monumental and building stone, not further worked than squared by sawing, of a thickness not exceeding 25 centimetres
ex 25.17	Granules, chippings and powder of stones falling within heading No. 25.15 or 25.16
ex 25.18	Dolomite, calcined or agglomerated (including tarred dolomite)
25.22	
25.23	

1	2
<i>No. in the Brussels Nomenclature</i>	<i>Description of products</i>
CHAPTER 27	
ex 27.07	Oils and other products of the distillation of high temperature coal tar, and other oils and products as defined in Note 2 to this Chapter, excluding phenols, cresols and xylenols
27.08	
ex 27.13	Ozokerite, lignite wax and peat wax, other than crude
ex 27.14	Petroleum bitumen and other petroleum and shale oil residues, excluding petroleum coke
27.16	
CHAPTER 30	
ex 30.01	Organo-therapeutic glands or other organs, dried, whether or not powdered
CHAPTER 32	
ex 32.01	Tanning extracts of vegetable origin, other than extracts of wattle (mimosa) and of quebracho
32.02	
32.03	
32.04	
CHAPTER 33	
ex 33.01	Essential oils (terpeneless or not), concretes and absolutes, other than those of citrus fruit; resinoids
33.02	
33.03	
33.04	
CHAPTER 38	
38.01	
38.02	
38.04	
38.05	
38.06	
ex 38.07	Gum spirits of turpentine; sulphate turpentine, crude; crude dipentene
38.08	
38.10	

1
*No. in the
Brussels
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2
Description of products

CHAPTER 40

40.05

ex 40.07 Textile thread covered or impregnated with vulcanised rubber

40.15

CHAPTER 41

41.02

ex 41.03 Sheep and lamb skin leather, further prepared than tanned

ex 41.04 Goat and kid skin leather, further prepared than tanned

41.05

41.06

41.07

41.10

CHAPTER 43

43.02

CHAPTER 44

44.06

to

44.13

44.16

44.17

44.18

CHAPTER 48

ex 48.01 Newsprint in rolls

CHAPTER 50

50.06

50.08

CHAPTER 52

52.01

1
*No. in the
Brussels
Nomenclature*

2
Description of products

CHAPTER 53

53.06

to

53.09

CHAPTER 54

54.03

CHAPTER 55

55.05

CHAPTER 57

- ex 57.05 Yarn of true hemp, not put up for retail sale
ex 57.06 Yarn of jute, not put up for retail sale
ex 57.07 Yarn of other vegetable textile fibres, not put up for retail sale
ex 57.08 Paper yarn, not put up for retail sale

CHAPTER 68

68.01

68.03

68.08

- ex 68.10 Building materials of plastering material
ex 68.11 Building materials of cement (including slag cement), of concrete or of artificial stone (including granulated marble agglomerated with cement), reinforced or not
ex 68.12 Building materials of asbestos-cement, of cellulose fibre-cement or the like
ex 68.13 Fabricated asbestos; mixtures with a basis of asbestos and mixtures with a basis of asbestos and magnesium carbonate

CHAPTER 69

69.01

69.02

69.04

69.05

1
*No. in the
Brussels
Nomenclature*

2
Description of products

CHAPTER 70

- ex 70.01 **Glass in the mass (excluding optical glass)**
- 70.02
- 70.03
- 70.04
- 70.05
- 70.06
- 70.16

CHAPTER 71

- ex 71.05 **Silver, unwrought**
- ex 71.06 **Rolled silver, unworked**
- ex 71.07 **Gold, unwrought**
- ex 71.08 **Rolled gold on base metal or silver, unworked**
- ex 71.09 **Platinum and other metals of the platinum group, unwrought**
- ex 71.10 **Rolled platinum or other platinum group metals, on base metal or precious metal, unworked**

CHAPTER 73

- 73.04
- 73.05
- ex 73.07 **Blooms, billets, slabs and sheet bars (including tinplate bars), of iron or steel (other than products within the province of the European Coal and Steel Community); pieces roughly shaped by forging, of iron or steel**
- ex 73.10 **Bars and rods (including wire rod), of iron or steel, hot-rolled, forged, extruded, cold-formed or cold-finished (including precision-made); hollow mining drill steel (other than products within the province of the European Coal and Steel Community)**
- ex 73.11 **Angles, shapes and sections, of iron or steel, hot-rolled, forged, extruded, cold-formed or cold-finished; sheet piling of iron or steel, whether or not drilled, punched or made from assembled elements (other than products within the province of the European Coal and Steel Community)**

1
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 Nomenclature*

2
Description of products

- ex 73.12 Hoop and strip, of iron or steel, hot-rolled or cold-rolled (other than products within the province of the European Coal and Steel Community)
- ex 73.13 Sheets and plates, of iron or steel, hot-rolled or cold-rolled (other than products within the province of the European Coal and Steel Community)
- 73.14
- ex 73.15 Alloy steel and high carbon steel in the forms mentioned in headings Nos. 73.06 to 73.14 (other than products within the province of the European Coal and Steel Community)
- CHAPTER 74**
- 74.03
- 74.04
- ex 74.05 Copper foil, whether or not embossed, cut to shape, perforated, coated or printed, other than that backed with reinforcing material
- ex 74.06 Copper powder (other than impalpable powder)
- CHAPTER 75**
- 75.02
- 75.03 Electro-plating anodes, of nickel, unwrought, produced by casting
- ex 75.05
- CHAPTER 76**
- 76.02
- 76.03
- ex 76.04 Aluminium foil, whether or not embossed, cut to shape, perforated, coated or printed, other than that backed with reinforcing material
- ex 76.05 Aluminium powder (other than impalpable powder)
- CHAPTER 77**
- ex 77.02 Wrought bars, rods, angles, shapes and sections, of magnesium; magnesium wire; wrought plates, sheets and strip, of magnesium; magnesium foil; raspings and shavings of uniform size; magnesium powder (other than impalpable powder)
- ex 77.04 Wrought bars, rods, angles, shapes and sections, of beryllium; beryllium wire; wrought plates, sheets and strip, of beryllium; beryllium foil

1
*No. in the
Brussels
Nomenclature*

2
Description of products

CHAPTER 78

78.02

78.03

ex 78.04 Leadfoil, whether or not embossed, cut to shape, perforated, coated or printed, other than that backed with reinforcing material

CHAPTER 79

79.02

79.03

CHAPTER 80

80.02

80.03

ex 80.04 Tin foil, whether or not embossed, cut to shape, perforated, coated or printed, other than that backed with reinforcing material

CHAPTER 81

ex 81.01 Wrought bars, rods, angles, shapes and sections, of tungsten (wolfram); wrought plates, sheets and strip, of tungsten (wolfram); tungsten (wolfram) foil; wire and filament of tungsten (wolfram)

ex 81.02 Wrought bars, rods, angles, shapes and sections, of molybdenum; wrought plates, sheets and strip, of molybdenum; molybdenum foil; wire and filament of molybdenum

ex 81.03 Wrought bars, rods, angles, shapes and sections, of tantalum; wrought plates, sheets and strip, of tantalum; tantalum foil; wire and filament of tantalum

ex 81.04 Wrought bars, rods, angles, shapes and sections, of other base metals; wrought plates, sheets and strip, of other base metals; foil, wire and filament, of other base metals

CHAPTER 93

ex 93.06 Stocks and other wooden parts for guns

CHAPTER 95

ex 95.01 Roughly shaped carving material, that is to say, plates, sheets, rods, tubes and similar forms, not polished or otherwise worked
to
ex 95.07

CHAPTER 98

ex 98.11 Roughly shaped blocks of wood or root, for the manufacture of pipes

LIST D

List of tariff headings in respect of which the rates of duty in the common customs tariff may not exceed 15 per cent

1 <i>No. in the Brussels Nomenclature</i>	2 <i>Description of products</i>
CHAPTER 28	Inorganic chemicals; organic and inorganic compounds of precious metals, of rare earth metals, of radio-active elements and of isotopes
ex 28.01	Halogens (excluding iodine, crude, and bromine)
ex 28.04	Hydrogen, rare gases and other metalloids and non-metals (excluding selenium and phosphorus)
28.05	
to	
28.10	
ex 28.11	Arsenic trioxide; acid of arsenic
28.13	
to	
28.22	
28.24	
28.26	
to	
28.31	
ex 28.32	Chlorates (excluding sodium chlorate and potassium chlorate) and perchlorates
ex 28.34	Oxyiodides and periodates
28.35	
to	
28.45	
28.47	
to	
28.58	

LIST E

List of tariff headings in respect of which the rates of duty in the common customs tariff may not exceed 25 per cent

1	2
<i>No. in the Brussels Nomenclature</i>	<i>Description of products</i>
CHAPTER 29	Organic chemicals
ex 29.01	Hydrocarbons (excluding naphthalene)
29.02	
29.03	
ex 29.04	Acyclic alcohols and their halogenated, sulphonated, nitrated or nitrosated derivatives (excluding butyl and isobutyl alcohols)
29.05	
ex 29.06	Phenols (excluding phenol, cresols and xylenols) and phenol-alcohols
29.07	
to	
29.45	
CHAPTER 32	
32.05	
32.06	
CHAPTER 39	
39.01	
to	
39.06	

LIST F

List of tariff headings in respect of which the rates of duty in the common customs tariff have been determined by common accord

1 <i>No. in the Brussels Nomenclature</i>	2 <i>Description of products</i>	3 <i>Common customs tariff (ad valorem rate in %)</i>
ex 01.01	Live horses for slaughter	11
ex 01.02	Live animals of the bovine species (other than pure-bred breeding animals)*	16
ex 01.03	Live swine (other than pure-bred breeding animals)*	16
ex 02.01	Meat and edible offals, fresh, chilled or frozen:	
	—Of horses	16
	—Of bovine animals*	20
	—Of swine*	20
02.02	Dead poultry (that is to say, fowls, ducks, geese, turkeys and guinea fowls) and edible offals thereof (except liver), fresh, chilled or frozen	18
ex 02.06	Horsemeat, salted or dried	16
ex 03.01	Freshwater fish, fresh (live or dead), chilled or frozen:	
	—Trout and other salmonidae	16
	—Other	10
ex 03.03	Crustaceans and molluscs, whether in shell or not, fresh (live or dead), chilled, frozen, salted, in brine or dried; crustaceans, in shell, simply boiled in water:	
	—Crawfish and lobsters	25
	—Crabs, shrimps and prawns	18
	—Oysters	18
04.03	Butter	24
ex 04.05	Birds' eggs in shell, fresh or preserved:	
	—From 16/2 to 31/8	12
	—From 1/9 to 15/2	15

*Domestic species only

1 No. in the Brussels Nomenclature	2 Description of products	3 Common customs tariff (<i>ad valorem</i> rate in %)
04.06	Natural honey	30
ex 05.07	Bed feathers and down, unworked	0
05.08	Bones and horn-cores, unworked, defatted, simply prepared but not cut to shape, treated with acid or degelatinised; powder and waste of these products	0
ex 06.03	Cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes, fresh:	
	—From 1/6 to 31/10	24
	—From 1/11 to 31/5	20
07.01	Vegetables, fresh or chilled:	
	—Onions, shallots, garlic	12
	—New potatoes:	
	—From 1/1 to 15/5	15
	—From 16/5 to 30/6	21
	—Other ⁽⁴⁾	
07.04	Dried, dehydrated or evaporated vegetables, whole, cut, sliced, broken or in powder, but not further prepared:	
	—Onions	20
	—Other	16
ex 07.05	Dried leguminous vegetables, shelled, whether or not skinned or split:	
	—Peas and beans	10
ex 08.01	Bananas, fresh	20
08.02	Citrus fruit, fresh or dried:	
	—Oranges:	
	—From 15/3 to 30/9	15
	—Outside this period	20
	—Mandarins and clementines	20
	—Lemons	8
	—Grapefruit	12
	—Other	16

⁽⁴⁾ The rate is normally fixed at the level of the arithmetical average. This may be adjusted, as necessary, by fixing seasonal rates within the framework of the agricultural policy of the Community.

1	2	3
<i>No. in the Brussels Nomenclature</i>	<i>Description of products</i>	<i>Common customs tariff (ad valorem rate in %)</i>
ex 08.04	Grapes, fresh:	
	—From 1/11 to 14/7	18
	—From 15/7 to 31/10	22
08.06	Apples, pears and quinces, fresh ⁽¹⁾	8
08.07	Stone fruit, fresh:	
	—Apricots	25
	—Other ⁽¹⁾	
ex 08.12	Prunes	18
ex 09.01	Raw coffee	16
10.01	Cereals ⁽²⁾	
to		
10.07		
ex 11.01	Wheat flour ⁽²⁾	
12.01	Oil seeds and oleaginous fruits, whole or broken	0
ex 12.03	Seeds of a kind used for sowing (other than beet seed)	10
12.06	Hop cones and lupulin	12
15.15	Beeswax and other insect waxes, whether or not coloured:	
	—Raw	0
	—Other	10

⁽¹⁾The rate is normally fixed at the level of the arithmetical average. This may be adjusted, as necessary, by fixing seasonal rates within the framework of the agricultural policy of the Community.

⁽²⁾ (a) The rates of duty on cereals and wheat flour in the common customs tariff shall be equal to the arithmetical average of the rates in the national tariffs.

(b) Until the treatment to be applied within the framework of the measures provided for in article 40(2) has been determined, Member States may, by way of derogation from Article 23, suspend the collection of duties on these products.

(c) Should the production or processing of cereals or wheat flour in any Member State be seriously threatened or prejudiced by the suspension of duties in another Member State, the Member States concerned shall enter into negotiations with each other. Should these negotiations fail to produce results, the Commission may authorise the injured State to take appropriate measures, to be implemented as determined by the Commission, in so far as the difference in cost is not compensated for by the existence of an internal organisation of the market in cereals in the Member State suspending the duties.

1 <i>No. in the Brussels Nomenclature</i>	2 <i>Description of products</i>	3 <i>Common customs tariff (ad valorem rate in %)</i>
15.16	Vegetable waxes, whether or not coloured: —Raw —Other	0 8
ex 16.04	Prepared or preserved fish: —Salmonidae	20
ex 16.05	Crustaceans, prepared or preserved	20
17.01	Beet sugar and cane sugar, solid	80
18.01	Cocoa beans, whole or broken, raw or roasted	9
18.02	Cocoa shells, husks, skins and waste	9
19.02	Preparations of flour, starch or malt extract, of a kind used as infant food or for dietetic or culinary purposes, containing less than 50 per cent by weight of cocoa	25
ex 20.02	Sauerkraut	20
21.07	Food preparations not elsewhere specified or included	25
22.04	Grape must, in fermentation or with fermentation arrested otherwise than by the addition of alcohol	40
23.01	Flours and meals, unfit for human consumption: —Of meat and offals; greaves —Of fish, crustaceans or molluscs	4 5
24.01	Unmanufactured tobacco; tobacco refuse	30
ex 25.07	Kaolin, sillimanite	0
ex 25.15	Marble, including marble not further worked than roughly split, roughly squared or squared by sawing, of a thickness exceeding 25 centimetres	0
ex 25.16	Granite, porphyry, basalt, sandstone and other monumental and building stone, including such stone not further worked than roughly split, roughly squared or squared by sawing, of a thickness exceeding 25 centimetres	0
25.19	Natural magnesium carbonate (magnesite), whether or not calcined, other than magnesium oxide	0

1 No. in the Brussels Nomenclature	2 Description of products	3 Common customs tariff (ad valorem rate in %)
ex 25.17	Talc put up in packings of a net weight not exceeding one kilogramme	8
ex 27.07	Phenols, cresols and xylenols, crude	3
27.09	Petroleum and shale oils, crude	0
ex 27.14	Petroleum coke	0
28.03	Carbon, including carbon black, anthracene black, acetylene black and lamp black	5
ex 28.04	Phosphorus	15
	Selenium	0
28.23	Iron oxides and hydroxides, including earth colours containing 70 per cent or more by weight of combined iron evaluated as Fe ₂ O ₃	10
28.25	Titanium oxides	15
ex 28.32	Sodium and potassium chlorates	10
ex 29.01	Aromatic hydrocarbons: —Naphthalene	8
ex 29.04	<i>tert</i> Butyl alcohol	8
ex 32.07	Titanium white	15
ex 33.01	Essential oils (terpeneless or not), concretes and absolutes, of citrus fruit	12
34.04	Artificial waxes (including water-soluble waxes); prepared waxes, not emulsified or containing solvents	12
ex 40.07	Vulcanised rubber thread and cord, whether or not textile covered	15
41.01	Raw hides and skins (fresh, salted, dried, pickled or limed), whether or not split, including sheepskins in the wool	0
ex 41.03	Sheep and lamb skin leather, not further prepared than tanned: —Of Indian crossbred sheep and goats —Other	0 6

1 No. in the Brussels Nomenclature	2 Description of products	3 Common customs tariff (ad valorem rate in %)
ex 41.04	Goat and kid skin leather, not further prepared than tanned: —Of Indian goats —Other	0 7
41.08	Patent leather and metallised leather	12
44.14	Veneer sheets and sheets for plywood (sawn, sliced or peeled), of a thickness not exceeding five millimetres, whether or not reinforced with paper or fabric	10
44.15	Plywood, blockboard, laminboard, battenboard and veneered panels, whether or not containing any material other than wood; inlaid wood and wood marquetry	15
53.04	Waste of sheep's or lambs' wool or of other animal hair (fine or coarse), pulled or garnetted (including pulled or garnetted rags)	0
54.01	Flax, raw or processed but not spun; flax tow and waste (including pulled or garnetted rags)	0
54.02	Ramie, raw or processed but not spun; ramie noils and waste (including pulled or garnetted rags)	0
55.01	Cotton, not carded or combed	0
ex 55.02	Cotton linters, raw	0
55.03	Cotton waste (including pulled or garnetted rags), not carded or combed	0
57.01	True hemp (<i>Cannabis sativa</i>), raw or processed but not spun; tow and waste of true hemp (including pulled or garnetted rags or ropes)	0
57.02	Manila hemp (abaca) (<i>Musa textilis</i>), raw or processed but not spun; tow and waste of manila hemp (including pulled or garnetted rags or ropes)	0
57.03	Jute, raw or processed but not spun; tow and waste of jute (including pulled or garnetted rags or ropes)	0
74.01	Copper matte; unwrought copper (refined or not); copper waste and scrap	0

1 <i>No. in the Brussels Nomenclature</i>	2 <i>Description of products</i>	3 <i>Common customs tariff (ad valorem rate in %)</i>
74.02	Master alloys	0
75.01	Nickel mattes, nickel speiss and other intermediate products of nickel metallurgy; unwrought nickel (excluding electroplating anodes); nickel waste and scrap	0
80.01	Unwrought tin; tin waste and scrap	0
ex 85.08	Sparking plugs	18

LIST G

List of tariff headings in respect of which the rates of duty in the common customs tariff are to be negotiated between the Member States

1	2
<i>No. in the Brussels Nomenclature</i>	<i>Description of products</i>
ex 03.01	Saltwater fish, fresh (live or dead), chilled or frozen
03.02	Fish, salted, in brine, dried or smoked
04.04	Cheese and curd
11.02	Cereal groats and cereal meal; other worked cereal grains (for example, rolled, flaked, polished, pearled or kibbled, but not further prepared), except husked, glazed, polished or broken rice; germ of cereals, whole, rolled, flaked or ground
11.07	Malt, roasted or not
ex 15.01	Lard and other rendered pig fat
15.02	Unrendered fats of bovine cattle, sheep or goats; tallow (including " <i>premier jus</i> ") produced from those fats
15.03	Lard stearin, oleostearin and tallow stearin; lard oil, oleo-oil and tallow oil, not emulsified or mixed or prepared in any way
ex 15.04	Whale oil, whether or not refined
15.07	Fixed vegetable oils, fluid or solid, crude, refined or purified
15.12	Animal or vegetable fats and oils, hydrogenated, whether or not refined, but not further prepared
18.03	Cocoa paste (in bulk or in block), whether or not defatted
18.04	Cocoa butter (fat or oil)
18.05	Cocoa powder, unsweetened
18.06	Chocolate and other food preparations containing cocoa
19.07	Bread, ships' biscuits and other ordinary bakers' wares, not containing sugar, honey, eggs, fats, cheese or fruit
19.08	Pastry, biscuits, cakes and other fine bakers' wares, whether or not containing cocoa in any proportion
21.02	Extracts, essences or concentrates, of coffee, tea or maté; preparations with a basis of those extracts, essences or concentrates
22.05	Wine of fresh grapes; grape must with fermentation arrested by the addition of alcohol

1	2
<i>No. in the Brussels Nomenclature</i>	<i>Description of products</i>
22.08	Ethyl alcohol or neutral spirits, undenatured, of a strength of 80 degrees or higher; denatured spirits (including ethyl alcohol and neutral spirits) of any strength
22.09	Spirits (other than those of heading No. 22.08); liqueurs and other spirituous beverages; compound alcoholic preparations (known as "concentrated extracts") for the manufacture of beverages
25.01	Common salt (including rock salt, sea salt and table salt); pure sodium chloride; salt liquors; sea water
25.03	Sulphur of all kinds, other than sublimed sulphur, precipitated sulphur and colloidal sulphur
25.30	Crude natural borates and concentrates thereof (calcined or not), but not including borates separated from natural brine; crude natural boric acid containing not more than 85 per cent of H_3BO_3 calculated on the dry weight
ex 26.01	Lead ores and zinc ores
ex 26.03	Ash and residues, containing zinc
27.10	Petroleum and shale oils, other than crude; preparations not elsewhere specified or included, containing not less than 70 per cent by weight of petroleum or shale oils, these oils being the basic constituents of the preparations
27.11	Petroleum gases and other gaseous hydrocarbons
27.12	Petroleum jelly
ex 27.13	Paraffin wax, micro-crystalline wax, slack wax and other mineral wax, whether or not coloured, except ozokerite, lignite wax and peat wax
ex 28.01	Iodine, crude, and bromine
28.02	Sulphur, sublimed or precipitated; colloidal sulphur
ex 28.11	Arsenic pentoxide
28.12	Boric oxide and boric acid
28.33	Bromides, oxybromides, bromates and perbromates, and hypobromites
ex 28.34	Iodides and iodates
28.46	Borates and perborates
ex 29.04	Butyl and isobutyl alcohols (other than <i>tert</i> butyl alcohol)
ex 29.06	Phenol, cresols and xylenols

1
*No. in the
 Brussels
 Nomenclature*

2
Description of products

ex 32.01	Extracts of quebracho and of wattle (mimosa)
40.02	Synthetic rubbers, including synthetic latex, whether or not stabilised; factice derived from oils
44.03	Wood in the rough, whether or not stripped of its bark or merely roughed down
44.04	Wood, roughly squared or half-squared, but not further manufactured
44.05	Wood sawn lengthwise, sliced or peeled, but not further prepared, of a thickness exceeding 5 millimetres
45.01	Natural cork, unworked, crushed, granulated or ground; waste cork
45.02	Natural cork in blocks, plates, sheets or strips (including cubes or square slabs, cut to size for corks or stoppers)
47.01	Pulp derived by mechanical or chemical means from any fibrous vegetable material
50.02	Raw silk (not thrown)
50.03	Silk waste (including cocoons unsuitable for reeling, silk noils and pulled or garnetted rags)
50.04	Silk yarn, other than yarn of noil or other waste silk, not put up for retail sale
50.05	Yarn spun from silk waste other than noil, not put up for retail sale
ex 62.03	Used sacks and bags, of jute, of a kind used for the packing of goods
ex 70.19	Glass beads, imitation pearls, imitation precious and semi-precious stones, imitation synthetic stones and similar fancy or decorative glass smallwares
ex 73.02	Ferro-alloys (other than high carbon ferro-manganese)
76.01	Unwrought aluminium; aluminium waste and scrap*
77.01	Unwrought magnesium; magnesium waste (excluding shavings of uniform size) and scrap*
78.01	Unwrought lead (including argentiferous lead); lead waste and scrap*
79.01	Zinc spelter; unwrought zinc; zinc waste and scrap*

*The rates of duty applicable to semi-finished products are to be reviewed in the light of the rate fixed for the unwrought metal, in accordance with the procedure laid down in Article 21(2) of this Treaty.

1
*No. in the
Brussels
Nomenclature*

2
Description of products

ex 81.01	Tungsten (wolfram) unwrought, in powder*
ex 81.02	Molybdenum, unwrought*
ex 81.03	Tantalum, unwrought*
ex 81.04	Other base metals, unwrought*
ex 84.06	Engines for motor vehicles, flying machines and ships, boats and other vessels, and parts of such engines
ex 84.08	Reaction engines, and parts and accessories thereof
84.45	Machine-tools for working metal or metallic carbides, not being machines falling within heading No. 84.49 or 84.50
84.48	Accessories and parts suitable for use solely or principally with the machines falling within headings Nos. 84.45 to 84.47, including work and tool holders, self-opening dieheads, dividing heads and other appliances for machine-tools; tool holders for the mechanical hand tools of heading No. 82.04, 84.49 or 85.05
ex 84.63	Transmission components for engines of motor vehicles
87.06	Parts and accessories of the motor vehicles falling within heading No. 87.01, 87.02 or 87.03
88.02	Flying machines, gliders and kites; rotochutes
ex 88.03	Parts of flying machines, gliders and kites

*The rates of duty applicable to semi-finished products are to be reviewed in the light of the rate fixed for the unwrought metal, in accordance with the procedure laid down in Article 21 (2) of this Treaty.

ANNEX II

LIST REFERRED TO IN ARTICLE 38 OF THIS TREATY

1 <i>No. in the Brussels Nomenclature</i>	2 <i>Description of products</i>
CHAPTER 1	Live animals
CHAPTER 2	Meat and edible meat offals
CHAPTER 3	Fish, crustaceans and molluscs
CHAPTER 4	Dairy produce; birds' eggs; natural honey
CHAPTER 5	
05.04	Guts, bladders and stomachs of animals (other than fish), whole and pieces thereof
05.15	Animal products not elsewhere specified or included; dead animals of Chapter 1 or Chapter 3, unfit for human consumption
CHAPTER 6	Live trees and other plants; bulbs, roots and the like; cut flowers and ornamental foliage
CHAPTER 7	Edible vegetables and certain roots and tubers
CHAPTER 8	Edible fruit and nuts; peel of melons or citrus fruit
CHAPTER 9	Coffee, tea and spices, excluding maté (heading No. 09.03)
CHAPTER 10	Cereals
CHAPTER 11	Products of the milling industry; malt and starches; gluten; inulin
CHAPTER 12	Oil seeds and oleaginous fruit; miscellaneous grains, seeds and fruit; industrial and medical plants; straw and fodder
CHAPTER 13	
ex 13.03	Pectin

CHAPTER 15

- 15.01 Lard and other rendered pig fat; rendered poultry fat
- 15.02 Unrendered fats of bovine cattle, sheep or goats; tallow (including "*premier jus*") produced from those fats
- 15.03 Lard stearin, oleostearin and tallow stearin; lard oil, oleo-oil and tallow oil, not emulsified or mixed or prepared in any way
- 15.04 Fats and oils, of fish and marine mammals, whether or not refined
- 15.07 Fixed vegetable oils, fluid or solid, crude, refined or purified
- 15.12 Animal or vegetable fats and oils, hydrogenated, whether or not refined, but not further prepared
- 15.13 Margarine, imitation lard and other prepared edible fats
- 15.17 Residues resulting from the treatment of fatty substances or animal or vegetable waxes

CHAPTER 16 Preparations of meat, of fish, of crustaceans or molluscs

CHAPTER 17

- 17.01 Beet sugar and cane sugar, solid
- 17.02 Other sugars; sugar syrups; artificial honey (whether or not mixed with natural honey); caramel
- 17.03 Molasses, whether or not decolourised

CHAPTER 18

- 18.01 Cocoa beans, whole or broken, raw or roasted
- 18.02 Cocoa shells, husks, skins and waste

CHAPTER 20 Preparations of vegetables, fruit or other parts of plants

CHAPTER 22

- 22.04 Grape must, in fermentation or with fermentation arrested otherwise than by the addition of alcohol
- 22.05 Wine of fresh grapes; grape must with fermentation arrested by the addition of alcohol
- 22.07 Other fermented beverages (for example, cider, perry and mead)

1
*No. in the
Brussels
Nomenclature*

2
Description of products

CHAPTER 23 Residues and waste from the food industries; prepared animal fodder

CHAPTER 24

24.01 Unmanufactured tobacco; tobacco refuse

CHAPTER 45

45.01 Natural cork, unworked, crushed, granulated or ground; waste cork

CHAPTER 54

54.01 Flax, raw or processed but not spun; flax tow and waste (including pulled or garnetted rags)

CHAPTER 57

57.01 True hemp (*Cannabis sativa*), raw or processed but not spun; tow and waste of true hemp (including pulled or garnetted rags or ropes)

ANNEX III

LIST OF INVISIBLE TRANSACTIONS REFERRED TO IN ARTICLE 106 OF THIS TREATY

- Maritime freights, including chartering, harbour expenses, disbursements for fishing vessels, etc.
- Inland waterway freights, including chartering.
- Road transport: passengers and freights, including chartering.
- Air transport: passengers and freights, including chartering.

Payment by passengers in international air tickets and excess luggage charges; payment of international air freight charges and chartered flights.

Receipts from the sale of international air tickets, excess luggage charges, international air freight charges, and chartered flights.

- For all means of maritime transport: harbour services (bunkering and provisioning, maintenance, repairs, expenses for crews, etc.).

For all means of inland waterway transport: harbour services (bunkering and provisioning, maintenance and minor repairs of equipment, expenses for crews, etc.).

For all means of commercial road transport: fuel, oil, minor repairs, garaging, expenses for drivers and crews, etc.

For all means of air transport: operating costs and general overheads, including repairs to aircraft and to air transport equipment.

- Warehousing and storage charges, customs clearance.

- Customs duties and fees.

- Transit charges.

- Repair and assembly charges.

Processing, finishing, processing of work under contract, and other services of the same nature.

- Repairs of ships.

Repair of means of transport other than ships and aircraft.

- Technical assistance (assistance relating to the production and distribution of goods and services at all stages, given over a period limited according to the specific purpose of such assistance, and including e.g. advice or visits by experts, preparation of plans and blueprints, supervision of manufacture, market research, training of personnel).

—Commission and brokerage.

Profits arising out of transit operations or sales of trans-shipment.

Banking commissions and charges.

Representation expenses.

—Advertising by all media.

—Business travel.

—Participation by subsidiary companies and branches in overhead expenses of parent companies situated abroad and vice-versa.

—Contracting (construction and maintenance of buildings, roads, bridges, ports, etc. carried out by specialised firms, and, generally, at fixed prices after open tender).

—Differences, margins and deposits due in respect of operations on commodity terminal markets in conformity with normal *bona fide* commercial practice.

—Tourism.

—Travel for private reasons (education).

—Travel for private reasons (health).

—Travel for private reasons (family).

—Subscriptions to newspapers, periodicals, books, musical publications.

Newspapers, periodicals, books, musical publications and records.

—Printed films, commercial, documentary, educational, etc. (rentals, dues, subscriptions, reproduction and synchronisation fees, etc.).

—Membership fees.

—Current maintenance and repair of private property abroad.

—Government expenditure (official representation abroad, contributions to international organisations).

—Taxes, court expenses, registration fees for patents and trade marks.

Claims for damages.

Refunds in the case of cancellation of contracts and refunds of uncalled-for payments.

Fines.

—Periodical settlements in connection with public transport and postal, telegraphic and telephone services.

—Exchange authorisations granted to own or foreign nationals emigrating.

Exchange authorisations granted to own or foreign nationals returning to their country of origin.

- Salaries and wages (of frontier or seasonal workers and of other non-residents, without prejudice to the right of a country to regulate terms of employment of foreign nationals).
- Emigrants' remittances (without prejudice to the right of a country to regulate immigration).
- Fees.
- Dividends and shares in profits.
- Interest on debentures, mortgages, etc.
- Rent.
- Contractual amortisation (with the exception of transfers in connection with amortisation having the character either of anticipated repayments or of the discharge of accumulated arrears).
- Profits from business activity.
- Authors' royalties.
 - Patents, designs, trade marks and inventions (the assignment and licensing of patent rights, designs, trade marks and inventions, whether or not legally protected, and transfers arising out of such assignment or licensing).
- Consular receipts.
- Pensions and other income of a similar nature.
 - Maintenance payments resulting from a legal obligation or from a decision of a court and financial assistance in cases of hardship.
 - Transfers by instalments of assets deposited in one Member country by persons residing in another Member country whose personal income in that country is not sufficient to cover their living expenses.
- Transactions and transfers in connection with direct insurance.
- Transactions and transfers in connection with reinsurance and retrocession.
- Opening and reimbursement of commercial or industrial credits.
- Transfers of minor amounts abroad.
- Charges for documentation of all kinds incurred on their own account by authorised dealers in foreign exchange.
- Sports prizes and racing earnings.
- Inheritances.
- Dowries.

ANNEX IV

OVERSEAS COUNTRIES AND TERRITORIES TO WHICH THE PROVISIONS OF PART FOUR OF THIS TREATY APPLY

French West Africa: Senegal, French Sudan, French Guinea, Ivory Coast, Dahomey, Mauritania, Niger and Upper Volta;

French Equatorial Africa: Middle Congo, Ubangi-Shari, Chad and Gabon;

Saint Pierre and Miquelon, the Comoro Archipelago, Madagascar and dependencies, French Somaliland, New Caledonia and dependencies, French Settlements in Oceania, Southern and Antarctic Territories;

The Autonomous Republic of Togoland;

The Trust Territory of the Cameroons under French administration;

The Belgian Congo and Ruanda-Urundi;

The Trust Territory of Somaliland under Italian administration;

Netherlands New Guinea.

II
PROTOCOLS AND CONVENTIONS

PROTOCOL ON THE STATUTE OF THE EUROPEAN INVESTMENT BANK

THE HIGH CONTRACTING PARTIES,

DESIRING to lay down the Statute of the European Investment Bank provided for in Article 129 of this Treaty,

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

ARTICLE 1

The European Investment Bank established by Article 129 of this Treaty (hereinafter called the "Bank") is hereby constituted; it shall perform its functions and carry on its activities in accordance with the provisions of this Treaty and of this Statute.

The seat of the Bank shall be determined by common accord of the Governments of the Member States.

ARTICLE 2

The task of the Bank shall be that defined in Article 130 of this Treaty.

ARTICLE 3

In accordance with Article 129 of this Treaty, the following shall be members of the Bank:

- the Kingdom of Belgium;
- the Federal Republic of Germany;
- the French Republic;
- the Italian Republic;
- the Grand Duchy of Luxembourg;
- the Kingdom of the Netherlands.

ARTICLE 4

1. The capital of the Bank shall be one thousand million units of account, subscribed by the Member States as follows:

Germany	300 million
France	300 million
Italy	240 million
Belgium	86.5 million
Netherlands	71.5 million
Luxembourg	2 million

The value of the unit of account shall be 0.88867088 grammes of fine gold.

The Member States shall be liable only up to the amount of their share of the capital subscribed and not paid up.

2. The admission of a new member shall entail an increase in the subscribed capital corresponding to the capital brought in by the new member.

3. The Board of Governors may, acting unanimously, decide to increase the subscribed capital.

4. The share of a member in the subscribed capital may not be transferred, pledged or attached.

ARTICLE 5

1. The Member States shall pay up 25 per cent of the subscribed capital in five equal instalments to be paid not later than two months, nine months, sixteen months, twenty-three months and thirty months, respectively, after the entry into force of this Treaty.

One quarter of each instalment shall be paid in gold or freely convertible currency and three quarters in national currency.

2. The Board of Directors may require that the remaining 75 per cent of the subscribed capital be paid up, to such extent as may be required for the Bank to meet its obligations towards those who have made loans to it.

Each Member State shall make this payment in proportion to its share of the subscribed capital in the currencies required by the Bank to meet these obligations.

ARTICLE 6

1. The Board of Governors may, acting by a qualified majority on a proposal from the Board of Directors, decide that Member States shall grant the Bank special interest-bearing loans if and to the extent that the Bank requires such loans to finance specific projects and the Board of Directors shows that the Bank is unable to obtain the necessary funds on the capital markets on terms appropriate to the nature and purpose of the projects to be financed.

2. Special loans may not be called for until the beginning of the fourth year after the entry into force of this Treaty. They shall not exceed 400 million units of account in the aggregate or 100 million units of account per annum.

3. The term of special loans shall be related to the term of the loans or guarantees which the Bank proposes to grant by means of the special loans; it shall not exceed twenty years. The Board of Governors may, acting by a qualified majority on a proposal from the Board of Directors, decide upon the prior repayment of special loans.

4. Special loans shall bear interest at 4 per cent per annum, unless the Board of Governors, taking into account the trend and level of interest rates on the capital markets, decides to fix a different rate.

5. Special loans shall be granted by Member States in proportion to their share in the subscribed capital; payment shall be made in national currency within six months of such loans being called for.

6. Should the Bank go into liquidation, special loans granted by Member States shall be repaid only after the other debts of the Bank have been settled

ARTICLE 7

1. Should the parity of the currency of a Member State in relation to the unit of account defined in Article 4 be reduced, that State shall adjust the amount of its capital share paid up in its own currency in proportion to the change in parity by making a supplementary payment to the Bank. The amount to be adjusted may not, however, exceed the aggregate amount of the loans granted by the Bank in the currency concerned and of the assets of the Bank in that currency. The payment shall be made within two months or, in so far as it relates to loans, on the dates when they fall due.

2. Should the parity of the currency of a Member State in relation to the unit of account defined in Article 4 be increased, the Bank shall adjust the amount of the capital share paid up by that State in its own currency in proportion to the change in parity by making a repayment to that State. The amount to be adjusted may not, however, exceed the aggregate amount of the loans granted by the Bank in the currency concerned and of the assets of the Bank in that currency. The repayment shall be made within two months or, in so far as it relates to loans, on the dates when they fall due.

3. The parity of the currency of a Member State in relation to the unit of account defined in Article 4 shall be the relation between the weight of fine gold contained in the unit of account and the weight of fine gold corresponding to the par value of that currency communicated to the International Monetary Fund. Failing this, the parity shall be based on the exchange rate for a currency expressed in or convertible into gold which is applied by the Member State for current payments.

4. In the event of a uniform proportionate change in the par values of the currencies of all members of the International Monetary Fund or of all members of the Bank, the Board of Governors may decide that paragraphs 1 and 2 shall not apply.

ARTICLE 8

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

ARTICLE 9

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);
- (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;
- (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 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

Save as otherwise provided in this Statute, decisions of the Board of Governors shall be taken by a majority of its members. Voting by the Board of Governors shall be in accordance with the provisions of Article 148 of this Treaty.

ARTICLE 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 twelve directors and twelve alternates.

The directors shall be appointed by the Board of Governors for five years on nomination by the Member States and the Commission as shown below:

- 2 directors nominated by common accord of the Benelux countries;
- 3 directors nominated by the Federal Republic of Germany;
- 3 directors nominated by the French Republic;
- 3 directors nominated by the Italian Republic;
- 1 director nominated by the Commission.

Their appointments shall be renewable.

Each director shall be assisted by an alternate appointed under the same conditions and in accordance with the same procedure as the directors.

Alternates may take part in meetings of the Board of Directors; they shall not have the right to vote unless they are representing a director prevented from attending.

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

1. Each director shall have one vote on the Board of Directors.

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 eight 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

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

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 spent 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 the 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

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.

The privileges and immunities of the Bank shall be laid down in the Protocol provided for in Article 218 of this Treaty.

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.

[For signatures and ratifications see page 161.]

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.

[For signatures and ratifications see page 161.]

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 of 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.

[For signatures and ratifications see page 161.]

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.

[For signatures and ratifications see page 161.]

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.

[For signatures and ratifications see page 161.]

**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.

[For signatures and ratifications see page 161.]

**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.

[For signatures and ratifications see page 161.]

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 port 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.

[For signatures and ratifications see page 161.]

**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.

[For signatures and ratifications see page 161.]

PROTOCOL ON THE PRIVILEGES AND IMMUNITIES

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

CONSIDERING that, in accordance with Article 218 of this Treaty, the Community shall enjoy in the territories of the Member States such privileges and immunities as are necessary for the performance of its tasks, under the conditions laid down in a separate Protocol,

CONSIDERING also that, in accordance with Article 28 of the Protocol on the Statute of the European Investment Bank, the Bank shall enjoy the privileges and immunities laid down in the Protocol referred to in the preceding paragraph,

HAVE DESIGNATED as their Plenipotentiaries to draw up this Protocol:

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 OPHÜLS, 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 on the following provisions which shall be annexed to the Treaty establishing the European Economic Community:

CHAPTER 1—PROPERTY, FUNDS, ASSETS AND OPERATIONS OF THE COMMUNITY

ARTICLE 1

The premises and buildings of the Community shall be inviolable. They shall be exempt from search, requisition, confiscation or expropriation. The property and assets of the Community 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 Community shall be inviolable.

ARTICLE 3

The Community, its 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 Community makes, for its 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 Community*.

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

ARTICLE 4

The Community shall be exempt from all customs duties, prohibitions and restrictions on imports and exports in respect of articles intended for its 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 Community shall also be exempt from any customs duties and any prohibitions and restrictions on imports and exports in respect of its publications.

CHAPTER 2—COMMUNICATIONS AND LAISSEZ-PASSER

ARTICLE 5

For their official communications and the transmission of all their documents, the institutions of the Community 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 Community shall not be subject to censorship.

ARTICLE 6

Laissez-passers 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 Community by the Presidents of these institutions. These laissez-passers shall be issued to officials and other servants under conditions laid down in the Staff Regulations and Conditions of Employment provided for in Article 212 of this Treaty.

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

CHAPTER 3—MEMBERS OF THE ASSEMBLY

ARTICLE 7

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 8

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 9

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 4—REPRESENTATIVES OF MEMBER STATES TAKING PART IN THE WORK OF THE INSTITUTIONS OF THE COMMUNITY

ARTICLE 10

Representatives of Member States taking part in the work of the institutions of the Community, 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 Community.

CHAPTER 5—OFFICIALS AND OTHER SERVANTS OF THE COMMUNITY

ARTICLE 11

In the territory of each Member State and whatever their nationality, the officials and other servants of the Community referred to in Article 212 of this Treaty shall:

- (a) subject to the provisions of Articles 179 and 215 of this Treaty, 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 from the country of their last residence or from the country of which they are nationals, 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 12

Officials and other servants of the Community shall be liable to a tax for the benefit of the Community on salaries, wages and emoluments paid to them by the Community, in accordance with the conditions and procedure laid down by the Council, acting on proposals submitted by the Commission within one year of the entry into force of this Treaty.

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

ARTICLE 13

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 Community, officials and other servants of the Community who, solely by reason of the performance of their duties in the service of the Community, 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 Community, 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 Community. 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 preceding 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 14

The Council shall, acting unanimously on a proposal which the Commission shall make within one year of the entry into force of this Treaty, lay down the scheme of social security benefits for officials and other servants of the Community.

ARTICLE 15

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 Community to whom the provisions of Article 11, the second paragraph of Article 12, and Article 13 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 6—PRIVILEGES AND IMMUNITIES OF MISSIONS ACCREDITED TO THE COMMUNITY

ARTICLE 16

The Member State in whose territory the Community has its seat shall accord the customary diplomatic immunities to missions of third countries accredited to the Community.

CHAPTER 7—GENERAL PROVISIONS

ARTICLE 17

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

Each institution of the Community 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 Community.

ARTICLE 18

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

ARTICLE 19

Articles 11 to 14 and Article 17 shall apply to members of the Commission.

ARTICLE 20

Articles 11 to 14 and Article 17 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 Protocol on the Statute of the Court of Justice concerning immunity from legal proceedings of Judges and Advocates-General.

ARTICLE 21

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 its formation and 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 seventeenth day of April in the year one thousand nine hundred and fifty-seven.

[For signatures and ratifications see page 161.]

**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 OPHÜLS, 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

ARTICLE 17

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 practise 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 applica-

tions 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.

[For signatures and ratifications see page 161.]

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.

[For signatures and ratifications see page 161.]

Annex A referred to in Article 1 of this Convention

Percentages Countries	1st year	2nd year	3rd year	4th year	5th year	Total
	10%	12.5%	16.5%	22.5%	38.5%	100%
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 Overseas Countries and territories of	1st year	2nd year	3rd year	4th year	5th year	Total
	10%	12.5%	16.5%	22.5%	38.5%	100%
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.

[For signatures and ratifications see page 161.]

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.

[For signatures and ratifications see page 161.]

SIGNATURES AND RATIFICATIONS TO THE TREATY ESTABLISHING THE EUROPEAN ECONOMIC COMMUNITY.

<i>Signature</i>	<i>Date of deposit of ratification</i>
Belgium	13 December 1957
France	25 November 1957
Germany, Federal Republic of	9 December 1957
Italy	23 November 1957
Luxembourg	13 December 1957
Netherlands	13 December 1957

**TREATY
ESTABLISHING THE EUROPEAN ATOMIC ENERGY COMMUNITY
(EURATOM)**

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,

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

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

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

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

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

HAVE DECIDED TO create a European Atomic Energy Community (EURATOM) 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 Inter-
governmental Conference;

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

Title One

THE TASKS OF THE COMMUNITY

ARTICLE 1

By this Treaty the High Contracting Parties establish among themselves a EUROPEAN ATOMIC ENERGY COMMUNITY (EURATOM).

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

ARTICLE 2

In order to perform its task, the Community shall, as provided in this Treaty:

- (a) promote research and ensure the dissemination of technical information;
- (b) establish uniform safety standards to protect the health of workers and of the general public and ensure that they are applied;
- (c) facilitate investment and ensure, particularly by encouraging ventures on the part of undertakings, the establishment of the basic installations necessary for the development of nuclear energy in the Community;
- (d) ensure that all users in the Community receive a regular and equitable supply of ores and nuclear fuels;
- (e) make certain, by appropriate supervision, that nuclear materials are not diverted to purposes other than those for which they are intended;
- (f) exercise the right of ownership conferred upon it with respect to special fissile materials;
- (g) ensure wide commercial outlets and access to the best technical facilities by the creation of a common market in specialised materials and equipment, by the free movement of capital for investment in the field of nuclear energy and by freedom of employment for specialists within the Community;
- (h) establish with other countries and international organisations such relations as will foster progress in the peaceful uses of nuclear energy.

ARTICLE 3

1. The tasks entrusted to the Community shall be carried out by the following institutions:

- an Assembly,
- a Council,
- a Commission,
- a Court of Justice.

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

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

Title Two

PROVISIONS FOR THE ENCOURAGEMENT OF PROGRESS IN THE FIELD OF NUCLEAR ENERGY

CHAPTER I—PROMOTION OF RESEARCH

ARTICLE 4

1. The Commission shall be responsible for promoting and facilitating nuclear research in the Member States and for complementing it by carrying out a Community research and training programme.

2. The activity of the Commission in this respect shall be carried out within the fields listed in Annex I to this Treaty.

This list may be amended by the Council, acting by a qualified majority on a proposal from the Commission. The latter shall consult the Scientific and Technical Committee established under Article 134.

ARTICLE 5

For purposes of co-ordinating and complementing research undertaken in Member States, the Commission shall, either by a specific request addressed to a given recipient and conveyed to the Government concerned, or by a general published request, call upon Member States, persons or undertakings to communicate to it their programmes relating to the research which it specifies in the request.

After giving those concerned full opportunity to comment, the Commission may deliver a reasoned opinion on each of the programmes communicated to it. The Commission shall deliver such an opinion if the State, person or undertaking which has communicated the programme so requests.

By such opinions the Commission shall discourage unnecessary duplication and shall direct research towards sectors which are insufficiently explored. The Commission may not publish these programmes without the consent of the State, person or undertaking which has communicated them.

The Commission shall publish at regular intervals a list of those sectors of nuclear research which it considers to be insufficiently explored.

The Commission may bring together representatives of public and private research centres as well as any experts engaged in research in the same or related fields for mutual consultation and exchanges of information.

ARTICLE 6

To encourage the carrying out of research programmes communicated to it the Commission may:

- (a) provide financial assistance within the framework of research contracts, without, however, offering subsidies;
- (b) supply, either free of charge or against payment, for carrying out such programmes, any source materials or special fissile materials which it has available;
- (c) place installations, equipment or expert assistance at the disposal of Member States, persons or undertakings, either free of charge or against payment;
- (d) promote joint financing by the Member States, persons or undertakings concerned.

ARTICLE 7

Community research and training programmes shall be determined by the Council, acting unanimously on a proposal from the Commission, which shall consult the Scientific and Technical Committee.

These programmes shall be drawn up for a period of not more than five years.

The funds required for carrying out these programmes shall be included each year in the research and investment budget of the Community.

The Commission shall ensure that these programmes are carried out and shall submit an annual report thereon to the Council.

The Commission shall keep the Economic and Social Committee informed of the broad outlines of Community research and training programmes.

ARTICLE 8

1. After consulting the Scientific and Technical Committee, the Commission shall establish a Joint Nuclear Research Centre.

This Centre shall ensure that the research programmes and other tasks assigned to it by the Commission are carried out.

It shall also ensure that a uniform nuclear terminology and a standard system of measurements are established.

It shall set up a central bureau for nuclear measurements.

2. The activities of the Centre may, for geographical or functional reasons, be carried out in separate establishments.

ARTICLE 9

1. After obtaining the opinion of the Economic and Social Committee the Commission may, within the framework of the Joint Nuclear Research Centre, set up schools for the training of specialists, particularly in the fields of prospecting for minerals, the production of high-purity nuclear materials, the

processing of irradiated fuels, nuclear engineering, health and safety and the production and use of radioisotopes.

The Commission shall determine the details of such training.

2. An institution of university status shall be established; the way in which it will function shall be determined by the Council, acting by a qualified majority on a proposal from the Commission.

ARTICLE 10

The Commission may, by contract, entrust the carrying out of certain parts of the Community research programme to Member States, persons or undertakings, or to third countries, international organisations or nationals of third countries.

ARTICLE 11

The Commission shall publish the research programmes referred to in Articles 7, 8 and 10, and also regular progress reports on their implementation.

CHAPTER II—DISSEMINATION OF INFORMATION

SECTION I—INFORMATION OVER WHICH THE COMMUNITY HAS POWER OF DISPOSAL

ARTICLE 12

Member States, persons or undertakings shall have the right, on application to the Commission, to obtain non-exclusive licences under patents, provisionally protected patent rights, utility models or patent applications owned by the Community, where they are able to make effective use of the inventions covered thereby.

Under the same conditions, the Commission shall grant sub-licences under patents, provisionally protected patent rights, utility models or patent applications, where the Community holds contractual licences conferring power to do so.

The Commission shall grant such licences or sub-licences on terms to be agreed with the licensees and shall furnish all the information required for their use. These terms shall relate in particular to suitable remuneration and, where appropriate, to the right of the licensee to grant sub-licences to third parties and to the obligation to treat the information as a trade secret.

Failing agreement on the terms referred to in the third paragraph, the licensees may bring the matter before the Court of Justice so that appropriate terms may be fixed.

ARTICLE 13

The Commission shall communicate to Member States, persons and undertakings information acquired by the Community which is not covered by the provisions of Article 12, whether such information is derived from its own research programme or communicated to the Commission with authority to make free use of it.

The Commission may, however, make the disclosure of such information conditional on its being treated as confidential and not passed on to third parties.

The Commission may not disclose information which has been acquired subject to restrictions on its use or dissemination—such as information known as classified information—unless it ensures compliance with these restrictions.

SECTION II—OTHER INFORMATION

(a) Dissemination by amicable agreement

ARTICLE 14

The Commission shall endeavour, by amicable agreement, to secure both the communication of information which is of use to the Community in the attainment of its objectives and the granting of licences under patents, provisionally protected patent rights, utility models or patent applications covering such information.

ARTICLE 15

The Commission shall establish a procedure by which Member States, persons and undertakings may use it as an intermediary for exchanging provisional or final results of their research, in so far as these results have not been acquired by the Community under research contracts awarded by the Commission.

This procedure must be such as to ensure the confidential nature of the exchange. The results communicated may, however, be transmitted by the Commission to the Joint Nuclear Research Centre for documentation purposes; this shall not entail any right of use to which the communicating party has not agreed.

(b) Compulsory communication to the Commission

ARTICLE 16

1. As soon as an application for a patent or a utility model relating to a specifically nuclear subject is filed with a Member State, that State shall ask the applicant to agree that the contents of the application be communicated to the Commission forthwith.

If the applicant agrees, this communication shall be made within three months of the date of filing the application. If the applicant does not agree, the Member State shall, within the same period, notify the Commission of the existence of the application.

The Commission may require a Member State to communicate the contents of an application of whose existence it has been notified.

The Commission shall make any such request within two months of the date of notification. Any extension of this period shall entail a corresponding extension of the period referred to in the sixth sub-paragraph of this paragraph.

On receiving such a request from the Commission, the Member State shall again ask the applicant to agree to communication of the contents of the application. If the applicant agrees, communication shall be made forthwith.

If the applicant does not agree, the Member State shall nevertheless be required to make this communication to the Commission within eighteen months of the date on which the application was filed.

2. Member States shall inform the Commission, within eighteen months of the filing date, of the existence of any as yet unpublished application for a patent or utility model which seems to them, *prima facie*, to deal with a subject which, although not specifically nuclear, is directly connected with and essential to the development of nuclear energy in the Community.

If the Commission so requests, the contents of the application shall be communicated to it within two months.

3. In order that publication may take place as soon as possible, Member States shall reduce to a minimum the time taken to process applications for patents or utility models relating to subjects referred to in paragraphs 1 and 2 concerning which a request has been made by the Commission.

4. The Commission shall treat the above-mentioned communications as confidential. They may only be made for documentation purposes. The Commission may, however, make use of the inventions communicated to it, either with the consent of the applicant or in accordance with Articles 17 to 23.

5. The provisions of this Article shall not apply when an agreement concluded with a third State or an international organisation precludes communication.

(c) Grant of licences by arbitration or under compulsory powers

ARTICLE 17

1. Failing amicable agreement, non-exclusive licences may be granted either by arbitration or under compulsory powers in accordance with Articles 18 to 23:

- (a) to the Community or to Joint Undertakings accorded this right under Article 48 in respect of patents, provisionally protected patent rights or utility models relating to inventions directly connected with nuclear research, where the granting of such licences is necessary for the continuance of their own research or indispensable to the operation of their installations.

If the Commission so requests, such licences shall include the right to authorise third parties to make use of the invention, where they are carrying out work for or orders placed by the Community or Joint Undertakings;

- (b) to persons or undertakings which have applied to the Commission for them in respect of patents, provisionally protected patent rights or utility models relating to inventions directly connected with and essential to the development of nuclear energy in the Community, provided that all the following conditions are fulfilled:
 - (i) At least four years have elapsed since the filing of the patent application, save in the case of an invention relating to a specifically nuclear subject;
 - (ii) The requirements arising out of the development of nuclear energy in the Commission's conception of such development, in the

territory of a Member State where an invention is protected, are not being met with regard to that invention;

- (iii) The proprietor, having been called upon to meet such requirements either himself or through his licensees, has not complied with this request;
- (iv) The persons or undertakings applying for licences are in a position to meet such requirements effectively by making use of the invention.

Member States may not, in order to meet such requirements, take any coercive measures provided for in their national legislation which will limit the protection accorded to the invention, save at the prior request of the Commission.

2. A non-exclusive licence may not be granted as provided for in paragraph 1 where the proprietor can establish the existence of legitimate reasons, in particular that he has not had sufficient time at his disposal.

3. The granting of a licence pursuant to paragraph 1 shall confer a right to full compensation, the amount of which shall be agreed between the proprietor of the patent, provisionally protected patent right or utility model and the licensee.

4. The provisions of this Article shall not affect those of the Paris Convention for the Protection of Industrial Property.

ARTICLE 18

An Arbitration Committee is hereby established for the purposes provided for in this Section. The Council shall appoint the members and lay down the rules of procedure of this Committee, acting on a proposal from the Court of Justice.

An appeal, having suspensory effect, may be brought by the parties before the Court of Justice against a decision of the Arbitration Committee within one month of notification thereof. The Court of Justice shall confine its examination to the formal validity of the decision and to the interpretation of the provisions of this Treaty by the Arbitration Committee.

The final decisions of the Arbitration Committee shall have the force of *res judicata* between the parties concerned. They shall be enforceable as provided in Article 164.

ARTICLE 19

Where, failing amicable agreement, the Commission intends to secure the granting of licences in one of the cases provided for in Article 17, it shall give notice of its intention to the proprietor of the patent, provisionally protected patent right, utility model or patent application, and shall specify in such notice the name of the applicant for and the scope of the licence.

ARTICLE 20

The proprietor may, within one month of receipt of the notice referred to in Article 19, propose to the Commission and, where appropriate, to the applicant that they conclude a special agreement to refer the matter to the Arbitration Committee.

Should the Commission or the applicant refuse to enter into such an agreement, the Commission shall not require the Member State or its appropriate authorities to grant the licence or cause it to be granted.

If, when the matter is referred to it under a special agreement, the Arbitration Committee finds that the request from the Commission complies with the provisions of Article 17, it shall give a reasoned decision containing a grant of the licence to the applicant and laying down the terms of the licence and the remuneration therefor, to the extent that the parties have not reached agreement on these points.

ARTICLE 21

If the proprietor does not propose that the matter be referred to the Arbitration Committee, the Commission may call upon the Member State concerned or its appropriate authorities to grant the licence or cause it to be granted.

If, having heard the proprietor's case, the Member State, or its appropriate authorities, considers that the conditions of Article 17 have not been complied with, it shall notify the Commission of its refusal to grant the licence or to cause it to be granted.

If it refuses to grant the licence or to cause it to be granted, or if, within four months of the date of the request, no information is forthcoming with regard to the granting of the licence, the Commission shall have two months in which to bring the matter before the Court of Justice.

The proprietor must be heard in the proceedings before the Court of Justice.

If the judgment of the Court of Justice establishes that the conditions of Article 17 have been complied with, the Member State concerned, or its appropriate authorities, shall take such measures as enforcement of that judgment may require.

ARTICLE 22

1. If the proprietor of the patent, provisionally protected patent right or utility model and the licensee fail to agree on the amount of compensation, the parties concerned may conclude a special agreement to refer the matter to the Arbitration Committee.

By doing so, the parties waive the right to institute any proceedings other than those provided for in Article 18.

2. If the licensee refuses to conclude a special agreement, the licence he has been granted shall be deemed void.

If the proprietor refuses to conclude a special agreement, the compensation referred to in this Article shall be determined by the appropriate national authorities.

ARTICLE 23

After the lapse of one year, the decisions of the Arbitration Committee or of the appropriate national authorities may, if there are new facts to justify it, be revised with respect to the terms of the licence.

Such revision shall be a matter for the body which gave the decision.

SECTION III—SECURITY PROVISIONS

ARTICLE 24

Information which the Community acquires as a result of carrying out its research programme, and the disclosure of which is liable to harm the defence interests of one or more Member States, shall be subject to a security system in accordance with the following provisions:

1. The Council shall, acting on a proposal from the Commission, adopt security regulations which, account being taken of the provisions of this Article, lay down the various security gradings to be applied and the security measures appropriate to each grading.

2. Where the Commission considers that the disclosure of certain information is liable to harm the defence interests of one or more Member States, it shall provisionally apply to that information the security grading required in that case by the security regulations.

It shall communicate such information forthwith to the Member States, which shall provisionally ensure its security in the same manner.

Member States shall inform the Commission within three months whether they wish to maintain the grading provisionally applied, substitute another or declassify the information.

Upon the expiry of this period, the highest grading of those requested shall be applied. The Commission shall notify the Member States accordingly.

At the request of the Commission or of a Member State, the Council may, acting unanimously, at any time apply another grading or declassify the information. The Council shall obtain the opinion of the Commission before taking any action on a request from a Member State.

3. The provisions of Articles 12 and 13 shall not apply to information subject to a security grading.

Nevertheless, provided that the appropriate security measures are observed,

(a) the information referred to in Articles 12 and 13 may be communicated by the Commission:

(i) to a Joint Undertaking;

(ii) to a person or undertaking other than a Joint Undertaking, through the Member State in whose territory that person or undertaking operates;

(b) the information referred to in Article 13 may be communicated by a Member State to a person or to an undertaking other than a Joint Undertaking, operating in the territory of that State, provided that the Commission is notified of this communication;

(c) each Member State has, moreover, the right to require the Commission to grant a licence under Article 12 to meet the needs of that State or those of a person or undertaking operating in its territory.

ARTICLE 25

1. A Member State notifying the existence or communicating the contents of an application for a patent or utility model relating to a subject specified in

Article 16(1) or (2) shall, where appropriate, draw attention to the need to apply a given security grading for defence reasons, at the same time stating the probable duration of such grading.

The Commission shall pass on to the other Member States all communications received in accordance with the preceding subparagraph. The Commission and the Member States shall take those measures which, under the security regulations, correspond to the grading required by the State of origin.

2. The Commission may also pass on these communications to Joint Undertakings or, through a Member State, to a person or to an undertaking other than a Joint Undertaking operating in the territory of that State.

Inventions which are the subject of applications referred to in paragraph 1 may be used only with the consent of the applicant or in accordance with Articles 17 to 23.

The communications and, where appropriate, the use referred to in this paragraph shall be subject to the measures which, under the security regulations, correspond to the security grading required by the State of origin.

The communications shall in all cases be subject to the consent of the State of origin. Consent to communication and use may be withheld only for defence reasons.

3. At the request of the Commission or of a Member State, the Council may, acting unanimously, at any time apply another grading or declassify the information. The Council shall obtain the opinion of the Commission before taking any action on a request from a Member State.

ARTICLE 26

1. Where information covered by patents, patent applications, provisionally protected patent rights, utility models or applications for utility models has been classified in accordance with Articles 24 and 25, the States which have applied for such classification may not refuse to allow corresponding applications to be filed in the other Member States.

Each Member State shall take the necessary measures to maintain the security of such rights and applications in accordance with the procedure laid down in its own laws and regulations.

2. No applications relating to information classified in accordance with Article 24 may be filed outside the Member States except with the unanimous consent of the latter. Should Member States fail to make known their attitude, their consent shall be deemed to have been obtained on the expiry of six months from the date on which the information was communicated to the Member States by the Commission.

ARTICLE 27

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

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

The Community may not claim any compensation under this Article.

SECTION IV—SPECIAL PROVISIONS

ARTICLE 28

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

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

ARTICLE 29

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

Subject to the provisions of Articles 103 and 104, the Commission may, however, on such conditions as it considers appropriate, authorise a Member State, a person or an undertaking to conclude such agreements.

CHAPTER III—HEALTH AND SAFETY

ARTICLE 30

Basic standards shall be laid down within the Community for the protection of the health of workers and the general public against the dangers arising from ionizing radiations.

The expression "basic standards" means:

- (a) maximum permissible doses compatible with adequate safety;
- (b) maximum permissible levels of exposure and contamination;
- (c) the fundamental principles governing the health surveillance of workers.

ARTICLE 31

The basic standards shall be worked out by the Commission after it has obtained the opinion of a group of persons appointed by the Scientific and Technical Committee from among scientific experts, and in particular public health experts, in the Member States. The Commission shall obtain the opinion of the Economic and Social Committee on these basic standards.

After consulting the Assembly the Council shall, on a proposal from the Commission, which shall forward to it the opinions obtained from these Committees, establish the basic standards; the Council shall act by a qualified majority.

ARTICLE 32

At the request of the Commission or of a Member State, the basic standards may be revised or supplemented in accordance with the procedure laid down in Article 31.

The Commission shall examine any request made by a Member State.

ARTICLE 33

Each Member State shall lay down the appropriate provisions, whether by legislation, regulation or administrative action, to ensure compliance with the basic standards which have been established and shall take the necessary measures with regard to teaching, education and vocational training.

The Commission shall make appropriate recommendations for harmonising the provisions applicable in this field in the Member States.

To this end, the Member States shall communicate to the Commission the provisions applicable at the date of entry into force of this Treaty and any subsequent draft provisions of the same kind.

Any recommendations the Commission may wish to issue with regard to such draft provisions shall be made within three months of the date on which such draft provisions are communicated.

ARTICLE 34

Any Member State in whose territories particularly dangerous experiments are to take place shall take additional health and safety measures, on which it shall first obtain the opinion of the Commission.

The assent of the Commission shall be required where the effects of such experiments are liable to affect the territories of other Member States.

ARTICLE 35

Each Member State shall establish the facilities necessary to carry out continuous monitoring of the level of radioactivity in the air, water and soil and to ensure compliance with the basic standards.

The Commission shall have the right of access to such facilities; it may verify their operation and efficiency.

ARTICLE 36

The appropriate authorities shall periodically communicate information on the checks referred to in Article 35 to the Commission so that it is kept informed of the level of radioactivity to which the public is exposed.

ARTICLE 37

Each Member State shall provide the Commission with such general data relating to any plan for the disposal of radioactive waste in whatever form as will make it possible to determine whether the implementation of such plan is liable to result in the radioactive contamination of the water, soil or airspace of another Member State.

The Commission shall deliver its opinion within six months, after consulting the group of experts referred to in Article 31.

ARTICLE 38

The Commission shall make recommendations to the Member States with regard to the level of radioactivity in the air, water and soil.

In cases of urgency, the Commission shall issue a directive requiring the Member State concerned to take, within a period laid down by the Commission, all necessary measures to prevent infringement of the basic standards and to ensure compliance with regulations.

Should the State in question fail to comply with the Commission directive within the period laid down, the Commission or any Member State concerned may forthwith, by way of derogation from Articles 141 and 142, bring the matter before the Court of Justice.

ARTICLE 39

The Commission shall set up within the framework of the Joint Nuclear Research Centre, as soon as the latter has been established, a health and safety documentation and study section.

This section shall in particular have the task of collecting the documentation and information referred to in Articles 33, 36 and 37 and of assisting the Commission in carrying out the tasks assigned to it by this Chapter.

CHAPTER IV—INVESTMENT

ARTICLE 40

In order to stimulate action by persons and undertakings and to facilitate co-ordinated development of their investment in the nuclear field, the Commission shall periodically publish illustrative programmes indicating in particular nuclear energy production targets and all the types of investment required for their attainment.

The Commission shall obtain the opinion of the Economic and Social Committee on such programmes before their publication.

ARTICLE 41

Persons and undertakings engaged in the industrial activities listed in Annex II to this Treaty shall communicate to the Commission investment projects relating to new installations and also to replacements or conversions which fulfil the criteria as to type and size laid down by the Council on a proposal from the Commission.

The list of industrial activities referred to above may be altered by the Council, acting by a qualified majority on a proposal from the Commission, which shall first obtain the opinion of the Economic and Social Committee.

ARTICLE 42

The projects referred to in Article 41 shall be communicated to the Commission and, for information purposes, to the Member State concerned not later than three months before the first contracts are concluded with the suppliers or, if the work is to be carried out by the undertaking with its own resources, three months before the work begins.

The Council may, acting on a proposal from the Commission, alter this time limit.

ARTICLE 43

The Commission shall discuss with the persons or undertakings all aspects of investment projects which relate to the objectives of this Treaty.

It shall communicate its views to the Member State concerned.

ARTICLE 44

The Commission may, with the consent of the Member States, persons and undertakings concerned, publish any investment projects communicated to it.

CHAPTER V—JOINT UNDERTAKINGS

ARTICLE 45

Undertakings which are of fundamental importance to the development of the nuclear industry in the Community may be established as Joint Undertakings within the meaning of this Treaty, in accordance with the following Articles.

ARTICLE 46

1. Every project for establishing a Joint Undertaking, whether originating from the Commission, a Member State or any other quarter, shall be the subject of an inquiry by the Commission.

For this purpose, the Commission shall obtain the views of Member States and of any public or private body which in its opinion can usefully advise it.

2. The Commission shall forward to the Council any project for establishing a Joint Undertaking, together with its reasoned opinion.

If the Commission delivers a favourable opinion on the need for the proposed Joint Undertaking, it shall submit proposals to the Council concerning:

- (a) location;
- (b) statutes;
- (c) the scale of and timetable for financing;
- (d) possible participation by the Community in the financing of the Joint Undertaking;
- (e) possible participation by a third State, an international organisation or a national of a third State in the financing or management of the Joint Undertaking;
- (f) the conferring of any or all of the advantages listed in Annex III to this Treaty.

The Commission shall attach a detailed report on the project as a whole.

ARTICLE 47

The Council may, when the matter has been submitted to it by the Commission, request the latter to supply such further information or to undertake such further inquiries as the Council may consider necessary.

If the Council, acting by a qualified majority, considers that a project forwarded by the Commission with an unfavourable opinion should nevertheless be carried out, the Commission shall submit to the Council the proposals and the detailed report referred to in Article 46.

Where the opinion of the Commission is favourable or in the case referred to in the preceding paragraph, the Council shall act by a qualified majority on each of the proposals from the Commission.

The Council shall, however, act unanimously in respect of:

- (a) participation by the Community in the financing of the Joint Undertaking;
- (b) participation by a third State, an international organisation or a national of a third State in the financing or management of the Joint Undertaking.

ARTICLE 48

The Council may, acting unanimously on a proposal from the Commission, make applicable to each Joint Undertaking any or all of the advantages listed in Annex III to this Treaty; each Member State shall for its part ensure that these advantages are conferred.

The Council may, in accordance with the same procedure, lay down the conditions governing the conferment of these advantages.

ARTICLE 49

Joint Undertakings shall be established by Council decision.

Each Joint Undertaking shall have legal personality.

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

Save as otherwise provided in this Treaty or in its own statutes, each Joint Undertaking shall be governed by the rules applying to industrial or commercial undertakings; its statutes may make subsidiary reference to the national laws of the Member States.

Save where jurisdiction is conferred upon the Court of Justice by this Treaty, disputes in which Joint Undertakings are concerned shall be determined by the appropriate national courts or tribunals.

ARTICLE 50

The statutes of Joint Undertakings shall be amended, where necessary, in accordance with the special provisions which they contain for this purpose.

Such amendments shall not, however, enter into force until they have been approved by the Council, acting in accordance with the procedure laid down in Article 47 on a proposal from the Commission.

ARTICLE 51

The Commission shall be responsible for carrying out all decisions of the Council relating to the establishment of Joint Undertakings until the bodies responsible for the operation of such Undertakings have been set up.

CHAPTER VI—SUPPLIES

ARTICLE 52

1. The supply of ores, source materials and special fissile materials shall be ensured, in accordance with the provisions of this Chapter, by means of a common supply policy on the principle of equal access to sources of supply.

2. For this purpose and under the conditions laid down in this Chapter:

- (a) all practices designed to secure a privileged position for certain users shall be prohibited;
- (b) an Agency is hereby established; it shall have a right of option on ores, source materials and special fissile materials produced in the territories of Member States and an exclusive right to conclude contracts relating to the supply of ores, source materials and special fissile materials coming from inside the Community or from outside.

The Agency may not discriminate in any way between users on grounds of the use which they intend to make of the supplies requested unless such use is unlawful or is found to be contrary to the conditions imposed by suppliers outside the Community on the consignment in question.

SECTION I—THE AGENCY

ARTICLE 53

The Agency shall be under the supervision of the Commission, which shall issue directives to it, possess a right of veto over its decisions and appoint its Director-General and Deputy Director-General.

Any act, whether implied or express, performed by the Agency in the exercise of its right of option or of its exclusive right to conclude supply contracts, may be referred by the parties concerned to the Commission, which shall give a decision thereon within one month.

ARTICLE 54

The Agency shall have legal personality and financial autonomy.

The Council shall lay down the statutes of the Agency, acting by a qualified majority on a proposal from the Commission.

The statutes may be amended in accordance with the same procedure.

The statutes shall determine the Agency's capital and the terms upon which it is to be subscribed. The major part of the capital shall always belong to the Community and to the Member States. The contributions to the capital shall be determined by common accord of the Member States.

The rules for the commercial management of the activities of the Agency shall be laid down in the statutes. The latter may provide for a charge on transactions to defray the operating expenses of the Agency.

ARTICLE 55

The Member States shall communicate or cause to be communicated to the Agency all the information necessary to enable it to exercise its right of option and its exclusive right to conclude supply contracts.

ARTICLE 56

The Member States shall be responsible for ensuring that the Agency may operate freely in their territories.

They may establish one or more bodies having authority to represent, in relations with the Agency, producers and users in the non-European territories under their jurisdiction.

SECTION II—ORES, SOURCE MATERIALS AND SPECIAL FISSILE MATERIALS COMING FROM INSIDE THE COMMUNITY

ARTICLE 57

1. The right of option of the Agency shall cover:
 - (a) the acquisition of rights to use and consume materials owned by the Community under the provisions of Chapter VIII;
 - (b) the acquisition of the right of ownership in all other cases.

2. The Agency shall exercise its right of option by concluding contracts with producers of ores, source materials and special fissile materials.

Subject to Articles 58, 62 and 63, every producer shall offer to the Agency the ores, source materials or special fissile materials which he produces within the territories of Member States before they are used, transferred or stored.

ARTICLE 58

Where a producer carries out several stages of production from extraction of the ore up to and including production of the metal, he may offer the product to the Agency at whichever stage of production he chooses.

The same shall apply to two or more connected undertakings, where the connection has been duly communicated to the Commission and discussed with it in accordance with the procedures laid down in Articles 43 and 44.

ARTICLE 59

If the Agency does not exercise its right of option on the whole or any part of the output of a producer, the latter

- (a) may, either by using his own resources or under contract, process or cause to be processed the ores, source materials or special fissile materials, provided that he offers to the Agency the product of such processing;
- (b) shall be authorised by a decision of the Commission to dispose of his available production outside the Community, provided that the terms he offers are not more favourable than those previously offered to the Agency. However, special fissile materials may be exported only through the Agency and in accordance with the provisions of Article 62.

The Commission may not grant such authorisation if the recipients of the supplies fail to satisfy it that the general interests of the Community will be safeguarded or if the terms and conditions of such contracts are contrary to the objectives of this Treaty.

ARTICLE 60

Potential users shall periodically inform the Agency of the supplies they require, specifying the quantities, the physical and chemical nature, the place of origin, the intended use, delivery dates and price terms, which are to form the terms and conditions of the supply contract which they wish to conclude.

Similarly, producers shall inform the Agency of offers which they are able to make, stating all the specifications, and in particular the duration of contracts, required to enable their production programmes to be drawn up. Such contracts shall be of not more than ten years' duration save with the agreement of the Commission.

The Agency shall inform all potential users of the offers and of the volume of applications which it has received and shall call upon them to place their orders by a specified time limit.

When the Agency has received all such orders, it shall make known the terms on which it can meet them.

If the Agency cannot meet in their entirety all the orders received, it shall, subject to the provisions of Articles 68 and 69, share out the supplies proportionately among the orders relating to each offer.

Agency rules, which shall require approval by the Commission, shall determine the manner in which demand is to be balanced against supply.

ARTICLE 61

The Agency shall meet all orders unless prevented from so doing by legal or material obstacles.

When concluding a contract, the Agency may, while complying with the provisions of Article 52, require users to make appropriate advance payments either as security or to assist in meeting the Agency's own long-term commitments to producers where these are essential to carrying out the order.

ARTICLE 62

1. The Agency shall exercise its right of option on special fissile materials produced in the territories of Member States in order

- (a) to meet demand from users within the Community in accordance with Article 60; or
- (b) to store such materials itself; or
- (c) to export such materials with the authorisation of the Commission, which shall comply with the second subparagraph of Article 59(b).

2. Nevertheless, while continuing to be subject to the provisions of Chapter VII, such materials and any fertile wastes shall be left in the possession of the producer, so that he may

- (a) store them with the authorisation of the Agency; or
- (b) use them within the limits of his own requirements; or
- (c) make them available to undertakings in the Community, within the limits of their requirements, where, for carrying out a programme duly communicated to the Commission, these undertakings have with the producer a direct connection which has neither the aim nor the effect of limiting production, technical development or investment or of improperly creating inequalities between users in the Community.

3. The provisions of Article 89(1)(a) shall apply to special fissile materials which are produced in the territories of Member States and on which the Agency has not exercised its right of option.

ARTICLE 63

Ores, source materials and special fissile materials produced by Joint Undertakings shall be allotted to users in accordance with the rules laid down in the statutes or agreements of such Undertakings.

SECTION III—ORES, SOURCE MATERIALS AND SPECIAL FISSILE MATERIALS COMING FROM OUTSIDE THE COMMUNITY

ARTICLE 64

The Agency, acting where appropriate within the framework of agreements concluded between the Community and a third State or an international organisation, shall, subject to the exceptions provided for in this Treaty, have the exclusive right to enter into agreements or contracts whose principal aim is the supply of ores, source materials or special fissile materials coming from outside the Community.

ARTICLE 65

Article 60 shall apply to applications from users and to contracts between users and the Agency relating to the supply of ores, source materials or special fissile materials coming from outside the Community.

The Agency may, however, decide on the geographical origin of supplies provided that conditions which are at least as favourable as those specified in the order are thereby secured for the user.

ARTICLE 66

Should the Commission find, on application by the users concerned, that the Agency is not in a position to deliver within a reasonable period of time all or part of the supplies ordered, or that it can only do so at excessively high prices, the users shall have the right to conclude directly contracts relating to supplies from outside the Community, provided that such contracts meet in essential respects the requirements specified in their orders.

This right shall be granted for a period of one year; it may be extended if the situation which justified its granting continues.

Users who avail themselves of the right provided for in this Article shall communicate to the Commission the direct contracts which they propose to conclude. The Commission may, within one month, object to the conclusion of such contracts if they are contrary to the objectives of this Treaty.

SECTION IV—PRICES

ARTICLE 67

Save where exceptions are provided for in this Treaty, prices shall be determined as a result of balancing supply against demand as provided in Article 60; the national regulations of the Member States shall not contravene such provisions.

ARTICLE 68

Pricing practices designed to secure a privileged position for certain users in violation of the principle of equal access laid down in the provisions of this Chapter shall be prohibited.

If the Agency finds that any such practices are being employed it shall report them to the Commission.

The Commission may, if it accepts the findings, set the prices of the offers in issue at a level compatible with the principle of equal access.

ARTICLE 69

The Council may fix prices, acting unanimously on a proposal from the Commission.

When the Agency lays down, in pursuance of Article 60, the terms on which orders can be met, it may propose to the users who have placed orders that prices be equalised.

SECTION V—PROVISIONS RELATING TO SUPPLY POLICY

ARTICLE 70

Within the limits set by the budget of the Community, the Commission may, on such conditions as it shall determine, give financial support to prospecting programmes in the territories of Member States.

The Commission may make recommendations to the Member States with a view to the development of prospecting for and exploitation of mineral deposits.

The Member States shall submit annually to the Commission a report on the development of prospecting and production, on probable reserves and on investment in mining which has been made or is planned in their territories. The reports shall be submitted to the Council, together with an opinion from the Commission which shall state in particular what action has been taken by Member States on recommendations made to them under the preceding paragraph.

If, when the matter has been submitted to it by the Commission, the Council finds by a qualified majority that, although the prospects for extraction appear economically justified on a long-term basis, prospecting activities and the expansion of mining operations continue to be markedly inadequate, the Member State concerned shall, for as long as it has failed to remedy this situation, be deemed to have waived, both for itself and for its nationals, the right of equal access to other sources of supply within the Community.

ARTICLE 71

The Commission shall make all appropriate recommendations to Member States with regard to revenue or mining regulations.

ARTICLE 72

The Agency may, from material available inside or outside the Community, build up the necessary commercial stocks to facilitate supplies to or normal deliveries by the Community.

The Commission may, where necessary, decide to build up emergency stocks. The method of financing such stocks shall be approved by the Council, acting by a qualified majority on a proposal from the Commission.

SECTION VI—SPECIAL PROVISIONS

ARTICLE 73

Where an agreement or contract between a Member State, a person or an undertaking on the one hand, and a third State, an international organisation or a national of a third State on the other, provides *inter alia* for delivery of products which come within the province of the Agency, the prior consent of the Commission shall be required for the conclusion or renewal of that agreement or contract, as far as delivery of the products is concerned.

ARTICLE 74

The Commission may exempt from the provisions of this Chapter the transfer, import or export of small quantities of ores, source materials or special fissile materials such as are normally used in research.

The Agency shall be notified of every transfer, import or export operation effected by virtue of this provision.

ARTICLE 75

The provisions of this Chapter shall not apply to commitments relating to the processing, conversion or shaping of ores, source materials or special fissile materials and entered into

- (a) by several persons or undertakings, where the material is to return to the original person or undertaking after being processed, converted or shaped; or
- (b) by a person or undertaking and an international organisation or a national of a third State, where the material is processed, converted or shaped outside the Community and then returned to the original person or undertaking; or
- (c) by a person or undertaking and an international organisation or a national of a third State, where the material is processed, converted or shaped inside the Community and is then returned either to the original organisation or national or to any other consignee likewise outside the Community designated by such organisation or national.

The persons and undertakings concerned shall, however, notify the Agency of the existence of such commitments and, as soon as the contracts are signed, of the quantities of material involved in the movements. The Commission may prevent the commitments referred to in subparagraph (b) from being undertaken if it considers that the conversion or shaping cannot be carried out efficiently and safely and without the loss of material to the detriment of the Community.

The materials to which such commitments relate shall be subject in the territories of the Member States to the safeguards laid down in Chapter VII. The provisions of Chapter VIII shall not, however, be applicable to special fissile materials covered by the commitments referred to in subparagraph (c).

ARTICLE 76

On the initiative of a Member State or of the Commission, and particularly if unforeseen circumstances create a situation of general shortage, the Council may, acting unanimously on a proposal from the Commission and after consulting the Assembly, amend the provisions of this Chapter. The Commission shall inquire into any request made by a Member State.

Seven years after the entry into force of this Treaty, the Council may confirm these provisions in their entirety. Failing confirmation, new provisions relating to the subject matter of this Chapter shall be adopted in accordance with the procedure laid down in the preceding paragraph.

CHAPTER VII—SAFEGUARDS

ARTICLE 77

In accordance with the provisions of this Chapter, the Commission shall satisfy itself that, in the territories of Member States,

- (a) ores, source materials and special fissile materials are not diverted from their intended uses as declared by the users;
- (b) the provisions relating to supply and any particular safeguarding obligations assumed by the Community under an agreement concluded with a third State or an international organisation are complied with.

ARTICLE 78

Anyone setting up or operating an installation for the production, separation or other use of source materials or special fissile materials or special fissile materials or for the processing of irradiated nuclear fuels shall declare to the Commission the basic technical characteristics of the installations, to the extent that knowledge of these characteristics is necessary for the attainment of the objectives set out in Article 77.

The Commission must approve the techniques to be used for the chemical processing of irradiated materials, to the extent necessary to attain the objectives set out in Article 77.

ARTICLE 79

The Commission shall require that operating records be kept and produced in order to permit accounting for ores, source materials and special fissile materials used or produced. The same requirement shall apply in the case of the transport of source materials and special fissile materials.

Those subject to such requirements shall notify the authorities of the Member State concerned of any communications they make to the Commission pursuant to Article 78 and to the first paragraph of this Article.

The nature and the extent of the requirements referred to in the first paragraph of this Article shall be defined in a regulation made by the Commission and approved by the Council.

ARTICLE 80

The Commission may require that any excess special fissile materials recovered or obtained as by-products and not actually being used or ready for use shall be deposited with the Agency or in other stores which are or can be supervised by the Commission.

Special fissile materials deposited in this way must be returned forthwith to those concerned at their request.

ARTICLE 81

The Commission may send inspectors into the territories of Member States. Before sending an inspector on his first assignment in the territory of a Member State, the Commission shall consult the State concerned; such consultation shall suffice to cover all future assignments of this inspector.

On presentation of a document establishing their authority, inspectors shall at all times have access to all places and data and to all persons who, by reason of their occupation, deal with materials, equipment or installations subject to the safeguards provided for in this Chapter, to the extent necessary in order to apply such safeguards to ores, source materials and special fissile materials and to ensure compliance with the provisions of Article 77. Should the State concerned so request, inspectors appointed by the Commission shall be accompanied by representatives of the authorities of that State; however, the inspectors shall not thereby be delayed or otherwise impeded in the performance of their duties.

If the carrying out of an inspection is opposed, the Commission shall apply to the President of the Court of Justice for an order to ensure that the inspection be carried out compulsorily. The President of the Court of Justice shall give a decision with three days.

If there is danger in delay, the Commission may itself issue a written order, in the form of a decision, to proceed with the inspection. This order shall be submitted without delay to the President of the Court of Justice for subsequent approval.

After the order or decision has been issued, the authorities of the State concerned shall ensure that the inspectors have access to the places specified in the order or decision.

ARTICLE 82

Inspectors shall be recruited by the Commission.

They shall be responsible for obtaining and verifying the records referred to in Article 79. They shall report any infringement to the Commission.

The Commission may issue a directive calling upon the Member State concerned to take, by a time limit set by the Commission, all measures necessary to bring such infringement to an end; it shall inform the Council thereof.

If the Member State does not comply with the Commission directive by the time limit set, the Commission or any Member State concerned may, in derogation from Articles 141 and 142, refer the matter to the Court of Justice direct.

ARTICLE 83

1. In the event of an infringement on the part of persons or undertakings of the obligations imposed on them by this Chapter, the Commission may impose sanctions on such persons or undertakings.

These sanctions shall be, in order of severity:

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

2. Decisions taken by the Commission in implementation of paragraph 1 and requiring the surrender of materials shall be enforceable. They may be enforced in the territories of Member States in accordance with Article 164.

By way of derogation from Article 157, appeals brought before the Court of Justice against decisions of the Commission which impose any of the sanctions provided for in paragraph 1 shall have suspensory effect. The Court of Justice may, however, on application by the Commission or by any Member State concerned, order that the decision be enforced forthwith.

There shall be an appropriate legal procedure to ensure the protection of interests that have been prejudiced.

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

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

ARTICLE 84

In the application of the safeguards, no discrimination shall be made on grounds of the use for which ores, source materials and special fissile materials are intended.

The scope of and procedure for the safeguards and the powers of the bodies responsible for their application shall be confined to the attainment of the objectives set out in this Chapter.

The safeguards may not extend to materials intended to meet defence requirements which are in the course of being specially processed for this purpose or which, after being so processed, are, in accordance with an operational plan, placed or stored in a military establishment.

ARTICLE 85

Where new circumstances so require, the procedures for applying the safeguards laid down in this Chapter may, at the request of a Member State or of the Commission, be adapted by the Council, acting unanimously on a proposal from the Commission and after consulting the Assembly. The Commission shall examine any such request made by a Member State.

CHAPTER VIII—PROPERTY OWNERSHIP

ARTICLE 86

Special fissile materials shall be the property of the Community.

The Community's right of ownership shall extend to all special fissile materials which are produced or imported by a Member State, a person or an undertaking and are subject to the safeguards provided for in Chapter VII.

ARTICLE 87

Member States, persons or undertakings shall have the unlimited right of use and consumption of special fissile materials which have properly come into their possession, subject to the obligations imposed on them by this Treaty, in particular those relating to safeguards, the right of option conferred on the Agency and health and safety.

ARTICLE 88

The Agency shall keep a special account in the name of the Community, called "Special Fissile Materials Financial Account".

ARTICLE 89

1. In the Special Fissile Materials Financial Account:

- (a) the value of special fissile materials left in the possession of or put at disposal of a Member State, person or undertaking shall be credited to the Community and debited to that Member State, person or undertaking;
- (b) the value of special fissile materials which are produced or imported by a Member State, person or undertaking and become the property of the Community shall be debited to the Community and credited to that Member State, person or undertaking. A similar entry shall be made when a Member State, person or undertaking restores to the Community special fissile materials previously left in the possession of or put at the disposal of that State, person or undertaking.

2. Variations in value affecting the quantities of special fissile materials shall be expressed for accounting purposes in such a way as not to give rise to any loss or gain to the Community. Any loss or gain shall be borne by or accrue to the holder.

3. Balances arising from the transactions referred to above shall become payable forthwith upon the request of the creditor.

4. Where the Agency undertakes transactions for its own account, it shall, for the purposes of this Chapter, be deemed to be an undertaking.

ARTICLE 90

Where new circumstances so require, the provisions of this Chapter relating to the Community's right of ownership may, at the request of a Member State or of the Commission, be adjusted by the Council, acting unanimously on a proposal from the Commission and after consulting the Assembly. The Commission shall examine any such request made by a Member State.

ARTICLE 91

The system of ownership applicable to all objects, materials and assets which are not vested in the Community under this Chapter shall be determined by the law of each Member State.

CHAPTER IX—THE NUCLEAR COMMON MARKET

ARTICLE 92

The provisions of this Chapter shall apply to the goods and products specified in the Lists forming Annex IV to this Treaty.

These Lists may, at the request of the Commission or of a Member State, be amended by the Council, acting on a proposal from the Commission.

ARTICLE 93

Member States shall abolish between themselves, one year after the entry into force of this Treaty, all customs duties on imports and exports or charges having equivalent effect, and all quantitative restrictions on imports and exports, in respect of:

- (a) products in Lists A¹ and A²;
- (b) products in List B if subject to a common customs tariff and accompanied by a certificate issued by the Commission stating that they are intended to be used for nuclear purposes.

Non-European territories under the jurisdiction of a Member State may, however, continue to levy import and export duties or charges having equivalent effect where they are of an exclusively fiscal nature. The rates of such duties and charges and the system governing them shall not give rise to any discrimination between that State and the other Member States.

ARTICLE 94

The Member States shall set up a common customs tariff in accordance with the following provisions:

- (a) With regard to products specified in List A¹, the common customs tariff shall be fixed at the level of the lowest tariff in force in any Member State on 1 January 1957;
- (b) With regard to products specified in List A², the Commission shall take all appropriate measures to ensure that negotiations between Member States shall begin within three months of the entry into force of this Treaty. If, on some of these products, no agreement can be reached within one year of the entry into force of this Treaty, the Council shall, acting by a qualified majority on a proposal from the Commission, determine the applicable duties in the common customs tariff;
- (c) The common customs tariff on the products specified in Lists A¹ and A² shall be applied from the end of the first year following the entry into force of this Treaty.

ARTICLE 95

The Council may, acting unanimously on a proposal from the Commission, decide on the earlier application of the duties in the common customs tariff on products in List B where such a measure would tend to contribute to the development of nuclear energy in the Community.

ARTICLE 96

The Member States shall abolish all restrictions based on nationality affecting the right of nationals of any Member State to take skilled employment in the field of nuclear energy, subject to the limitations resulting from the basic requirements of public policy, public security or public health.

After consulting the Assembly, the Council may, acting by a qualified majority on a proposal from the Commission, which shall first request the opinion of the Economic and Social Committee, issue directives for the application of this Article.

ARTICLE 97

No restrictions based on nationality may be applied to natural or legal persons, whether public or private, under the jurisdiction of a Member State, where they desire to participate in the construction of nuclear installations of a scientific or industrial nature in the Community.

ARTICLE 98

Member States shall take all measures necessary to facilitate the conclusion of insurance contracts covering nuclear risks.

Within two years of the entry into force of this Treaty, the Council, acting by a qualified majority on a proposal from the Commission, which shall first request the opinion of the Economic and Social Committee, shall, after consulting the Assembly, issue directives for the application of this Article.

ARTICLE 99

The Commission may make any recommendations for facilitating movements of capital intended to finance the industrial activities listed in Annex II to this Treaty.

ARTICLE 100

Each Member State undertakes to authorise, in the currency of the Member State in which the creditor or the beneficiary resides, any payments connected with the movement of goods, services or capital, and any transfers of capital and earnings, to the extent that the movement of goods, services, capital and persons between Member States has been liberalised pursuant to this Treaty.

CHAPTER X—EXTERNAL RELATIONS

ARTICLE 101

The Community may, within the limits of its powers and jurisdiction, enter into obligations by concluding agreements or contracts with a third State, an international organisation or a national of a third State.

Such agreements or contracts shall be negotiated by the Commission in accordance with the directives of the Council; they shall be concluded by the Commission with the approval of the Council, which shall act by a qualified majority.

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

ARTICLE 102

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

ARTICLE 103

Member States shall communicate to the Commission draft agreements or contracts with a third State, an international organisation or a national of a third State to the extent that such agreements or contracts concern matters within the purview of this Treaty.

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

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

ARTICLE 104

No person or undertaking concluding or renewing an agreement or contract with a third State, an international organisation or a national of a third State after the entry into force of this Treaty may invoke that agreement or contract in order to evade the obligations imposed by this Treaty.

Each Member State shall take such measures as it considers necessary in order to communicate to the Commission, at the request of the latter, all

information relating to agreements or contracts concluded after the entry into force of this Treaty, within the purview thereof, by a person or undertaking with a third State, an international organisation or a national of a third State. The Commission may require such communication only for the purpose of verifying that such agreements or contracts do not contain clauses impeding the implementation of this Treaty.

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

ARTICLE 105

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

Agreements or contracts concluded between the signature and the entry into force of this Treaty by a person or an undertaking with a third State, an international organisation or a national of a third State shall not, however, be invoked as grounds for failure to implement this Treaty if, in the opinion of the Court of Justice, ruling on an application from the Commission, one of the decisive reasons on the part of either of the parties in concluding the agreement or contract was an intention to evade the provisions of this Treaty.

ARTICLE 106

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

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

Title Three

PROVISIONS GOVERNING THE INSTITUTIONS

CHAPTER I—THE INSTITUTIONS OF THE COMMUNITY

SECTION I—THE ASSEMBLY

ARTICLE 107

The Assembly, which shall consist of representatives of the peoples of the States brought together in the Community, shall exercise the advisory and supervisory powers which are conferred upon it by this Treaty.

ARTICLE 108

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:

Belgium	...	...	...	14
Germany	...	...	...	36
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.

ARTICLE 109

The Assembly shall hold an annual session. It shall meet, without requiring to be convened, on the third Tuesday in October.

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

ARTICLE 110

The Assembly shall elect its President and its officers from among its members.

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

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

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

ARTICLE 111

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

The rules of procedure shall determine the quorum.

ARTICLE 112

The Assembly shall adopt its rules of procedure, acting by a majority of its members.

The proceedings of the Assembly shall be published in the manner laid down in its rules of procedure.

ARTICLE 113

The Assembly shall discuss in open session the annual general report submitted to it by the Commission.

ARTICLE 114

If a motion of censure on the activities of the Commission 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.

If the motion of censure is carried by a two-thirds majority of the votes cast, representing a majority of the members of the Assembly, the members of the Commission shall resign as a body. They shall continue to deal with current business until they are replaced in accordance with Article 127.

SECTION II—THE COUNCIL

ARTICLE 115

The Council shall carry out its duties and exercise its powers of decision in accordance with the provisions of this Treaty.

It shall take all measures within its powers to co-ordinate the actions of the Member States and of the Community.

ARTICLE 116

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 alphabetical order of the Member States.

ARTICLE 117

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

ARTICLE 118

1. Save as otherwise provided in this Treaty, the Council shall act by a majority of its members.

2. Where the Council is required to act by a qualified majority, the votes of its members shall be weighted as follows:

Belgium	2
Germany	4
France	4
Italy	4
Luxembourg	1
Netherlands	2

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

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

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

ARTICLE 119

Where, in pursuance of this Treaty, the Council acts on a proposal from the Commission, unanimity shall be required for an act constituting an amendment to that proposal.

As long as the Council has not acted, the Commission may alter its original proposal, in particular where the Assembly has been consulted on that proposal.

ARTICLE 120

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

ARTICLE 121

The Council shall adopt its rules of procedure.

These rules of procedure may provide for the setting up of a committee consisting of representatives of the Member States. The Council shall determine the task and powers of that committee.

ARTICLE 122

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

ARTICLE 123

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

SECTION III—THE COMMISSION

ARTICLE 124

In order to ensure the development of nuclear energy within the Community, the Commission shall:

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

ARTICLE 125

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 Community.

ARTICLE 126

1. The Commission shall consist of five members, each of a different nationality, who shall be chosen on the grounds of their general competence having regard to the special purpose of this Treaty, 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.

2. The members of the Commission shall, in the general interest of the Community, 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 129 or deprived of his right to a pension or other benefits in its stead.

ARTICLE 127

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 128

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

The vacancy thus caused shall be filled for the remainder of the member's term of office. 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 129, members of the Commission shall remain in office until they have been replaced.

ARTICLE 129

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

In such a case the Council may, acting unanimously and as a provisional measure, suspend the member from office and make provision for his replacement pending the ruling of the Court of Justice.

The Court of Justice may, on application by the Council or the Commission, provisionally suspend the member from office.

ARTICLE 130

The President and the Vice-President 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-President shall be replaced for the remainder of their term of office in accordance with the provisions of the first paragraph.

ARTICLE 131

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

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

ARTICLE 132

The Commission shall act by a majority of the number of members provided for in Article 126.

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

ARTICLE 133

The Council may, acting unanimously, agree that the Government of a Member State accredit to the Commission a qualified representative to undertake permanent liaison duties.

ARTICLE 134

1. A Scientific and Technical Committee is hereby set up; it shall be attached to the Commission and shall have advisory status.

The Committee must be consulted where this Treaty so provides. The Committee may be consulted in all cases in which the Commission considers this appropriate.

2. The Committee shall consist of twenty members, appointed by the Council after consultation with the Commission.

The members of the Committee shall be appointed in their personal capacity for five years. Their appointment shall be renewable. They shall not be bound by any mandatory instructions.

The Scientific and Technical Committee shall each year elect its chairman and officers from among its members.

ARTICLE 135

The Commission may undertake any consultations and establish any study groups necessary to the performance of its tasks.

SECTION IV—THE COURT OF JUSTICE

ARTICLE 136

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

ARTICLE 137

The Court of Justice shall consist of seven Judges.

The Court of Justice 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 of Justice 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 150, it shall sit in plenary session.

Should the Court of Justice so request, the Council may, acting unanimously, increase the number of Judges and make the necessary adjustments to the second and third paragraphs of this Article and to the second paragraph of Article 139.

ARTICLE 138

The Court of Justice 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 of Justice, in order to assist the Court in the performance of the task assigned to it in Article 136.

Should the Court of Justice so request, the Council may, acting unanimously, increase the number of Advocates-General and make the necessary adjustments to the third paragraph of Article 139.

ARTICLE 139

The Judges and Advocates-General shall be chosen from persons whose independence is beyond doubt and who possess the qualifications required for appointment to the highest judicial offices in their respective countries or who are 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 of Justice from among their number for a term of three years. He may be re-elected.

ARTICLE 140

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

ARTICLE 141

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

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

ARTICLE 142

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

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

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

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

ARTICLE 143

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

ARTICLE 144

The Court of Justice shall have unlimited jurisdiction in:

- (a) proceedings instituted under Article 12 to have the appropriate terms fixed for the granting by the Commission of licences or sub-licences;
- (b) proceedings instituted by persons or undertakings against sanctions imposed on them by the Commission under Article 83.

ARTICLE 145

If the Commission considers that a person or undertaking has committed an infringement of this Treaty to which the provisions of Article 83 do not apply, it shall call upon the Member State having jurisdiction over that person or undertaking to cause sanctions to be imposed in respect of the infringement in accordance with its national law.

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

ARTICLE 146

The Court of Justice shall review the legality of acts of the Council and the Commission other than recommendations or opinions. It shall for this purpose have jurisdiction in actions brought by a Member State, the Council or the Commission on grounds of lack of competence, infringement of an essential procedural requirement, infringement of this Treaty or of any rule of law relating to its application, or misuse of powers.

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

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

ARTICLE 147

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

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

ARTICLE 148

Should the Council or the Commission, in infringement of this Treaty, fail to act, the Member States and the other institutions of the Community may bring an action before the Court of Justice to have the infringement established.

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

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

ARTICLE 149

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

This obligation shall not affect any obligation which may result from the application of the second paragraph of Article 188.

ARTICLE 150

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

- (a) the interpretation of this Treaty;
- (b) the validity and interpretation of acts of the institutions of the Community;
- (c) the interpretation of the statutes of bodies established by an act of the Council, save where those statutes provide otherwise.

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

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

ARTICLE 151

The Court of Justice shall have jurisdiction in disputes relating to the compensation for damage provided for in the second paragraph of Article 188.

ARTICLE 152

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

ARTICLE 153

The Court of Justice shall have jurisdiction to give judgment pursuant to any arbitration clause contained in a contract concluded by or on behalf of the Community, whether that contract be governed by public or private law.

ARTICLE 154

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

ARTICLE 155

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

ARTICLE 156

Notwithstanding the expiry of the period laid down in the third paragraph of Article 146, any party may, in proceedings in which a regulation of the Council or of the Commission is in issue, plead the grounds specified in the first paragraph of Article 146, in order to invoke before the Court of Justice the inapplicability of that regulation.

ARTICLE 157

Save as otherwise provided in this Treaty, actions brought before the Court of Justice shall not have suspensory effect. The Court of Justice may, however, if it considers that circumstances so require, order that application of the contested act be suspended.

ARTICLE 158

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

ARTICLE 159

The judgments of the Court of Justice shall be enforceable under the conditions laid down in Article 164.

ARTICLE 160

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

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

CHAPTER II—PROVISIONS COMMON TO SEVERAL INSTITUTIONS

ARTICLE 161

In order to carry out their task the Council and the Commission shall, in accordance with the provisions of this Treaty, make regulations, issue directives, take decisions, make recommendations or deliver opinions.

A regulation shall have general application. It shall be binding in its entirety and directly applicable in all Member States.

A directive shall be binding, as to the result to be achieved, upon each Member State to which it is addressed, but shall leave to the national authorities the choice of form and methods.

A decision shall be binding in its entirety upon those to whom it is addressed.

Recommendations and opinions shall have no binding force.

ARTICLE 162

Regulations, directives and decisions of the Council and of the Commission shall state the reasons on which they are based and shall refer to any proposals or opinions which were required to be obtained pursuant to this Treaty.

ARTICLE 163

Regulations shall be published in the Official Journal of the Community. They shall enter into force on the date specified in them or, in the absence thereof, on the twentieth day following their publication.

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

ARTICLE 164

Enforcement shall be governed by the rules of civil procedure in force in the State in the territory of which it is carried out. The order for its enforcement shall be appended to the decision, without other formality than verification of the authenticity of the decision, by the national authority which the Government of each Member State shall designate for this purpose and shall make known to the Commission, to the Court of Justice and to the Arbitration Committee set up by Article 18.

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

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

CHAPTER III—THE ECONOMIC AND SOCIAL COMMITTEE

ARTICLE 165

An Economic and Social Committee is hereby established. It shall have advisory status.

The Committee shall consist of representatives of the various categories of economic and social activity.

ARTICLE 166

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

Belgium	...	...	...	12
Germany	...	...	...	24
France	...	...	...	24
Italy	...	...	...	24
Luxembourg	...	...	...	5
Netherlands	...	...	...	12

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

The members of the Committee shall be appointed in their personal capacity and may not be bound by any mandatory instructions.

ARTICLE 167

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

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

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

ARTICLE 168

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

It shall adopt its rules of procedure and shall submit them to the Council for its approval, which must be unanimous.

The Committee shall be convened by its chairman at the request of the Council or of the Commission.

ARTICLE 169

The Committee may be divided into specialised sections.

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

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

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

ARTICLE 170

The Committee must be consulted by the Council or by the Commission where this Treaty so provides. The Committee may be consulted by these institutions in all cases in which they consider it appropriate.

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

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

Title Four

FINANCIAL PROVISIONS

ARTICLE 171

1. Estimates shall be drawn up for each financial year of all revenue and expenditure of the Community, other than those of the Agency and the Joint Undertakings, and such revenue and expenditure shall be shown either in the operating budget or in the research and investment budget.

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

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

The manner of estimating, implementing and auditing such revenue and expenditure shall be laid down, with due regard to the statutes of the Agency, in financial regulations made pursuant to Article 183.

3. The estimates of revenue and expenditure, together with the operating accounts and the balance sheets of the Joint Undertakings for each financial year, shall be placed before the Commission, the Council and the Assembly in accordance with the statutes of those Undertakings.

ARTICLE 172

1. The operating budget revenue shall include, irrespective of any other current revenue, financial contributions of Member States on the following scale:

Belgium	7.9
Germany	28
France	28
Italy	28
Luxembourg	0.2
Netherlands	7.9

2. The research and investment budget revenue shall include, irrespective of any other resources, financial contributions of Member States on the following scale:

Belgium	9.9
Germany	30
France	30
Italy	23
Luxembourg	0.2
Netherlands	6.9

3. The scales may be modified by the Council, acting unanimously.

4. Loans for the financing of research or investment shall be raised on terms fixed by the Council in the manner provided for in Article 177(5).

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

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

ARTICLE 173

The financial contributions of Member States provided for in Article 172 may be replaced in whole or in part by the proceeds of levies collected by the Community in Member States.

To this end, the Commission shall submit to the Council proposals concerning the assessment of such levies, the method of fixing their rate and the procedure for their collection.

After consulting the Assembly on these proposals the Council may, acting unanimously, lay down the appropriate provisions, which it shall recommend to the Member States for adoption in accordance with their respective constitutional requirements.

ARTICLE 174

1. The expenditure shown in the operating budget shall include in particular:

(a) administrative expenditure;

(b) expenditure relating to safeguards and to health and safety.

2. The expenditure shown in the research and investment budget shall include in particular:

(a) expenditure relating to the implementation of the Community research programme;

(b) any participation in the capital of the Agency and in its investment expenditure;

(c) expenditure relating to the equipment of training establishments;

(d) any participation in Joint Undertakings or in certain joint operations.

ARTICLE 175

The expenditure shown in the operating budget shall be authorised for one financial year, unless the regulations made pursuant to Article 183 provide otherwise.

In accordance with conditions to be laid down pursuant to Article 183, 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 to cover expenditure 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 183.

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

ARTICLE 176

1. Subject to the limits resulting from programmes or decisions involving expenditure which, in pursuance of this Treaty, require the unanimous approval of the Council, allocations for research and investment expenditure shall include:

- (a) commitment appropriations, covering a series of items which constitute a separate unit and form a coherent whole;
- (b) payment appropriations which represent the maximum amount payable each year in respect of the commitments entered into under subparagraph (a).

2. The schedule of due dates for commitments and payments shall be annexed to the corresponding draft budget proposed by the Commission.

3. Appropriations for research and investment 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 183.

4. Unused payment authorisations shall be carried forward to the next financial year by decision of the Commission, unless the Council decides otherwise.

ARTICLE 177

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

2. Each institution of the Community shall draw up estimates of its administrative expenditure. The Commission shall consolidate these estimates in a preliminary draft operating budget. It shall attach thereto an opinion which may contain different estimates. It shall also prepare a preliminary draft research and investment budget.

The Commission shall place the preliminary draft budgets before the Council not later than 30 September of the year preceding that in which these budgets are to be implemented.

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

3. The Council shall, acting by a qualified majority, establish the draft budgets and forward them to the Assembly.

The draft budgets shall be placed before the Assembly not later than 31 October of the year preceding that in which these budgets are to be implemented.

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

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

If within this period the Assembly has proposed modifications, the draft budgets so modified shall be forwarded to the Council. The Council shall discuss them with the Commission, and, where appropriate, with the other institutions concerned, and shall then finally adopt the budgets, acting by a qualified majority, subject to the limits resulting from programmes or decisions involving expenditure which, by virtue of this Treaty, require the unanimous approval of the Council.

5. For the adoption of the research and investment budget the votes of the members of the Council shall be weighted as follows:

Belgium	...	...	...	9
Germany	...	...	...	30
France	...	...	...	30
Italy	...	...	...	23
Luxembourg	...	...	...	1
Netherlands	...	...	...	7

For their adoption, acts of the Council shall require at least 67 votes cast in their favour.

ARTICLE 178

If, at the beginning of a financial year, the operating budget has not yet been voted, a sum equivalent to not more than one twelfth of the budget appropriations for the preceding financial year may be spent each month in respect of any chapter or other subdivision of the budget in accordance with the provisions of the regulations made pursuant to Article 183; this arrangement shall not, however, have the effect of placing at the disposal of the Commission appropriations in excess of one twelfth of those provided for in the draft budget in course of preparation.

If, at the beginning of a financial year, the research and investment budget has not yet been voted, a sum equivalent to not more than one twelfth of the appropriations corresponding to the annual estimates shown in the schedule of due dates for payments relating to commitment appropriations already approved may be spent each month in respect of any chapter or other subdivision of the budget in accordance with the provisions of the regulations made pursuant to Article 183.

The Council may, acting by a qualified majority, provided that the other conditions laid down in the first and second paragraphs are observed, authorise expenditure in excess of one twelfth, subject to the limits resulting from programmes or decisions involving expenditure which, in pursuance of this Treaty, require the unanimous approval of the Council.

Member States shall pay every month, on a provisional basis and in accordance with the scales laid down for the preceding financial year, the amounts necessary to ensure application of this Article.

ARTICLE 179

The Commission shall implement the budgets, in accordance with the provisions of the regulations made pursuant to Article 183, 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 budgets, the Commission may, subject to the limits and conditions laid down in the regulations made pursuant to Article 183, transfer appropriations from one chapter to another or from one sub-division to another.

ARTICLE 180

The accounts of all revenue and expenditure shown in each budget 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 Commission shall submit annually to the Council and to the Assembly the accounts of the preceding financial year relating to the implementation of each budget, together with the report of the Audit Board. The Commission shall also forward to them a financial statement showing the assets and liabilities of the Community.

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

ARTICLE 181

The budgets and the account provided for in Article 171(1) and (2) shall be drawn up in the unit of account determined in accordance with the provisions of the financial regulations made pursuant to Article 183.

The financial contributions provided for in Article 172 shall be placed at the disposal of the Community by the Member States in their national currencies.

The available balances of these contributions shall be deposited with the Treasuries of Member States or with bodies designated by them. While on deposit, such funds shall retain the value corresponding to the parity, at the date of deposit, in relation to the unit of account referred to in the first paragraph.

The balances may be invested on terms to be agreed between the Commission and the Member State concerned.

ARTICLE 182

1. The Commission may, provided it notifies the competent authorities of the Member States concerned, transfer into the currency of one of the Member States its holdings of currency of another Member State, to the extent necessary to enable them to be used for purposes which come within the scope of this Treaty. The Commission shall as far as possible avoid making such transfers if it possesses cash or liquid assets in the currencies which it needs.

2. The Commission shall deal with each Member State through the authority designated by the State concerned. In carrying out financial operations the Commission shall employ the services of the bank of issue of the Member State concerned or of any other financial institution approved by that State.

3. As regards expenditure which the Community has to incur in the currencies of third countries, the Commission shall, before the budgets are finally adopted, submit to the Council a programme indicating anticipated revenue and expenditure in the different currencies.

This programme shall be approved by the Council, acting by a qualified majority. It may be modified in the course of the financial year in accordance with the same procedure.

4. Member States shall provide the Commission with the currency of third countries needed for the expenditure shown in the programme provided for in paragraph 3 according to the scales laid down in Article 172. Amounts collected by the Commission in the currency of third countries shall be transferred to Member States in accordance with the same scales.

5. The Commission may freely make use of any amounts in the currency of third countries derived from loans it has raised in such countries.

6. The Council may, acting unanimously on a proposal from the Commission, apply, in whole or in part, to the Agency and to Joint Undertakings the exchange arrangements provided for in the preceding paragraphs, and, where appropriate, adapt these arrangements to their operational requirements.

ARTICLE 183

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

- (a) make financial regulations specifying in particular the procedure to be adopted for establishing and implementing the budgets, including that of the Agency, and for presenting and auditing accounts;
- (b) determine the methods and procedure whereby the contributions of Member States shall be made available to the Commission;
- (c) lay down rules concerning the responsibility of authorising officers and accounting officers and concerning appropriate arrangements for inspection.

Title Five

GENERAL PROVISIONS

ARTICLE 184

The Community shall have legal personality.

ARTICLE 185

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

ARTICLE 186

The Council shall, acting unanimously, in cooperation with the Commission and after consulting the other institutions concerned, lay down the Staff Regulations of officials and the Conditions of Employment of other servants of the Community.

After this Treaty has been in force for four years, the Staff Regulations and Conditions of Employment may be amended by the Council, acting by a qualified majority on a proposal from the Commission and after consulting the other institutions concerned.

ARTICLE 187

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

ARTICLE 188

The contractual liability of the Community shall be governed by the law applicable to the contract in question.

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

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

ARTICLE 189

The seat of the institutions of the Community shall be determined by common accord of the Governments of the Member States.

ARTICLE 190

The rules governing the languages of the institutions of the Community shall, without prejudice to the provisions contained in the rules of procedure of the Court of Justice, be determined by the Council, acting unanimously.

ARTICLE 191

The Community shall enjoy in the territories of the Member States such privileges and immunities as are necessary for the performance of its tasks, under the conditions laid down in a separate Protocol.

ARTICLE 192

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

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

ARTICLE 193

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

ARTICLE 194

1. The members of the institutions of the Community, the members of committees, the officials and other servants of the Community and any other persons who by reason of their duties or their public or private relations with the institutions or installations of the Community or with Joint Undertakings are called upon to acquire or obtain cognizance of any facts, information, knowledge, documents or objects which are subject to a security system in accordance with provisions laid down by a Member State or by an institution of the Community, shall be required, even after such duties or relations have ceased, to keep them secret from any unauthorised person and from the general public.

Each Member State shall treat any infringement of this obligation as an act prejudicial to its rules on secrecy and as one falling, both as to merits and jurisdiction, within the scope of its laws relating to acts prejudicial to the security of the State or to disclosure of professional secrets. Such Member State shall, at the request of any Member State concerned or of the Commission, prosecute anyone within its jurisdiction who commits such an infringement.

2. Each Member State shall communicate to the Commission all provisions regulating within its territories the classification and secrecy of information, knowledge, documents or objects covered by this Treaty.

The Commission shall ensure that these provisions are communicated to the other Member States.

Each Member State shall take all appropriate measures to facilitate the gradual establishment of as uniform and comprehensive a security system as possible. The Commission may, after consulting the Member States concerned, make recommendations for this purpose.

3. The institutions of the Community, their installations and also the Joint Undertakings shall be required to apply the rules of the security system in force in the territory in which each of them is situated.

4. Any authorisation granted either by an institution of the Community or by a Member State to a person carrying out his activities within the field covered by this Treaty to have access to facts, information, documents or objects covered by this Treaty which are subject to a security system, shall be recognised by every other institution and every other Member State.

5. The provisions of this Article shall not prevent application of special provisions resulting from agreements concluded between a Member State and a third State or an international organisation.

ARTICLE 195

The institutions of the Community, the Agency and the Joint Undertakings shall, in applying this Treaty, comply with the conditions of access to ores, source materials and special fissile materials laid down in national rules and regulations made for reasons of public policy or public health.

ARTICLE 196

For the purpose of this Treaty, save as otherwise provided therein:

- (a) "person" means any natural person who pursues all or any of his activities in the territories of Member States within the field specified in the relevant Chapter of this Treaty;
- (b) "undertaking" means any undertaking or institution which pursues all or any of its activities in the territories of Member States within the field specified in the relevant Chapter of this Treaty, whatever its public or private legal status.

ARTICLE 197

For the purposes of this Treaty:

1. "Special fissile materials" means plutonium-239; uranium-233; uranium enriched in uranium-235 or uranium-233; and any substance containing one or more of the foregoing isotopes and such other fissile materials as may be specified by the Council, acting by a qualified majority on a proposal from the Commission; the expression "special fissile materials" does not, however, include source materials.

2. "Uranium enriched in uranium-235 or uranium-233" means uranium containing uranium-235 or uranium-233 or both in an amount such that the abundance ratio of the sum of these isotopes to isotope 238 is greater than the ratio of isotope 235 to isotope 238 occurring in nature.

3. "Source materials" means uranium containing the mixture of isotopes occurring in nature; uranium whose content in uranium-235 is less than the normal; thorium; any of the foregoing in the form of metal, alloy, chemical compound or concentrate; any other substance containing one or more of the foregoing in such a concentration as shall be specified by the Council, acting by a qualified majority on a proposal from the Commission.

4. "Ores" means any ore containing, in such average concentration as shall be specified by the Council acting by a qualified majority on a proposal from the Commission, substances from which the source materials defined above may be obtained by the appropriate chemical and physical processing.

ARTICLE 198

Save as otherwise provided, this Treaty shall apply to the European territories of Member States and to non-European territories under their jurisdiction.

It shall also apply to the European territories for whose external relations a Member State is responsible.

ARTICLE 199

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

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

ARTICLE 200

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

ARTICLE 201

The Community shall establish close cooperation with the Organisation for European Economic Cooperation, the details to be determined by common accord.

ARTICLE 202

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

ARTICLE 203

If action by the Community should prove necessary to attain one of the objectives of the Community and this Treaty has not provided the necessary powers, the Council shall, acting unanimously on a proposal from the Commission and after consulting the Assembly, take the appropriate measures.

ARTICLE 204

The Government of any Member State or the Commission may submit to the Council proposals for amendment of this Treaty.

If the Council, after consulting the Assembly and, where appropriate, the Commission, delivers an opinion in favour of calling a conference of representatives of the Governments of the Member States, the conference shall be convened by the President of the Council for the purpose of determining by common accord the amendments to be made to this Treaty.

The amendments shall enter into force after being ratified by all the Member States in accordance with their respective constitutional requirements.

ARTICLE 205

Any European State may apply to become a member of the Community. It shall address its application to the Council, which shall act unanimously after obtaining the opinion of the Commission.

The conditions of admission and the adjustments to this Treaty necessitated thereby shall be the subject of an agreement between the Member States and the applicant State. This agreement shall be submitted for ratification by all the Contracting States in accordance with their respective constitutional requirements.

ARTICLE 206

The Community may conclude with a third State, a union of States or an international organisation agreements establishing an association involving reciprocal rights and obligations, common action and special procedures.

These agreements shall be concluded by the Council, acting unanimously after consulting the Assembly.

Where such agreements call for amendments to this Treaty, these amendments shall first be adopted in accordance with the procedure laid down in Article 204.

ARTICLE 207

The Protocols annexed to this Treaty by common accord of the Member States shall form an integral part thereof.

ARTICLE 208

This Treaty is concluded for an unlimited period.

Title Six

PROVISIONS RELATING TO THE INITIAL PERIOD

SECTION I—SETTING UP OF THE INSTITUTIONS

ARTICLE 209

The Council shall meet within one month of the entry into force of this Treaty.

ARTICLE 210

The Council shall, within three months of its first meeting, take all appropriate measures to constitute the Economic and Social Committee.

ARTICLE 211

The Assembly shall meet within two months of the first meeting of the Council, having been convened by the President of the Council, in order to elect its officers and draw up its rules of procedure. Pending the election of its officers, the oldest member shall take the chair.

ARTICLE 212

The Court of Justice shall take up its duties as soon as its members have been appointed. Its first President shall be appointed for three years in the same manner as its members.

The Court of Justice shall adopt its rules of procedure within three months of taking up its duties.

No matter may be brought before the Court of Justice until its rules of procedure have been published. The time within which an action must be brought shall run only from the date of this publication.

Upon his appointment, the President of the Court of Justice shall exercise the powers conferred upon him by this Treaty.

ARTICLE 213

The Commission shall take up its duties and assume the responsibilities conferred upon it by this Treaty as soon as its members have been appointed.

Upon taking up its duties, the Commission shall undertake the studies and arrange the contacts with Member States, undertakings, workers and consumers needed for making an overall survey of the situation of nuclear industries in the Community. The Commission shall submit a report on this subject to the Assembly within six months.

ARTICLE 214

1. The first financial year shall run from the date when this Treaty enters into force until 31 December following. Should this Treaty, however, enter into force during the second half of the year, the first financial year shall run until 31 December of the following year.

2. Until the budgets for the first financial year have been established, Member States shall make the Community interest-free advances which shall be deducted from their financial contributions to the implementation of these budgets.

3. Until the Staff Regulations of officials and the Conditions of Employment of other servants of the Community provided for in Article 186 have been laid down, each institution shall recruit the staff it needs and to this end conclude contracts of limited duration.

Each institution shall examine together with the Council any question concerning the number, remuneration and distribution of posts.

SECTION II—PROVISIONS FOR THE INITIAL APPLICATION OF THIS TREATY

ARTICLE 215

1. An initial research and training programme, which is set out in Annex V to this Treaty and the cost of which shall not, unless the Council unanimously decides otherwise, exceed 215 million EPU units of account, shall be carried out within five years of the entry into force of this Treaty.

2. A breakdown of the expenditure necessary for the implementation of this programme is set out by way of illustration under main subdivisions in Annex V.

The Council may, acting by a qualified majority on a proposal from the Commission, modify this programme.

ARTICLE 216

The Commission proposals on the way in which the institution of university status referred to in Article 9 is to function shall be submitted to the Council within one year of the entry into force of this Treaty.

ARTICLE 217

The security regulations provided for in Article 24 concerning the security gradings applicable to the dissemination of information shall be adopted by the Council within six months of the entry into force of this Treaty.

ARTICLE 218

The basic standards shall be determined in accordance with the provisions of Article 31 within one year of the entry into force of this Treaty.

ARTICLE 219

Provisions laid down by law, regulation or administrative action to ensure the protection of the health of the general public and of workers in the territories of Member States against the dangers arising from ionising radiations shall, in accordance with Article 33, be communicated to the Commission by these States within three months of the entry into force of this Treaty.

ARTICLE 220

The Commission proposals relating to the statutes of the Agency which are provided for in Article 54 shall be submitted to the Council within three months of the entry into force of this Treaty.

SECTION III—TRANSITIONAL PROVISIONS

ARTICLE 221

The provisions of Articles 14 to 23 and of Articles 25 to 28 shall apply to patents, provisionally protected patent rights and utility models, and also to patent and utility model applications in existence before the entry into force of this Treaty, under the following conditions:

1. When assessing the period of time referred to in Article 17(2), allowance shall be made, in favour of the owner, for the new situation created by the entry into force of this Treaty.
2. With regard to the communication of an invention which is not secret, where either or both of the periods of three and eighteen months referred to in Article 16 have expired at the date on which this Treaty enters into force, a further period of six months shall run from that date.
If either or both of those periods remain unexpired at that date, they shall be extended by six months from the date of their normal expiry.
3. The same provisions shall apply to the communication of a secret invention in accordance with Article 16 and Article 25(1); in such case, however, the date of entry into force of the security regulations referred to in Article 24 shall be the date taken as the starting point for the new period or for the extension of a current period.

ARTICLE 222

During the period between the date of entry into force of this Treaty and the date fixed by the Commission on which the Agency takes up its duties, agreements and contracts for the supply of ores, source materials or special fissile materials shall be concluded or renewed only with the prior approval of the Commission.

The Commission shall refuse to approve the conclusion or renewal of any agreements and contracts which it considers would prejudice the implementation of this Treaty. It may in particular make its approval dependent upon the insertion in agreements and contracts of clauses permitting the Agency to take part in carrying them out.

ARTICLE 223

By way of derogation from the provisions of Article 60, reactors installed in the territories of a Member State which may go critical before the expiry of a period of seven years from the date of entry into force of this Treaty shall, during a period of not more than ten years from that date, in order to take account of work and studies already initiated, be granted priority which may be exercised in respect both of supplies of ores or source materials coming from the territories of that State and also of supplies of source materials or special fissile materials which are the subject of a bilateral agreement concluded before the entry into force of this Treaty and communicated to the Commission in accordance with Article 105.

The same priority shall be granted during the same period of ten years in respect of supplies for any isotope separation-plant, whether or not it constitutes a Joint Undertaking, which comes into operation in the territory of a Member State before the expiry of a period of seven years from the date of entry into force of this Treaty.

The Agency shall conclude the appropriate contracts, after the Commission has ascertained that the conditions for the exercise of the right of priority have been fulfilled.

FINAL PROVISIONS

ARTICLE 224

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. If, however, such deposit is made less than fifteen days before the beginning of the following month, this Treaty shall not enter into force until the first day of the second month after the date of such deposit.

ARTICLE 225

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.

* The treaty entered into force on 1 January 1958.

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

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

[For signatures and ratifications see page 255.]

ANNEXES

ANNEX I

FIELDS OF RESEARCH CONCERNING NUCLEAR ENERGY REFERRED TO IN ARTICLE 4 OF THIS TREATY

I—RAW MATERIALS

1. Methods for the prospecting and mining of base materials (uranium, thorium and other products of particular importance in the field of nuclear energy).

2. Methods of concentrating these materials and converting them into technically pure compounds.

3. Methods of converting these technically pure compounds into nuclear-grade compounds and metals.

4. Methods for the conversion and processing of these compounds and metals—as well as plutonium, uranium-235 or uranium-233, either pure or combined with such compounds or metals—into fuel elements by the chemical, ceramic or metallurgical industries.

5. Methods of protecting such fuel elements against corrosion or erosion by external agents.

6. Methods of producing, refining, processing and preserving other special materials used in the field of nuclear energy, in particular:

- (a) moderators, such as heavy water, nuclear-grade graphite, beryllium and beryllium oxide;
- (b) structural materials such as zirconium (hafnium-free), niobium, lanthanum, titanium, beryllium and their oxides, carbides and other compounds capable of being used in the field of nuclear energy;
- (c) coolants, such as helium, organic liquids, sodium, sodium-potassium alloys, bismuth, lead-bismuth alloys.

7. Methods of isotope separation:

- (a) of uranium;
- (b) of materials in ponderable quantities which can be used in the production of nuclear energy, such as lithium-6, lithium-7, nitrogen-15 and boron-10;
- (c) of isotopes used in small quantities for research.

II—PHYSICS APPLIED TO NUCLEAR ENERGY

1. Applied theoretical physics:

- (a) low-energy nuclear reactions, in particular neutron-induced reactions;
- (b) fission;
- (c) interaction of ionising radiation and photons with matter;
- (d) solid state theory;
- (e) study of fusion, with particular reference to the behaviour of an ionised plasma under the action of electromagnetic forces and to the thermodynamics of extremely high temperatures.

2. Applied experimental physics:

- (a) the same subjects as those specified in 1 above;
- (b) study of the properties of transuranic elements of importance in the field of nuclear energy.

3. Reactor calculations:

- (a) theoretical macroscopic neutron physics;
- (b) experimental neutron measurements; exponential and critical experiments;
- (c) thermodynamic calculations and calculations of strength of materials;
- (d) corresponding experimental measurements;
- (e) reactor kinetics, reactor control problems and relevant experiments;
- (f) radiation protection calculations and relevant experiments.

III—PHYSICAL CHEMISTRY OF REACTORS

1. Study of changes in the physical and chemical structure and of alterations in the technical properties of various materials in reactors brought about by:

- (a) heat;
- (b) the nature of the agents with which they are in contact;
- (c) mechanical factors.

2. Study of degradation and other phenomena produced by irradiation in:

- (a) fuel elements;
- (b) structural materials and coolants;
- (c) moderators.

3. Application of analytical chemistry and analytical physical chemistry to reactor components.

4. Physical chemistry of homogeneous reactors: radiochemistry, corrosion.

IV—PROCESSING OF RADIOACTIVE MATERIAL

1. Methods of extracting plutonium and uranium-233 from irradiated fuels, and possible recovery of uranium or thorium.
2. Chemistry and metallurgy of plutonium.
3. Methods of extracting and chemistry of other transuranic elements.
4. Methods of extracting and chemistry of useful radioisotopes:
 - (a) fission products;
 - (b) radioisotopes obtained by irradiation.
5. Concentration and storage of useless radioactive waste.

V—APPLICATIONS OF RADIOISOTOPES

Application of radioisotopes as active elements or tracers in:

- (a) industry and science;
- (b) medicine and biology;
- (c) agriculture.

VI—STUDY OF THE HARMFUL EFFECTS OF RADIATION ON LIVING ORGANISMS

1. Study of the detection and measurement of harmful radiations.
2. Study of adequate preventive and protective measures and the appropriate safety standards.
3. Study of the treatment of radiation effects.

VII—EQUIPMENT

Studies relating to the construction and improvement of equipment specially intended not only for reactors but also for any of the industrial and research installations required for the research activities listed above. As examples may be mentioned:

1. The following types of mechanical equipment:
 - (a) pumps for special fluids;
 - (b) heat exchangers;
 - (c) apparatus for nuclear physics research, such as neutron velocity selectors;
 - (d) remote handling equipment.

2. The following types of electrical equipment:

- (a) instruments for radiation detection and measurement, used particularly in:
 - prospecting for minerals,
 - scientific and technical research,
 - reactor control,
 - health and safety;
- (b) reactor control equipment;
- (c) low-energy particle accelerators (up to 10 MeV).

VIII—ECONOMIC ASPECTS OF ENERGY PRODUCTION

1. Comparative studies, both theoretical and experimental, of the various reactor types.
2. Technical and economic study of fuel cycles.

ANNEX II

INDUSTRIAL ACTIVITIES REFERRED TO IN ARTICLE 41 OF THIS TREATY

1. Mining of uranium and thorium ore.
2. Concentration of such ores.
3. Chemical processing and refining of uranium and thorium concentrates.
4. Preparation of nuclear fuels, in any form.
5. Fabrication of nuclear fuel elements.
6. Production of uranium hexafluoride.
7. Production of enriched uranium.
8. Processing of irradiated fuels for the purpose of separating some or all of the elements contained therein.
9. Production of reactor moderators.
10. Production of hafnium-free zirconium or compounds thereof.
11. Nuclear reactors of all types and for all purposes.
12. Facilities for the industrial processing of radioactive waste, set up in conjunction with one or more of the facilities specified in this list.
13. Semi-industrial installations intended to prepare the way for the construction of plants involved in any of activities 3 to 10.

ANNEX III

ADVANTAGES WHICH MAY BE CONFERRED ON JOINT UNDERTAKINGS UNDER ARTICLE 48 OF THIS TREATY

1. (a) Recognition that public interest status in conformity with the national laws applies to the acquisition of immovable property required for the establishment of Joint Undertakings.

(b) Application of national procedures for compulsory acquisition on the grounds of public interest, so that such acquisition may be effected where amicable agreement has not been reached.
2. The right to be granted licences, either through arbitration or under compulsory powers as provided in Articles 17 to 23.
3. Exemption from all duties and charges when Joint Undertakings are established and from all duties on assets contributed.
4. Exemption from all duties and charges levied upon acquisition of immovable property and from all registration and recording charges.
5. Exemption from all direct taxes to which Joint Undertakings, their property, assets and revenue might otherwise be liable.
6. Exemption from all customs duties and charges having equivalent effect and from all prohibitions and restrictions on imports or exports, whether of an economic or of a fiscal nature, with regard to:
 - (a) scientific and technical equipment, excluding building materials and equipment for administrative purposes;
 - (b) substances which have been or are to be processed in the Joint Undertaking.
7. Exchange arrangements provided for in Article 182(6).
8. Exemption from restrictions on entry and residence for nationals of Member States employed by Joint Undertakings and for their spouses and dependent members of their families.

ANNEX IV

LIST OF GOODS AND PRODUCTS SUBJECT TO THE PROVISIONS OF CHAPTER IX ON THE NUCLEAR COMMON MARKET

LIST A¹

- Uranium ores containing more than 5 per cent by weight of natural uranium.
- Pitchblende containing more than 5 per cent by weight of natural uranium.
- Uranium oxide.
- Inorganic compounds of natural uranium other than uranium oxide and uranium hexafluoride.
- Organic compounds of natural uranium.
- Crude or processed natural uranium.
- Alloys containing plutonium.
- Organic or inorganic compounds of uranium enriched in organic or inorganic compounds or uranium-235.
- Organic or inorganic compounds or uranium-233.
- Thorium enriched in uranium-233.
- Organic or inorganic compounds of plutonium.
- Uranium enriched in plutonium.
- Uranium enriched in uranium-235.
- Alloys containing uranium enriched in uranium-235 or uranium-233.
- Plutonium.
- Uranium-233.
- Uranium hexafluoride.
- Monazite.
- Thorium ores containing more than 20 per cent by weight of thorium.
- Urano-thorianite containing more than 20 per cent of thorium.
- Crude or processed thorium.
- Thorium oxide.
- Inorganic compounds of thorium other than thorium oxide.
- Organic compounds of thorium.

LIST A²

Deuterium and its compounds (including heavy water) in which the ratio of the number of deuterium atoms to normal hydrogen atoms exceeds 1 : 5,000.

Heavy paraffin in which the ratio of the number of deuterium atoms to normal hydrogen atoms exceeds 1 : 5,000.

Mixtures and solutions in which the ratio of the number of deuterium atoms to normal hydrogen atoms exceeds 1 : 5,000.

Nuclear reactors.

Equipment for the separation of uranium isotopes by gaseous diffusion or other methods.

Equipment for the production of deuterium, its compounds (including heavy water) and derivatives, and mixtures or solutions containing deuterium in which the ratio of the number of deuterium atoms to normal hydrogen atoms exceeds 1 : 5,000:

- equipment operating by the electrolysis of water;
- equipment operating by the distillation of water, liquid hydrogen, etc.;
- equipment operating by isotope exchange between hydrogen sulphide and water by means of a change of temperature;
- equipment operating by other techniques.

Equipment specially designed for the chemical processing of radioactive material:

- equipment for the separation of irradiated fuel:
 - by chemical processes (solvents, precipitation, ion exchange, etc.);
 - by physical processes (fractional distillation, etc.);
- waste-processing equipment;
- fuel-recycling equipment.

Vehicles specially designed for the transport of highly radioactive substances:

- railway and tramway goods vans, goods wagons and trucks for tracks of any gauge;
- motor lorries;
- motorised works trucks for the handling of goods;
- trailers and semi-trailers and other non-motorised vehicles.

Containers with lead radiation shielding for the transport or storage of radioactive material.

Artificial radioactive isotopes and their inorganic or organic compounds.

Remote-controlled mechanical manipulators specially designed for handling highly radioactive substances;

- mechanical handling gear, fixed or mobile, but not being capable of being operated manually.

LIST B

Components and parts for nuclear reactors.

Lithium ores and concentrates.

Nuclear-grade metals:

- crude beryllium;
- crude bismuth;
- crude niobium (columbium);
- crude zirconium (hafnium-free);
- crude lithium;
- crude aluminium;
- crude calcium;
- crude magnesium.

Boron trifluoride.

Anhydrous hydrofluoric acid.

Chlorine trifluoride.

Bromine trifluoride.

Lithium hydroxide.

Lithium fluoride.

Lithium chloride.

Lithium hydride.

Lithium carbonate.

Nuclear-grade beryllium oxide.

Refractory bricks of nuclear-grade beryllium oxide.

Other refractory products of nuclear-grade beryllium oxide.

Artificial graphite in the form of blocks or bars in which the boron content is less than or equal to one part per million and in which the total microscopic thermal neutron absorption cross-section is less than or equal to 5 millibarns.

Artificially separated stable isotopes.

Electromagnetic ion separators, including mass spectrographs and mass spectrometers.

Reactor simulators (special analog computers).

Remote-controlled mechanical manipulators:

- hand-controlled (i.e., operated manually like a tool).

Liquid-metal pumps.

High-vacuum pumps.

Heat exchangers specially designed for nuclear power stations.

Radiation detection instruments (and spare parts) of one of the following types, specially designed, or adaptable, for the detection or measurement of nuclear radiation, such as alpha and beta particles, gamma rays, neutrons and protons:

- Geiger counter tubes and proportional counters;
- detection or measuring instruments incorporating Geiger-Müller tubes or proportional counters;

- ionisation chambers;
- instruments incorporating ionisation chambers;
- radiation detection or measuring equipment for mineral prospecting and for reactor, air, water and soil monitoring;
- neutron detector tubes using boron, boron trifluoride, hydrogen or a fissile element;
- detection or measuring instruments incorporating neutron detector tubes using boron, boron trifluoride, hydrogen or a fissile element;
- scintillation crystals, mounted or in a metal casing (solid scintillators);
- detection or measuring instruments incorporating liquid, solid or gaseous scintillators;
- amplifiers specially designed for nuclear measurements, including linear amplifiers, preamplifiers, distributed amplifiers and pulse height analysers;
- coincidence devices for use with radiation detectors;
- electroscopes and electrometers, including dosimeters (but excluding instruments intended for instruction purposes, simple metal leaf electroscopes, dosimeters specially designed for use with medical X-ray equipment and electrostatic measuring instruments);
- instruments capable of measuring a current of less than one picoampere;
- photomultiplier tubes with a photocathode which gives a current of at least 10 microamperes per lumen and in which the average amplification is greater than 10^5 , and any other types of electric multiplier activated by positive ions;
- scalers and electronic integrating meters for the detection of radiation.

Cyclotrons, Van de Graaff or Cockcroft-Walton electrostatic generators, linear accelerators and other machines capable of imparting an energy greater than 1 MeV to nuclear particles.

Magnets specially designed and constructed for the above-mentioned machines and equipment (cyclotrons, etc.).

Accelerating and focusing tubes of the type used in mass spectrometers and mass spectrographs.

Intense electronic sources of positive ions intended for use with particle accelerators, mass spectrometers and similar devices.

Anti-radiation plate glass:

- cast or rolled plate glass (including wired or flashed glass) in squares or rectangles, surface-ground or polished but not further worked;
- cast or rolled plate glass (whether or not ground or polished) cut to shape other than square or rectangular, or curved or otherwise worked (for example, bevelled or engraved);
- safety glass, consisting of toughened or laminated glass, shaped or not.

Airtight clothing affording protection against radiation or radioactive contamination:

- made of plastic;
- made of rubber;
- made of impregnated or coated fabric;
 - for men;
 - for women.

Diphenyl (when it is in fact the aromatic hydrocarbon $C_6H_5C_6H_5$).

Terphenyl.

ANNEX V

INITIAL RESEARCH AND TRAINING PROGRAMME REFERRED TO IN ARTICLE 215 OF THIS TREATY

I—PROGRAMME OF THE JOINT CENTRE

1. LABORATORIES, EQUIPMENT AND INFRASTRUCTURE.

The Joint Centre shall include:

- (a) general laboratories for chemistry, physics, electronics and metallurgy;
- (b) special laboratories for the following subjects:
 - nuclear fusion;
 - separation of isotopes other than uranium-235 (this laboratory shall be equipped with a high-resolution electromagnetic separator);
 - prototypes of prospecting instruments;
 - mineralogy;
 - radiobiology;
- (c) a bureau of standards specialising in nuclear measurements for isotope analysis and absolute measurements of radiation and neutron absorption, equipped with its own experimental reactor.

2. DOCUMENTATION, INFORMATION AND TRAINING.

The Joint Centre shall arrange for a large-scale exchange of information, particularly in the following fields:

- raw materials: methods of prospecting, mining, concentration, conversion, processing, etc.;
- physics applied to nuclear energy;
- physical chemistry of reactors;
- processing of radioactive material;
- applications of radioisotopes.

The Joint Centre shall organise specialised courses relating particularly to the training of prospectors and to the applications of radioisotopes.

The health and safety documentation and study section referred to in Article 39 shall collect the necessary documentation and information.

3. REACTOR PROTOTYPES. A group of experts shall be set up as soon as this Treaty enters into force. After comparing the programmes of the Member States, it shall submit to the Commission, as soon as possible, appropriate recommendations on the choices before it in this field and the ways and means of implementing them.

It is planned to construct three or four low-power prototypes and to participate—e.g. by supplying fuel and moderators—in three power reactors.

4. HIGH-FLUX REACTOR. The Centre shall within the shortest possible time have at its disposal a reactor with a high fast-neutron flux for the testing of materials under irradiation.

Preparatory studies shall be undertaken for this purpose as soon as this Treaty enters into force.

The high-flux reactor shall be provided with extensive experimental areas and suitable laboratories for users.

II—RESEARCH CARRIED OUT UNDER CONTRACT OUTSIDE THE JOINT CENTRE

A considerable part of the research work shall be carried out under contract outside the Joint Centre in accordance with Article 10. Such research contracts may take the following forms:

1. Research complementary to that of the Joint Centre shall be carried out in the fields of nuclear fusion, separation of isotopes other than uranium-235, chemistry, physics, electronics, metallurgy and radiobiology.
2. Until the proposed materials-testing reactor comes into operation, the Centre may rent space for experiments in high-flux reactors of Member States.
3. The Centre may make use of the specialised installations of Joint Undertakings to be established in accordance with Chapter V, by assigning to them by contract certain research of a general scientific nature.

**BREAKDOWN BY MAIN HEADINGS OF THE EXPENDITURE REQUIRED
TO CARRY OUT THE RESEARCH AND TRAINING PROGRAMME**

(in millions of EPU units of account)

	Equipment	Operation ⁽¹⁾	Equipment and/or operation	Total
I. JOINT CENTRE				
1. Laboratories, equipment and infrastructure:				
(a) General laboratories for chemistry, physics, electronics and metallurgy	12	{ 1st year 1.3 2nd year 4.3 3rd year 6.5 4th year 7.4 5th year 8.5 <hr/> 28		
(b) Special laboratories:				
Nuclear fusion	3.5			
Isotope separation (except U ²³⁵)	2			
Prospecting and mineralogy ...	1			
(c) Central Bureau for Nuclear Measurements	3			
(d) Other equipment for the Centre and its establishments	8			
(e) Infrastructure	8.5			
	<hr/> 38			66
2. Documentation, information and training	1	{ 1st year 0.6 2nd year 1.6 3rd year 1.6 4th year 1.6 5th year 1.6 <hr/> 7		8
3. Reactor prototypes:				
Group of experts to choose prototypes		1st year 0.7		
Programme			59.3 ⁽²⁾	60
4. High-flux reactor:				
Reactor	15	{ 4th year 5.2 5th year 5.2 <hr/> 10.4		
Laboratory	6			
Replacement of equipment	3			
	<hr/> 24			34.4
II—RESEARCH CARRIED OUT UNDER CONTRACT OUTSIDE THE CENTRE				
1. Work complementary to that of the Centre:				
(a) Chemistry, physics, electronics, metallurgy			25	
(b) Nuclear fusion			7.5	
(c) Isotope separation (except U ²³⁵)			1	
(d) Radiobiology			3.1	
2. Renting of space in high-flux reactors of Member States			6	
3. Research carried out in Joint Undertakings			4	
			<hr/> 46.6	46.6
TOTAL				<hr/> 215

(1) Estimate based on a staff of about 1,000.

(2) Part of this sum may be allocated to work carried out under contract outside the Centre.

**PROTOCOL ON THE APPLICATION OF THE TREATY ESTABLISHING
THE EUROPEAN ATOMIC ENERGY 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 Atomic Energy Community, to define the scope of the provisions of Article 198 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 198, be entitled to ratify this Treaty either on behalf of the Kingdom of the Netherlands in its entirety or on behalf of the Kingdom in Europe and Netherlands New Guinea. In the event of ratification being limited to the Kingdom in Europe and Netherlands New Guinea, the Government of the Kingdom of the Netherlands may at any time, by notification to the Government of the Italian Republic as depositary of the instruments of ratification, declare this Treaty also applicable either to Surinam, or to the Netherlands Antilles, or to both Surinam and the Netherlands Antilles.

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

[For signatures and ratifications see page 255.]

PROTOCOL ON THE PRIVILEGES AND IMMUNITIES

THE HIGH CONTRACTING PARTIES TO THE TREATY ESTABLISHING THE EUROPEAN ATOMIC ENERGY COMMUNITY,

CONSIDERING that, in accordance with Article 191 of this Treaty, the Community shall enjoy in the territories of the Member States such privileges and immunities as are necessary for the performance of its tasks, under the conditions laid down in a separate Protocol,

HAVE DESIGNATED as their Plenipotentiaries to draw up this Protocol:

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 OPHÜLS, 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 on the following provisions, which shall be annexed to the Treaty establishing the European Atomic Energy Community:

CHAPTER 1—PROPERTY, FUNDS, ASSETS AND OPERATIONS OF THE COMMUNITY

ARTICLE 1

The premises and buildings of the Community shall be inviolable. They shall be exempt from search, requisition, confiscation or expropriation. The property and assets of the Community 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 Community shall be inviolable.

ARTICLE 3

The Community, its 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 Community makes, for its 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 Community.

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

ARTICLE 4

The Community shall be exempt from all customs duties, prohibitions and restrictions on imports and exports in respect of articles intended for its 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 Community shall also be exempt from any customs duties and any prohibitions and restrictions on imports and exports in respect of its publications.

CHAPTER 2—COMMUNICATIONS AND *LAISSEZ-PASSER*

ARTICLE 5

For their official communications and the transmission of all their documents, the institutions of the Community 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 Community shall not be subject to censorship.

ARTICLE 6

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 Community 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 and Conditions of Employment provided for in Article 186 of this Treaty.

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

CHAPTER 3—MEMBERS OF THE ASSEMBLY

ARTICLE 7

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 8

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 9

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 4—REPRESENTATIVES OF MEMBER STATES TAKING PART IN THE WORK OF THE INSTITUTIONS OF THE COMMUNITY

ARTICLE 10

Representatives of Member States taking part in the work of the institutions of the Community, 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 Community.

CHAPTER 5—OFFICIALS AND OTHER SERVANTS OF THE COMMUNITY

ARTICLE 11

In the territory of each Member State and whatever their nationality, the officials and other servants of the Community referred to in Article 186 of this Treaty shall:

- (a) subject to the provisions of Articles 152 and 188 of this Treaty, 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 from the country of their last residence or from the country of which they are nationals, 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 12

Officials and other servants of the Community shall be liable to a tax for the benefit of the Community on salaries, wages and emoluments paid to them by the Community, in accordance with the conditions and procedure laid down by the Council, acting on proposals submitted by the Commission within one year of the entry into force of this Treaty.

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

ARTICLE 13

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 Community, officials and other servants of the Community who, solely by reason of the performance of their duties in the service of the Community, 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 Community, 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 Community. 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 preceding 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 14

The Council shall, acting unanimously on a proposal which the Commission shall make within one year of the entry into force of this Treaty, lay down the scheme of social security benefits for officials and other servants of the Community.

ARTICLE 15

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 Community to whom the provisions of Article 11, the second paragraph of Article 12 and Article 13 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 6—PRIVILEGES AND IMMUNITIES OF MISSIONS
ACCREDITED TO THE COMMUNITY

ARTICLE 16

The Member State in whose territory the Community has its seat shall accord the customary diplomatic immunities to missions of third countries accredited to the Community.

CHAPTER 7—GENERAL PROVISIONS

ARTICLE 17

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

Each institution of the Community 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 Community.

ARTICLE 18

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

ARTICLE 19

Article 11 to 14 and Article 17 shall apply to members of the Commission.

ARTICLE 20

Articles 11 to 14 and Article 17 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 Protocol on the Statute of the Court of Justice concerning immunity from legal proceedings of Judges and Advocates-General.

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.

[For signatures and ratifications see page 255.]

PROTOCOL ON THE STATUTE OF THE COURT OF JUSTICE

THE HIGH CONTRACTING PARTIES TO THE TREATY ESTABLISHING THE EUROPEAN ATOMIC ENERGY COMMUNITY,

DESIRING to lay down the Statute of the Court provided for in Article 160 of his 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 OPHÜLS, 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 Atomic Energy Community:

ARTICLE 1

The Court established by Article 3 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 doubts 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

ARTICLE 17

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 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 practise 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 148 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

A case governed by Article 18 of this Treaty shall be brought before the Court by an appeal addressed to the Registrar. The appeal shall contain the name and permanent address of the appellant and the description of the signatory, a reference to the decision against which the appeal is brought, the names of the respondents, the subject matter of the dispute, the submissions and a brief statement of the grounds on which the appeal is based.

The appeal shall be accompanied by a certified copy of the decision of the Arbitration Committee which is contested.

If the Court rejects the appeal, the decision of the Arbitration Committee shall become final.

If the Court annuls the decision of the Arbitration Committee, the matter may be re-opened, where appropriate, on the initiative of one of the parties in the case, before the Arbitration Committee. The latter shall conform to any decisions on points of law given by the Court.

ARTICLE 21

In the cases governed by Article 150 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 22

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 23

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 24

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

ARTICLE 25

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 26

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 27

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 28

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 29

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 30

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 31

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

ARTICLE 32

The cause list shall be established by the President.

ARTICLE 33

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

ARTICLE 34

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 35

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

ARTICLE 36

The Court shall adjudicate upon costs.

ARTICLE 37

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 157 of this Treaty, or to prescribe interim measures in pursuance of Article 158, or to suspend enforcement in accordance with the last paragraph of Article 164.

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 38

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 39

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 40

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 41

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 42

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 43

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 44

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 146; the provisions of the second paragraph of Article 148 shall apply where appropriate.

ARTICLE 45

The rules of procedure of the Court provided for in Article 160 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 46

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 137 of this Treaty.

ARTICLE 47

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 139 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.

[For signatures and ratifications see page 255.]

SIGNATURES AND RATIFICATIONS OF THE TREATY ESTABLISHING THE EUROPEAN ATOMIC ENERGY COMMUNITY.

<i>Signature</i>	<i>Date of deposit of ratification</i>
Belgium	13 December 1957
France	25 November 1957
Germany, Federal Republic of	9 December 1957
Italy	23 November 1957
Luxembourg	13 December 1957
Netherlands	13 December 1957

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 repealed 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 32h."

"ARTICLE 32a

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 32b."

"ARTICLE 32b

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 32c

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.

2. 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

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 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.

* The Convention entered into force on 1 January 1958.

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.

SIGNATURES AND RATIFICATIONS OF THE CONVENTION.

<i>Signature</i>	<i>Date of deposit of ratification</i>
Belgium	13 December 1957
France	25 November 1957
Germany, Federal Republic of	9 December 1957
Italy	23 November 1957
Luxembourg	13 December 1957
Netherlands	13 December 1957

THE INTERGOVERNMENTAL CONFERENCE ON THE COMMON MARKET AND EURATOM

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 Member States 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.

[For signatures see page 269.]

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.

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.

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.

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.

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.

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.

**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".

**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.

**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.

SIGNATURES TO THE FINAL ACT OF THE INTERGOVERNMENTAL CONFERENCE ON THE COMMON MARKET AND EURATOM, ROME, 25 MARCH 1957.

**Belgium
France
Germany, Federal Republic of
Italy
Luxembourg
Netherlands**

CONVENTION TO AMEND THE TREATY SETTING UP THE EUROPEAN ECONOMIC COMMUNITY WITH THE OBJECT OF MAKING THE SPECIAL SYSTEM OF ASSOCIATION DEFINED IN PART FOUR OF THAT TREATY APPLICABLE TO THE NETHERLANDS ANTILLES

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,

TAKING into consideration the Treaty setting up the European Economic Community signed in Rome on 25 March 1957, and also the Declaration of Intention in regard to the Association of the Netherlands Antilles to the Community made on the same day by their Governments and appended to the Final Act of the inter-Governmental Conference for the Common Market and EURATOM,

BEING DESIROUS of bringing the Economic Association of the Netherlands Antilles with the European Economic Community, requested by the Kingdom of the Netherlands, within the application of the special system defined in Part IV of the Treaty together with special provisions regarding imports into the Community of petroleum products refined in the Netherlands Antilles,

HAVING REGARD to the favourable Opinion of the Council dated 22 October 1962 arrived at after consulting the Assembly and the Commission,

HAVE DECIDED to that end to amend the Treaty setting up the European Economic Community in accordance with the provisions of Article 236 thereof, and have to that end appointed as their plenipotentiaries:

HIS MAJESTY THE KING OF THE BELGIANS:

Mr. Henri FAYAT, Minister attached to Foreign Affairs;

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY:

Mr. Rolf LAHR, Secretary of State in the Ministry of Foreign Affairs;

THE PRESIDENT OF THE FRENCH REPUBLIC:

Mr. Jean-Marc BOEGNER, Ambassador, President of the French Delegation at the Conference;

THE PRESIDENT OF THE ITALIAN REPUBLIC:

Mr. Carlo RUSSO, Under-Secretary of State in the Ministry of Foreign Affairs;

HER ROYAL HIGHNESS THE GRAND DUCHESS OF LUXEMBOURG:

Mr. Eugène SCHAUS, Vice-President of the Government and Minister for Foreign Affairs;

HER MAJESTY THE QUEEN OF THE NETHERLANDS:

Mr. H. R. VAN HOUTEN, Secretary of State in the Ministry for Foreign Affairs;

Mr. W. F. M. LAMPE, Plenipotentiary Minister for the Netherlands Antilles.

WHO, having been convened by the President of the Council of the Community, and having exchanged their Full Powers, found in good and due form, HAVE AGREED as follows:

ARTICLE 1

The Netherlands Antilles shall be entered on the list in Annex IV of the Treaty setting up the European Economic Community. The "Protocol concerning goods originating in and coming from certain countries and enjoying special treatment upon importation into one of the Member States" therefore ceases to be applicable to that country.

As regards relations between that country, of the one part, and the Member States and overseas Territories, of the other part, the system which results from the application of the Treaty on the date of entry into force of this Convention and which will afterwards result from it in respect of other overseas countries and territories shall be applicable to the Netherlands Antilles.

ARTICLE 2

There shall be added to the Protocols appended to the Treaty setting up the European Economic Community, to form an integral part thereof, the following Protocol: "Protocol concerning imports into the European Economic Community of petroleum products refined in the Netherlands Antilles", the text of which is appended hereto.

ARTICLE 3

This Convention shall be ratified by the High Contracting Parties in accordance with their respective constitutional rules. The instruments of ratification shall be lodged with the Government of the Italian Republic.

This Convention shall come into force* on the first day of the month following the lodging of the instrument of ratification of the last signatory State to carry out this formality. If, however, such lodging takes place less than fifteen days before the beginning of the following month, entry into force of the Convention is postponed until the first day of the second month following the date of the lodging of the instrument of ratification.

ARTICLE 4

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.

* The Convention came into force on 1 October, 1964.

· IN WITNESS WHEREOF the undersigned plenipotentiaries have placed their signatures below this Convention.

DONE at Brussels, the thirteenth day of November, one thousand nine hundred and sixty-two.

[For signatures and ratifications see page 276.]

**PROTOCOL CONCERNING IMPORTS INTO THE EUROPEAN
ECONOMIC COMMUNITY OF PETROLEUM PRODUCTS
REFINED IN THE NETHERLANDS ANTILLES**

THE HIGH CONTRACTING PARTIES,

BEING DESIROUS of giving fuller details about the system of trade applicable to imports into the European Economic Community of petroleum products refined in the Netherlands Antilles,

HAVE AGREED on the following provisions to be appended to that Treaty:

ARTICLE 1

This Protocol is applicable to petroleum products coming under the Brussels Nomenclature numbers 27.10, 27.11, 27.12, ex 27.13 (paraffin wax, petroleum or shale wax and paraffin residues) and 27.14 imported for use in Member States.

ARTICLE 2

Member States shall undertake to grant to petroleum products refined in the Netherlands Antilles the tariff preferences resulting from the Association of the latter with the Community, under the conditions provided for in this Protocol. These provisions shall hold good whatever may be the rules of origin applied by the Member States.

ARTICLE 3

1. When the Commission, at the request of a Member State or on its own initiative, establishes that imports into the Community of petroleum products refined in the Netherlands Antilles under the system provided for in Article 2 above are giving rise to real difficulties on the market of one or more Member States, it shall decide that Customs duties on the said imports shall be introduced, increased or re-introduced by the Member States in question, to such an extent and for such a period as may be necessary to meet that situation. The rates of the Customs duties thus introduced, increased or re-introduced may not exceed the Customs duties applicable to third countries for these same products.

2. The provisions of paragraph 1 can in any case be applied when imports into the Community of petroleum products refined in the Netherlands Antilles reach two million metric tons a year.

3. The Council shall be informed of decisions taken by the Commission in pursuance of paragraphs 1 and 2, including those directed at rejecting the request of a Member State. The Council shall, at the request of any Member State, assume responsibility for the matter and may at any time amend or revoke them by a decision taken by a qualified majority.

ARTICLE 4

1. If a Member State considers that imports of petroleum products refined in the Netherlands Antilles, made either directly or through another Member State under the system provided for in Article 2 above, are giving rise to real difficulties on its market and that immediate action is necessary to meet them, it may on its own initiative decide to apply Customs duties to such imports, the rate of which may not exceed those of the Customs duties applicable to third countries in respect of the same products. It shall notify its decision to the Commission which shall decide within one month whether the measures taken by the State should be maintained or must be amended or cancelled. The provisions of Article 3(3) shall be applicable to such decision of the Commission.

2. When the quantities of petroleum products refined in the Netherlands Antilles imported either directly or through another Member State, under the system provided for in Article 2 above, into a Member State or States of the EEC exceed during a calendar year the tonnage shown in the Annex to this Protocol, the measures taken in pursuance of paragraph 1 by that or those Member States for the current year shall be considered to be justified; the Commission shall, after assuring itself that the tonnage fixed has been reached, formally record the measures taken. In such a case the other Member States shall abstain from formally placing the matter before the Council.

ARTICLE 5

If the Community decides to apply quantitative restrictions to petroleum products, no matter whence they are imported, these restrictions may also be applied to imports of such products from the Netherlands Antilles. In such a case preferential treatment shall be granted to the Netherlands Antilles as compared with third countries.

ARTICLE 6

1. The provisions of Articles 2 to 5 shall be reviewed by the Council, by unanimous decision, after consulting the Assembly and the Commission, when a common definition of origin for petroleum products from third countries and Associated countries is adopted, or when decisions are taken within the framework of a common commercial policy for the products in question or when a common energy policy is established.

2. When such revision is made, however, equivalent preferences must in any case be maintained in favour of the Netherlands Antilles in a suitable form and for a minimum quantity of 2½ million metric tons of petroleum products.

3. The Community's commitments in regard to equivalent preferences as mentioned in paragraph 2 of this Article may, if necessary, be broken down country by country taking into account the tonnage indicated in the Annex to this Protocol.

ARTICLE 7

For the implementation of this Protocol, the Commission is responsible for following the pattern of imports into the Member States of petroleum products refined in the Netherlands Antilles. Member States shall communicate

to the Commission, which shall see that it is circulated, all useful information to that end in accordance with the administrative conditions recommended by it.

IN WITNESS WHEREOF the undersigned plenipotentiaries have placed their signatures below this Protocol.

DONE at Brussels, the thirteenth day of November, one thousand nine hundred and sixty-two.

[For signatures see page 276.]

ANNEX TO THE PROTOCOL

For the implementation of Article 4(2) of the Protocol concerning imports into the European Economic Community of petroleum products refined in the Netherlands Antilles, the High Contracting parties have decided that the quantity of 2 million metric tons of petroleum products from the Antilles shall be allocated among the Member States as follows:

Germany	..	..	..	..	..	625,000 metric tons
Belgo/Luxembourg Economic Union	..				..	200,000 metric tons
France	..	..	..	..	..	75,000 metric tons
Italy	..	..	..	..	..	100,000 metric tons
Netherlands	..	..	..	..	..	1,000,000 metric tons

SIGNATURES AND RATIFICATIONS

Convention to amend the Treaty setting up the EEC with the object of making the Special System of Association defined in Part Four of that Treaty applicable to the Netherlands Antilles; and Protocol concerning Imports into the EEC of Petroleum Products refined in the Netherlands Antilles

Signature

Belgium

France

Germany, Federal Republic of

Italy

Luxembourg

Netherlands

FINAL ACT

THE PLENIPOTENTIARIES OF HIS MAJESTY THE KING OF THE BELGIANS, OF THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY, OF THE PRESIDENT OF THE FRENCH REPUBLIC, OF THE PRESIDENT OF THE ITALIAN REPUBLIC, OF HER ROYAL HIGHNESS THE GRAND DUCHESS OF LUXEMBOURG, OF HER MAJESTY THE QUEEN OF THE NETHERLANDS, assembled at Brussels on the 13 November 1962, at a Conference of the Representatives of the Governments of the Member States for the purpose of amending the Treaty setting up the European Economic Community in accordance with the terms of Article 236 thereof,

HAVE TAKEN FORMAL NOTE of the following documents:

- Draft submitted to the Council on 4th June 1962 by the Government of the Kingdom of the Netherlands for amendment of the Treaty with a view to making the special system of Association defined in Part Four of the Treaty applicable to the Netherlands Antilles,
- Opinion adopted by the Assembly on 19th October 1962,
- Opinion dated 10th September 1962 of the Commission of the European Economic Community,
- Opinion dated 22nd October 1962 of the Council of the European Economic Community in favour of a meeting of a Conference of Representatives of the Governments of the Member States in respect of the Association of the Netherlands Antilles to the European Economic Community;

HAVE ADOPTED the following documents:

- Convention to amend the Treaty setting up the European Economic Community with the object of making the special system of Association defined in Part Four of that Treaty applicable to the Netherlands Antilles,
- Protocol concerning imports into the European Economic Community of petroleum products refined in the Netherlands Antilles, and Annex to this Protocol.

AT THE TIME of signing these documents, the Conference has adopted the following Declarations:

- Declaration concerning the trade system between the Netherlands Antilles and the Associated Overseas States:*

The Representatives of the Governments of the Member States are in agreement, in view of the Opinion submitted to the Council by the Commission, that the system of commercial relations between the Netherlands Antilles and the Associated Overseas States shall be determined in agreement with those States.

—*Declaration regarding the definitive system for imports into the Community of petroleum products refined in the Netherlands Antilles,*

The Representatives of the Governments of the Member States agree that when the definitive system, provided for in Article 6 of the Protocol concerning imports into the European Economic Community of petroleum products refined in the Netherlands Antilles, is determined, account shall be taken of the necessity of seeing that equivalent treatment is given to the Netherlands Antilles and to other Associated Overseas Countries and Territories in pursuance of Part Four of the Treaty setting up the Community.

IN WITNESS WHEREOF the undersigned plenipotentiaries have placed their signatures below this Final Act.

DONE at Brussels, the thirteenth day of November, one thousand nine hundred and sixty-two.

SIGNATURES

Belgium
France
Germany, Federal Republic of
Italy
Luxembourg
Netherlands

**TREATY ESTABLISHING A SINGLE COUNCIL AND A
SINGLE COMMISSION OF 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, 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,

MINDEFUL 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,

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

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY,

Mr. Kurt SCHMÜCKER, Minister for Economic Affairs;

THE PRESIDENT OF THE FRENCH REPUBLIC,

Mr. Maurice COUVE DE MURVILLE, Minister for Foreign Affairs;

THE PRESIDENT OF THE ITALIAN REPUBLIC,

Mr. Amintore FANFANI, Minister for Foreign Affairs;

HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG,

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

HER MAJESTY THE QUEEN OF THE NETHERLANDS,

Mr. 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

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, Germany, France, Italy, Luxembourg, Netherlands.

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 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

1. The Commission shall consist of nine 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

The President and the three 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

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 the Supply Agency and the Joint Undertakings and of that which must be shown in the research and investment budget of the European Atomic Energy Community, 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 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 the High Authority a discharge in respect of the implementation of the 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

An Audit Board of the European Communities is hereby established. This Board shall take the place of the Audit Boards of the European Coal and Steel Community, the European Economic Community and the European Atomic Energy Community. It shall exercise, under the conditions laid down in the Treaties establishing the three Communities, the powers and jurisdiction conferred on those bodies by these Treaties.

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.

[For signatures and ratifications see page 299]

(*) For Treaty entered into force on 1 July 1967.

**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. These provisions 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 preceding 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.

[For signatures and ratifications see page 299]

SIGNATURES AND RATIFICATIONS

Treaty establishing a Single Council and a Single Commission of the European Communities and Protocol on the Privileges and Immunities of the European Communities

<i>Signature</i>	<i>Date of deposit of ratification</i>
Belgium	} 30 June 1967
France	
Germany, Federal Republic of	
Italy	
Luxembourg	
Netherlands	

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.

[For signatures see page 302]

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.

[For signatures see page 302]

SIGNATURES TO THE FINAL ACT OF 8 APRIL 1965

Signature

Belgium

France

Germany, Federal Republic of

Italy

Luxembourg

Netherlands

**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 functioning 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.

SIGNATURES

Belgium
France
Germany, Federal Republic of
Italy
Luxembourg
Netherlands

^(*) The Decision entered into force on 1 July 1967.

TREATY AMENDING CERTAIN BUDGETARY PROVISIONS OF THE TREATIES ESTABLISHING THE EUROPEAN COMMUNITIES AND OF THE TREATY ESTABLISHING A SINGLE COUNCIL AND A SINGLE COMMISSION OF 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, 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;

CONSIDERING that the Communities will have at their disposal their own resources in order to cover their total expenditure;

CONSIDERING that the replacement of financial contributions of Member States by the Communities' own resources requires a strengthening of the budgetary powers of the Assembly;

RESOLVED to associate the Assembly closely in the supervision of the implementation of the budget of the Communities;

HAVE DECIDED to amend certain budgetary provisions of the Treaties establishing the European Communities and of the Treaty establishing 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:

Mr. Pierre HARMEL, Minister for Foreign Affairs;

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY:

Mr. Walter SCHEEL, Minister for Foreign Affairs;

THE PRESIDENT OF THE FRENCH REPUBLIC:

Mr. Maurice SCHUMANN, Minister for Foreign Affairs;

THE PRESIDENT OF THE ITALIAN REPUBLIC:

Mr. Aldo MORO, Minister for Foreign Affairs;

HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG:

Mr. Gaston THORN, Minister for Foreign Affairs and for External Trade;

HER MAJESTY THE QUEEN OF THE NETHERLANDS:

Mr. H. J. DE KOSTER, Under-Secretary of State for Foreign Affairs;

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

**CHAPTER I—PROVISIONS AMENDING THE TREATY
ESTABLISHING THE EUROPEAN COAL AND STEEL COMMUNITY**

ARTICLE 1

The following provisions shall be substituted for Article 78 of the Treaty establishing the European Coal and Steel Community:

“ARTICLE 78

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

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.

2. Each institution of the Community shall, before 1 July, 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 preliminary draft budget shall contain an estimate of revenue and an estimate of expenditure.

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

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

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

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

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

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

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

5. After discussing the draft administrative budget with the High Authority and, where appropriate, with the other institutions concerned, the Council may, acting by a qualified majority, modify any of the amendments adopted by the Assembly and shall pronounce, also by a qualified majority, on the modifications proposed by the latter. The draft administrative budget shall be modified on the basis of the proposed modifications accepted by the Council.

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

If within this period the Council has modified one or more of the amendments adopted by the Assembly or has not accepted the modifications proposed by the latter, the draft administrative budget shall again be forwarded to the Assembly. The Council shall inform the Assembly of the results of its deliberations.

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

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

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

The High Authority shall, after consulting the Conjunctural Policy Committee and the Budgetary Policy Committee, declare what this maximum rate is as it results from:

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

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

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

Where, in exceptional cases, the Assembly, the Council or the High Authority considers that the activities of the Communities require that the rate determined according to the procedure laid down in this paragraph should be exceeded, another rate may be fixed by agreement between the Council, acting by a qualified majority, and the Assembly, acting by a majority of its members and three fifths of the votes cast.

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

10. 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 2

The following provisions shall be added to the Treaty establishing the European Coal and Steel Community:

"ARTICLE 78A

By way of derogation from the provisions of Article 78, the following provisions shall apply to budgets for financial years preceding the financial year 1975:

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

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.

2. Each institution of the Community shall, before 1 July, 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 preliminary draft budget shall contain an estimate of revenue and an estimate of expenditure.

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

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

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

4. The draft administrative budget shall be placed before the Assembly not later than 5 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.

If, within forty-five days of the draft administrative budget being placed before it, the Assembly has given its approval or has not proposed any modifications to the draft budget, the administrative budget shall be deemed to be finally adopted.

If within this period the Assembly has proposed modifications, the draft administrative budget together with the proposed modifications shall be forwarded to the Council.

5. The Council shall, after discussing the draft administrative budget with the High Authority and, where appropriate, with the other institutions concerned, adopt the administrative budget, within thirty days of the draft budget being placed before it, under the following conditions.

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

Where a modification proposed by the Assembly has the effect of increasing the total amount of the expenditure of an institution, the Council must act by a qualified majority in accepting the proposed modification.

Where, in pursuance of the second or third subparagraph of this paragraph, the Council has rejected or has not accepted a proposed modification, it may, acting by a qualified majority, either retain the amount shown in the draft administrative budget or fix another amount.

6. When the procedure provided for in this Article has been completed, the President of the Council shall declare that the administrative budget has been finally adopted.

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

8. 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 3

The following provisions shall be substituted for the last paragraph of Article 78d of the Treaty establishing the European Coal and Steel Community:

"The Council and the Assembly shall give a discharge to the High Authority in respect of the implementation of the administrative budget. To this end, the report of the Audit Board shall be examined in turn by the Council, which shall act by a qualified majority, and by the Assembly. The High Authority shall stand discharged only after the Council and the Assembly have acted."

CHAPTER II—PROVISIONS AMENDING THE TREATY ESTABLISHING THE EUROPEAN ECONOMIC COMMUNITY

ARTICLE 4

The following provisions shall be substituted for Article 203 of the Treaty establishing the European Economic Community:

"ARTICLE 203

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

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

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

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

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

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

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

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

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

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

5. After discussing the draft budget with the Commission and, where appropriate, with the other institutions concerned, the Council may, acting by a qualified majority, modify any of the amendments adopted by the Assembly and shall pronounce, also by a qualified majority, on the modifications proposed by the latter. The draft budget shall be modified on the basis of the proposed modifications accepted by the Council.

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

If within this period the Council has modified one or more of the amendments adopted by the Assembly or has not accepted the modifications proposed by the latter, the draft budget shall again be forwarded to the Assembly. The Council shall inform the Assembly of the results of its deliberations.

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

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

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

The Commission shall, after consulting the Conjunctural Policy Committee and the Budgetary Policy Committee, declare what this maximum rate is as it results from:

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

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

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

Where, in exceptional cases, the Assembly, the Council or the Commission considers that the activities of the Communities require that the rate determined according to the procedure laid down in this paragraph should be exceeded, another rate may be fixed by agreement between the Council, acting by a qualified majority, and the Assembly, acting by a majority of its members and three fifths of the votes cast.

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

ARTICLE 5

The following provisions shall be added to the Treaty establishing the European Economic Community.

ARTICLE 203A

By way of derogation from the provisions of Article 203, the following provisions shall apply to budgets for financial years preceding the financial year 1975:

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

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

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

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

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

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

4. The draft budget shall be placed before the Assembly not later than 5 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 budget.

If, within forty-five days of the draft budget being placed before it, the Assembly has given its approval or has not proposed any modifications to the draft budget, the budget shall be deemed to be finally adopted.

If within this period the Assembly has proposed modifications, the draft budget together with the proposed modifications shall be forwarded to the Council.

5. The Council shall, after discussing the draft budget with the Commission and, where appropriate, with the other institutions concerned, adopt the budget, within thirty days of the draft budget being placed before it, under the following conditions.

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

Where a modification proposed by the Assembly has the effect of increasing the total amount of the expenditure of an institution, the Council must act by a qualified majority in accepting the proposed modification.

Where, in pursuance of the second or third subparagraph of this paragraph, the Council has rejected or has not accepted a proposed modification, it may, acting by a qualified majority, either retain the amount shown in the draft budget or fix another amount.

6. When the procedure provided for in this Article has been completed, the President of the Council shall declare that the budget has been finally adopted.

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

ARTICLE 6

The following provisions shall be substituted for the last paragraph of Article 206 of the Treaty establishing the European Economic Community:

"The Council and the Assembly shall give a discharge to the Commission in respect of the implementation of the budget. To this end, the report of the Audit Board shall be examined in turn by the Council, which shall act by a qualified majority and by the Assembly. The Commission shall stand discharged only after the Council and the Assembly have acted."

CHAPTER III—PROVISIONS AMENDING THE TREATY ESTABLISHING THE EUROPEAN ATOMIC ENERGY COMMUNITY

ARTICLE 7

The following provisions shall be substituted for Article 177 of the Treaty establishing the European Atomic Energy Community:

"ARTICLE 177

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

Within the meaning of this Article, "budget" shall include the operating budget and the research and investment budget.

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

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

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

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

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

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

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

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

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

5. After discussing the draft budget with the Commission and, where appropriate, with the other institutions concerned, the Council may, acting by a qualified majority, modify any of the amendments adopted by the Assembly and shall pronounce, also by a qualified majority, on the modifications proposed by the latter. The draft budget shall be modified on the basis of the proposed modifications accepted by the Council.

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

If within this period the Council has modified one or more of the amendments adopted by the Assembly or has not accepted the modifications proposed by the latter, the draft budget shall again be forwarded to the Assembly. The Council shall inform the Assembly of the results of its deliberations.

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

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

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

The Commission shall, after consulting the Conjunctural Policy Committee and the Budgetary Policy Committee, declare what this maximum rate is as it results from:

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

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

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

Where, in exceptional cases, the Assembly, the Council or the Commission considers that the activities of the Communities require that the rate determined according to the procedure laid down in this paragraph should be exceeded, another rate may be fixed by agreement between the Council, acting by a qualified majority, and the Assembly, acting by a majority of its members and three fifths of the votes cast.

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

ARTICLE 8

The following provisions shall be added to the Treaty establishing the European Atomic Energy Community.

"ARTICLE 177A

By way of derogation from the provisions of Article 177, the following provisions shall apply to budgets for financial years preceding the financial year 1975:

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

Within the meaning of this Article, "budget" shall include the operating budget and the research and investment budget.

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

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

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

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

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

4. The draft budget shall be placed before the Assembly not later than 5 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 budget.

If, within forty-five days of the draft budget being placed before it, the Assembly has given its approval or has not proposed any modifications to the draft budget, the budget shall be deemed to be finally adopted.

If within this period the Assembly has proposed modifications, the draft budget together with the proposed modifications shall be forwarded to the Council.

5. The Council shall, after discussing the draft budget with the Commission and, where appropriate, with the other institutions concerned, adopt the budget, within thirty days of the draft budget being placed before it, under the following conditions.

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

Where a modification proposed by the Assembly has the effect of increasing the total amount of the expenditure of an institution, the Council must act by a qualified majority in accepting the proposed modification.

Where, in pursuance of the second or third subparagraph of this paragraph, the Council has rejected or has not accepted a proposed modification, it may, acting by a qualified majority, either retain the amount shown in the draft budget or fix another amount.

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

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

ARTICLE 9

The following provisions shall be substituted for the last paragraph of Article 180 of the Treaty establishing the European Atomic Energy Community:

"The Council and the Assembly shall give a discharge to the Commission in respect of the implementation of each budget. To this end, the report of the Audit Board shall be examined in turn by the Council, which shall act by a qualified majority, and by the Assembly. The Commission shall stand discharged only after the Council and the Assembly have acted."

CHAPTER IV—PROVISIONS AMENDING THE TREATY ESTABLISHING A SINGLE COUNCIL AND A SINGLE COMMISSION OF THE EUROPEAN COMMUNITIES

ARTICLE 10

The following provisions shall be substituted for Article 20(1) of the Treaty establishing a Single Council and a Single Commission of the European Communities:

“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 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.”

CHAPTER V—FINAL PROVISIONS

ARTICLE 11

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.

ARTICLE 12

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.

If, however, the notification provided for in Article 7 of the Decision of 21 April 1970 on the replacement of financial contributions from Member States by the Communities' own resources has not been given before that date by all the signatory States, this Treaty shall enter into force on the first day of the month after the last notification has been given.

If this Treaty enters into force during the budgetary procedure, the Council shall, after consulting the Commission, lay down the measures required in order to facilitate the application of this Treaty to the remainder of the budgetary procedure.

ARTICLE 13

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.

(*) The Treaty entered into force on 1 January 1971.

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

DONE at Luxembourg this twenty-second day of April in the year one thousand nine hundred and seventy.

SIGNATURES AND RATIFICATIONS

<i>Signature</i>	<i>Date of deposit of ratification</i>
Belgium	28 December 1970
France	5 September 1970
Germany, Federal Republic of	22 December 1970
Italy	28 December 1970
Luxembourg	29 December 1970
Netherlands	29 December 1970

APPENDIX
RELATED DOCUMENTS NOT ANNEXED TO THE
TREATY OF ACCESSION

European Economic Community

Regulation No. 7a (18 December 1959) adding certain products to the list in Annex II to the Treaty establishing the European Economic Community.

European Atomic Energy Community

Regulation No. 5 of the Council (22 December 1958) amending List B of Annex IV to the Treaty establishing the European Atomic Energy Community.

Council Decision (19 July 1960) amending Section II(2) of Annex V to the Treaty establishing the European Atomic Energy Community.

Council Decision (3 July 1961) amending Annex V to the Treaty establishing the European Atomic Energy Community.

European Communities

Council Decision (21 April 1970) on the replacement of financial contributions from Member States by the Communities' own resources.

THE EUROPEAN ECONOMIC COMMUNITY

REGULATION No. 7a

of 18 December 1959

adding certain products to the list in Annex II to the Treaty establishing the European Economic Community

THE COUNCIL OF THE EUROPEAN ECONOMIC COMMUNITY,

HAVING REGARD to the provisions of the Treaty establishing the European Economic Community, and in particular Article 38(3) thereof;

HAVING REGARD to the proposal from the Commission;

WHEREAS the addition of certain products to Annex II to the Treaty, on which the Council must take a decision within the period and under the conditions laid down in Article 38, will make applicable to those products the special and exceptional arrangements provided for in Articles 38 to 46 of the Treaty; whereas only agricultural products for which these arrangements are considered necessary should therefore be added to the Annex;

WHEREAS the colouring or flavouring of sugars, syrups and molasses does not change these products sufficiently for there to be no risk of serious disturbances or fraud, which would be difficult to detect, if the products were made subject to arrangements differing from those governing non-coloured and non-flavoured sugars, syrups and molasses;

WHEREAS the processing of certain agricultural products into ethyl alcohol has distinct economic implications for these products, whose value it serves to increase substantially; whereas the arrangements governing ethyl alcohol of agricultural origin cannot be separated from those governing basic products and must be taken into account when a common agricultural policy is established;

WHEREAS the vinegar market cannot be dissociated from the ethyl alcohol market or from the wine market;

HAS ADOPTED THIS REGULATION:

ARTICLE 1

The following products shall be added to the list in Annex II to the Treaty:

1 No. in the Brussels Nomenclature	2 Description of products
17.05	Flavoured or coloured sugars, syrups and molasses, but not including fruit juices containing added sugar in any proportion

ex 22.08
ex 22.09

Ethyl alcohol or neutral spirits, whether or not denatured, of any strength, obtained from agricultural products listed in Annex II to the Treaty, excluding liqueurs and other spirituous beverages and compound alcoholic preparations (known as "concentrated extracts") for the manufacture of beverages

22.10

Vinegar and substitutes for vinegar

ARTICLE 2

This Regulation shall enter into force on 31 December 1959.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

DONE at Brussels, 18 December 1959.

For the Council

The President

PELLA

THE EUROPEAN ATOMIC ENERGY COMMUNITY

REGULATION No. 5 OF THE COUNCIL

amending List B of Annex IV to the Treaty

THE COUNCIL OF THE EUROPEAN ATOMIC ENERGY COMMUNITY,

HAVING REGARD to the provisions of the Treaty, and in particular Article 1 and the second paragraph of Article 92 thereof;

HAVING REGARD to the proposal from the Commission;

WHEREAS nuclear reactors appear in List A³ of Annex IV to the Treaty while components and parts for nuclear reactors appear in List B;

WHEREAS the application of different customs treatment to nuclear reactors on the one hand and to components and parts for nuclear reactors on the other seriously hinders attainment of the objectives of the Community;

WHEREAS this difference in treatment is liable to encourage the importation of complete nuclear reactors into the Community and to discourage the construction of components and parts for nuclear reactors by Community industry;

WHEREAS, therefore, the anomalous situation resulting from components and parts for nuclear reactors being on a different list from the reactors themselves should be remedied by including components and parts for nuclear reactors in the same list as complete reactors;

WHEREAS this can be achieved by deleting the words "Components and parts for nuclear reactors" from List B of Annex IV to the Treaty;

HAS ADOPTED THIS REGULATION:

ARTICLE 1

The words "Components and parts for nuclear reactors" in list B of Annex IV to the Treaty are hereby deleted.

ARTICLE 2

This Regulation shall enter into force on the twentieth day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

DONE at Brussels, 22 December 1958.

For the Council

The President

S. BALKE

**THE EUROPEAN ATOMIC ENERGY COMMUNITY
COUNCIL DECISION**

amending Section II(2) of Annex V to the Treaty

THE COUNCIL OF THE EUROPEAN ATOMIC ENERGY COMMUNITY,

HAVING REGARD to the Treaty establishing the European Atomic Energy Community, and in particular the second subparagraph of Article 215(2) thereof;

HAVING REGARD to the proposal from the Commission;

WHEREAS optimum use should be made of existing test reactors in the Community before the construction of a new Euratom installation is considered;

HAS DECIDED AS FOLLOWS:

ARTICLE 1

The initial research and training programme set out in Annex V to the Treaty shall be amended as follows:

Section II(2) shall read:

“The Centre may arrange to have use of space for experiments in high-flux reactors of Member States.”

ARTICLE 2

This Decision will be published in the *Official Journal of the European Communities* and will enter into force on 19 July 1960.

DONE at Brussels, 19 July 1960.

For the Council

The President

J. M. A. H. LUNS

**THE EUROPEAN ATOMIC ENERGY COMMUNITY
COUNCIL DECISION**

amending Annex V to the Treaty

THE COUNCIL OF THE EUROPEAN ATOMIC ENERGY COMMUNITY,

HAVING REGARD to the Treaty establishing the European Atomic Energy Community, and in particular Articles 1, 2 and 215 thereof and Section I(3) of Annex V thereto;

HAVING REGARD to the proposal from the Commission;

WHEREAS practical and effective action that will turn to account the entire body of experience of the Community cannot be restricted to participation in three power reactors;

HAS DECIDED AS FOLLOWS:

ARTICLE 1

The initial research and training programme set out in Annex V to the Treaty shall be amended as follows:

In the second subparagraph of Section I(3), the words "in three power reactors" shall be replaced by the words "in several power reactors".

ARTICLE 2

This Decision will be published in the *Official Journal of the European Communities* and will enter into force on 3 July 1961.

DONE at Brussels, 3 July 1961.

For the Council

The President

S. BALKE

THE EUROPEAN ECONOMIC COMMUNITY

COUNCIL DECISION

of 21 April 1970

on the replacement of financial contributions from Member States by the Communities' own resources

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAVING REGARD to the Treaty establishing the European Economic Community, and in particular Article 201 thereof;

HAVING REGARD to the Treaty establishing the European Atomic Energy Community, and in particular Article 173 thereof;

HAVING REGARD to the proposal from the Commission;

HAVING REGARD to the Opinion of the European Parliament;

HAVING REGARD to the Opinion of the Economic and Social Committee;

WHEREAS complete replacement of the financial contributions from Member States by the Communities' own resources can only be achieved progressively;

WHEREAS Article 2(1) of Regulation No. 25 on financing the common agricultural policy stipulates that at the single market stage revenue from agricultural levies shall be allocated to the Community and appropriated to Community expenditure;

WHEREAS Article 201 of the Treaty establishing the European Economic Community refers explicitly, among the Community's own resources which could replace financial contributions from Member States, to revenue accruing from the Common Customs Tariff when the latter has been finally introduced;

WHEREAS the effects on the budgets of the Member States of the transfer to the Communities of revenue accruing from the Common Customs Tariff should be mitigated; whereas a system should be provided which will make it possible to achieve total transfer progressively and within a definite period of time;

WHEREAS revenue accruing from agricultural levies and customs duties is not sufficient to ensure that the budget of the Communities is in balance; whereas, therefore, it is advisable to allocate to the Communities, in addition, tax revenue, the most appropriate being that accruing from the application of a single rate to the basis for assessing the value added tax, determined in a uniform manner for the Member States;

HAS LAID DOWN THESE PROVISIONS, WHICH IT RECOMMENDS TO THE MEMBER STATES FOR ADOPTION:

ARTICLE 1

The Communities shall be allocated resources of their own in accordance with the following Articles in order to ensure that their budget is in balance.

ARTICLE 2

From 1 January 1971 revenue from:

- (a) levies, premiums, additional or compensatory amounts, additional amounts or factors and other duties established or to be established by the institutions of the Communities in respect of trade with non-member countries within the framework of the common agricultural policy, and also contributions and other duties provided for within the framework of the organisation of the markets in sugar (hereinafter called "agricultural levies");
- (b) Common Customs Tariff duties and other duties established or to be established by the institutions of the Communities in respect of trade with non-member countries (hereinafter called "customs duties");

shall, in accordance with Article 3, constitute own resources to be entered in the budget of the Communities.

In addition, revenue accruing from other charges introduced within the framework of a common policy in accordance with the provisions of the Treaty establishing the European Economic Community or the Treaty establishing the European Atomic Energy Community shall constitute own resources to be entered in the budget of the Communities, subject to the procedure laid down in Article 201 of the Treaty establishing the European Economic Community or in Article 173 of the Treaty establishing the European Atomic Energy Community having been followed.

ARTICLE 3

1. From 1 January 1971 the total revenue from agricultural levies shall be entered in the budget of the Communities.

From the same date, revenue from customs duties shall progressively be entered in the budget of the Communities.

The amount of the customs duties appropriated to the Communities each year by each Member State shall be equal to the difference between a reference amount and the amount of the agricultural levies appropriated to the Communities pursuant to the first subparagraph. Where this difference is negative, there shall be no payment of customs duties by the Member State concerned nor repayment of agricultural levies by the Communities.

The reference amount referred to in the third subparagraph shall be:

- 50% in 1971
- 62.5% in 1972
- 75% in 1973
- 87.5% in 1974
- 100% from 1 January 1975 onwards

of the total amount of the agricultural levies and customs duties collected by each Member State.

The Communities shall refund to each Member State 10% of the amounts paid in accordance with the preceding subparagraphs in order to cover expenses incurred in collection.

2. During the period 1 January 1971 to 31 December 1974, the financial contributions from Member States required in order to ensure that the budget of the Communities is in balance shall be apportioned on the following scale:

Belgium	6.8
Germany	32.9
France	32.6
Italy	20.2
Luxembourg	0.2
Netherlands	7.3

3. During the same period, however, the variation from year to year in the share of each Member State in the aggregate of the amounts paid in accordance with paragraphs 1 and 2 may not exceed 1% upwards or 1.5% downwards, where these amounts are taken into consideration within the framework of the second subparagraph. For 1971, the financial contributions of each Member State to the combined budgets for 1970 shall be taken as reference for the application of this rule, to the extent that these budgets are taken into consideration within the framework of the second subparagraph.

In the application of the first subparagraph, the following factors shall be taken into consideration for each financial year:

- (a) Expenditure relating to payment appropriations decided on for the financial year in question for the research and investment budget of the European Atomic Energy Community, with the exception of expenditure relating to supplementary programmes;
- (b) Expenditure relating to appropriations to the European Social Fund;
- (c) For the European Agricultural Guidance and Guarantee Fund, expenditure relating to appropriations to the Guarantee Section and to the Guidance Section, with the exception of appropriations entered or re-entered for accounting periods preceding the financial year concerned.

For the reference year 1970 such expenditure shall be:

- for the Guarantee Section, that referred to in Article 8 of Council Regulation (EEC) No. 728/70 of 21 April 1970 laying down additional provisions for financing the common agricultural policy;
- for the Guidance Section, an amount of 285 million units of account apportioned on the basis of the scale laid down in Article 7 of that Regulation;

it being understood that, for calculating the share of Germany, a percentage of 31.5 shall be taken as the reference scale;

it being understood that, for calculating the share of Germany, a percentage of 31.5 shall be taken as the reference scale;

- (d) Other expenditure relating to the appropriations entered in the Community budget.

Should the application of this paragraph to one or more Member States result in a deficit in the budget of the Communities, the amount of that deficit shall be shared for the year in question between the other Member States within the limits laid down in the first subparagraph and according to the contribution scale fixed in paragraph 2. If necessary, the operation shall be repeated.

4. Financing from the Communities' own resources of the expenditure connected with research programmes of the European Atomic Energy Community shall not exclude entry in the budget of the Communities of expenditure relating to supplementary programmes or the financing of such expenditure by means of financial contributions from Member States determined according to a special scale fixed pursuant to a decision of the Council acting unanimously.

5. By way of derogation from this Article, appropriations entered in a budget preceding that for the financial year 1971 and carried over or re-entered in a later budget shall be financed by financial contributions from Member States according to scales applicable at the time of their first entry.

Appropriations to the Guidance Section which, while being entered for the first time in the 1971 budget, refer to accounting periods of the European Agricultural Guidance and Guarantee Fund preceding 1 January 1971 shall be covered by the scale relating to those periods.

ARTICLE 4

1. From 1 January 1975 the budget of the Communities shall, irrespective of other revenue, be financed entirely from the Communities' own resources.

Such resources shall include those referred to in Article 2 and also those accruing from the value added tax and obtained by applying a rate not exceeding 1% to an assessment basis which is determined in a uniform manner for Member States according to Community rules. The rate shall be fixed within the framework of the budgetary procedure. If at the beginning of a financial year the budget has not yet been adopted, the rate previously fixed shall remain applicable until the entry into force of a new rate.

During the period 1 January 1975 to 31 December 1977, however, the variation from year to year in the share of each Member State in relation to the preceding year may not exceed 2%. Should this percentage be exceeded, the necessary adjustments shall be made, within that variation limit, by financial compensation between the Member States concerned proportionate to the share borne by each of them in respect of revenue accruing from value added tax or from the financial contributions referred to in paragraphs 2 and 3.

2. By way of derogation from the second subparagraph of paragraph 1, if on 1 January 1975 the rules determining the uniform basis for assessing the value added tax have not yet been applied in all Member States but have been applied in at least three of them, the financial contribution to the budget of the Communities to be made by each Member State not yet applying the uniform basis for assessing the value added tax shall be determined according to the proportion of its gross national product to the sum total of the gross national products of the Member States. The balance of the budget shall be covered by revenue accruing from the value added tax in accordance with the second subparagraph of paragraph 1, collected by the other Member States. This derogation shall cease to be effective as soon as the conditions laid down in paragraph 1 are fulfilled.

3. By way of derogation from the second subparagraph of paragraph 1, if on 1 January 1975 the rules determining the uniform basis for assessing the value added tax have not yet been applied in three or more Member States, the financial contribution of each Member State to the budget of the Communities shall be determined according to the proportion of its gross national product to the sum total of the gross national products of the Member States. This derogation shall cease to be effective as soon as the conditions laid down in paragraphs 1 or 2 are fulfilled.

4. For the purpose of paragraphs 2 and 3, "gross national product" means the gross national product at market prices.

5. From the complete application of the second subparagraph of paragraph 1, any surplus of the Communities' own resources over and above the actual expenditure during a financial year shall be carried over to the following financial year.

6. Financing expenditure connected with research programmes of the European Atomic Energy Community from the Communities' own resources shall not exclude entry in the budget of the Communities of expenditure relating to supplementary programmes nor the financing of such expenditure by means of financial contributions from Member States determined according to a special scale fixed pursuant to a decision of the Council acting unanimously.

ARTICLE 5

The revenue referred to in Article 2, Article 3(1) and (2) and Article 4(1) to (5) shall be used without distinction to finance all expenditure entered in the budget of the Communities in accordance with Article 20 of the Treaty establishing a Single Council and a Single Commission of the European Communities.

ARTICLE 6

1. The Community resources referred to in Articles 2, 3 and 4 shall be collected by the Member States in accordance with national provisions imposed by law, regulation or administrative action, which shall, where necessary, be amended for that purpose. Member States shall make these resources available to the Commission.

2. Without prejudice to the auditing of accounts provided for in Article 206 of the Treaty establishing the European Economic Community, or to the inspection arrangements made pursuant to Article 209(c) of that Treaty, the Council shall, acting unanimously on a proposal from the Commission and after consulting the European Parliament, adopt provisions relating to the supervision of collection, the making available to the Commission, and the payment of the revenue referred to in Article 2, 3 and 4, and also the procedure for application of Article 3(3) and Article 4.

ARTICLE 7

Member States shall be notified of this Decision by the Secretary-General of the Council of the European Communities; it shall be published in the *Official Journal of the European Communities*.

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

This Decision shall enter into force on the first day of the month following receipt of the last of the notifications referred to in the second subparagraph. If, however, the instruments of ratification provided for in Article 12 of the Treaty amending Certain Budgetary Provisions of the Treaties establishing the European Communities and the Treaty establishing a Single Council and a Single Commission of the European Communities, have not been deposited before that date by all the Member States, this Decision shall enter into force on the first day of the month following the deposit of the last of those instruments of ratification.

DONE at Luxembourg, 21 April 1970.

For the Council

The President

P. HARMEL

ERRATUM

The following correction should be made to page 70:—

In the fourth line Article 223.1

(b) delete ‘, however,’

This paper supersedes
Misc. Nos. 3, 5, 6, 7 and
8 (1972), Cmnd. 4862,
4864, 4865, 4866 and
4867.



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**EUROPEAN
COMMUNITIES**

Treaty Series No. 1 (1973) — Part I

Treaty

concerning the Accession of
the Kingdom of Denmark, Ireland, the Kingdom of Norway and
the United Kingdom of Great Britain and Northern Ireland
to the European Economic Community and
the European Atomic Energy Community

including the

Act concerning the Conditions of Accession
and the Adjustments to the Treaties

(with Final Act)

Brussels, 22 January 1972

[The United Kingdom instrument of ratification was deposited on 18 October 1972 and the
Treaty entered into force on 1 January 1973]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
January 1973*

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EDITORIAL NOTE TO THE TREATY SERIES

Foreign language texts of multilateral treaties and treaties of the European Communities

The following statement was made by the Rt. Hon. Julian Amery, M.P., Minister of State for Foreign and Commonwealth Affairs, on 20 December 1972 in reply to a Parliamentary Question:

The Foreign and Commonwealth Office Treaty Series of Command Papers is the published record of the texts of all treaties to which the United Kingdom has become a party. It has hitherto been the practice to publish such treaties in all the languages in which they were signed. Her Majesty's Government have now decided on grounds of economy that with effect from 1st January 1973 the texts of multilateral treaties to which the United Kingdom is a party will be published in the Treaty Series in the English language only.

Foreign language texts of multilateral treaties will normally be available in the United Nations Treaty Series which is obtainable through Her Majesty's Stationery Office or in other publications sponsored by international organisations. They may of course also be obtained from the Government or international organisation acting as depository for a particular treaty. Should a particular foreign language text be required urgently the Foreign and Commonwealth Office will be able to make a copy of the text in question available at short notice. That Department will also, if necessary, be able to certify foreign language texts for legal purposes.

The decision to publish only English texts will also apply generally to treaties entered into by or within the framework of the European Communities. The English texts of Community treaties to which the United Kingdom is a party will be published in the Treaty Series, while the English texts of treaties which are entered into by the Community acting without the member States as co-signatories will appear in the Foreign and Commonwealth Office Miscellaneous Series of Command Papers. Foreign language versions of these treaties can be obtained from the Publications Office of the European Communities, and arrangements have been made for Her Majesty's Stationery Office, as agents for Community publications in this country, to make them available on request. Texts urgently required can be made available by the Foreign and Commonwealth Office at short notice, and if necessary be certified by it for legal purposes.

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Final Act, Brussels, 22 January 1972

(See Official Journal* of the European Communities, Special Edition of 27 March 1972, for Dutch, French, German and Italian texts (No. L73) and Danish, Irish and Norwegian texts (unnumbered)).

PART II—(The documents in Part II are in their unamended form. Subsequent amendments are included in the consolidated texts published by the European Communities.*)

Treaty establishing the European Economic Community and the Treaty establishing the European Atomic Energy Community, Rome, 25 March 1957 (See United Nations Treaty Series*, Volumes 294, 295, 296 and 297 for French, German, Italian and Dutch texts respectively. The Danish, Irish and Norwegian texts have not yet been published.)

Convention to amend the Treaty setting up the European Economic Community with the Object of making the Special System of Association defined in Part Four of that Treaty applicable to the Netherlands Antilles (Official Journal No 150 of 1 October 1964)†.

Protocol concerning Imports into the European Economic Community of Petroleum Products refined in the Netherlands Antilles (Official Journal No 150 of 1 October 1964)†.

Final Act of the Conference of the Representatives of the Governments of the Member States for the purpose of amending the Treaty setting up the European Economic Community in accordance with the terms of Article 236 thereof (Official Journal No 150 of 1 October 1964)†.

Treaty establishing a Single Council and a Single Commission of the European Communities (Official Journal No 157 of 13 July 1967)†.

Protocol on the Privileges and Immunities of the European Communities (Official Journal No. 15 of 13 July 1967)†.

Final Act of the Conference, Brussels, 8 April 1965 (Official Journal No 157 of 13 July)†.

Decision of the Representatives of the Governments of the Member States on the Provisional Location of Certain Institutions and Departments of the Communities (Official Journal No 157 of 13 July)†.

Treaty amending certain Budgetary Provisions of the Treaties establishing the European Communities and of the Treaty establishing a Single Council and a Single Commission of the European Communities (Official Journal No L2 of 2 January 1971)†.

*The publications of the European Communities and the United Nations Treaty Series are available through Agency Section HMSO, PO Box 569, London SE1 9NY—Tel. 01-928 6977, ext. 410.

†Published in the Official Journal in Dutch, French, German and Italian. The Danish, Irish and Norwegian texts have not yet been published.

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TREATY

between

THE KINGDOM OF BELGIUM, THE FEDERAL REPUBLIC OF GERMANY, THE FRENCH REPUBLIC, THE ITALIAN REPUBLIC, THE GRAND DUCHY OF LUXEMBOURG, THE KINGDOM OF THE NETHERLANDS,
Member States of the European Communities,

THE KINGDOM OF DENMARK, IRELAND, THE KINGDOM OF NORWAY; AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

concerning the accession of

THE KINGDOM OF DENMARK, IRELAND, THE KINGDOM OF NORWAY AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND to THE EUROPEAN ECONOMIC COMMUNITY and to THE EUROPEAN ATOMIC ENERGY COMMUNITY

HIS MAJESTY THE KING OF THE BELGIANS, HER MAJESTY THE QUEEN OF DENMARK, THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY, THE PRESIDENT OF THE FRENCH REPUBLIC, THE PRESIDENT OF IRELAND, THE PRESIDENT OF THE ITALIAN REPUBLIC, HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG, HER MAJESTY THE QUEEN OF THE NETHERLANDS, HIS MAJESTY THE KING OF NORWAY, HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

UNITED in their desire to pursue the attainment of the objectives of the Treaty establishing the European Economic Community and the Treaty establishing the European Atomic Energy Community,

DETERMINED in the spirit of those Treaties to construct an ever closer union among the peoples of Europe on the foundations already laid,

CONSIDERING that Article 237 of the Treaty establishing the European Economic Community and Article 205 of the Treaty establishing the European Atomic Energy Community afford European States the opportunity of becoming members of these Communities,

CONSIDERING that the Kingdom of Denmark, Ireland, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland have applied to become members of these Communities,

CONSIDERING that the Council of the European Communities, after having obtained the Opinion of the Commission, has declared itself in favour of the admission of these States,

HAVE DECIDED to establish by common agreement the conditions of admission and the adjustments to be made to the Treaties establishing the European Economic Community and the European Atomic Energy Community, and to this end have designated as their Plenipotentiaries:

HIS MAJESTY THE KING OF THE BELGIANS

Mr. G. Eyskens, Prime Minister:

Mr. P. Harmel, Minister of Foreign Affairs:

Mr. J. van der Meulen, Ambassador,
Permanent Representative to the European Communities:

HER MAJESTY THE QUEEN OF DENMARK

Mr. J. O. Krag, Prime Minister:

Mr. I. Nørgaard, Minister of External Economic Affairs:

Mr. J. Christensen,
Secretary General for External Economic Affairs,
Ministry of Foreign Affairs:

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY

Mr. W. Scheel, Minister of Foreign Affairs:

Mr. H.-G. Sachs, Ambassador,
Permanent Representative to the European Communities:

THE PRESIDENT OF THE FRENCH REPUBLIC

Mr. M. Schumann, Minister of Foreign Affairs:

Mr. J.-M. Boegner, Ambassador,
Permanent Representative to the European Communities:

THE PRESIDENT OF IRELAND

Mr. J. A. Lynch, Prime Minister :

Mr. P. J. Hillery, Minister for Foreign Affairs :

THE PRESIDENT OF THE ITALIAN REPUBLIC

Mr. E. Colombo, Prime Minister :

Mr. A. Moro, Minister for Foreign Affairs :

**Mr. G. Bombassei Frascani de Vettor, Ambassador,
Permanent Representative to the European Communities :**

HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG

Mr. G. Thorn, Minister of Foreign Affairs :

**Mr. J. Dondelinger, Ambassador,
Permanent Representative to the European Communities :**

HER MAJESTY THE QUEEN OF THE NETHERLANDS

Mr. W. K. N. Schmelzer, Minister of Foreign Affairs :

**Mr. T. E. Westerterp, State Secretary,
Ministry of Foreign Affairs :**

**Mr. E. M. J. A. Sassen, Ambassador,
Permanent Representative to the European Communities :**

HIS MAJESTY THE KING OF NORWAY

Mr. T. Bratteli, Prime Minister :

Mr. A. Cappelen, Minister of Foreign Affairs :

Mr. S. Chr. Sommerfelt,
Ambassador Extraordinary and Plenipotentiary :

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

The Right Honourable Edward Heath, M.B.E., M.P.,
Prime Minister,
First Lord of the Treasury, Minister for the Civil Service :

The Right Honourable Sir Alec Douglas-Home, K.T., M.P.,
Her Majesty's Principal Secretary of State for Foreign and
Commonwealth Affairs :

The Right Honourable Geoffrey Rippon, Q.C., M.P.,
Chancellor of the Duchy of Lancaster :

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

ARTICLE 1

1. The Kingdom of Denmark, Ireland, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland hereby become members of the European Economic Community and of the European Atomic Energy Community and Parties to the Treaties establishing these Communities as amended or supplemented.

2. The conditions of admission and the adjustments to the Treaties establishing the European Economic Community and the European Atomic Energy Community necessitated thereby are set out in the Act annexed to this Treaty. The provisions of that Act concerning the European Economic Community and the European Atomic Energy Community shall form an integral part of this Treaty.

3. The provisions concerning the rights and obligations of the Member States and the powers and jurisdiction of the institutions of the Communities as set out in the Treaties referred to in paragraph 1 shall apply in respect of this Treaty.

ARTICLE 2

This Treaty will be ratified by the High Contracting Parties in accordance with their respective constitutional requirements. The instruments of ratification will be deposited with the Government of the Italian Republic by 31 December 1972 at the latest.

This Treaty will enter into force on 1 January 1973, provided that all the instruments of ratification have been deposited before that date and that all the instruments of accession to the European Coal and Steel Community are deposited on that date.

If, however, the States referred to in Article 1 (1) have not all deposited their instruments of ratification and accession in due time, the Treaty shall enter into force for those States which have deposited their instruments. In this case, the Council of the European Communities, acting unanimously, shall decide immediately upon such resulting adjustments as have become indispensable, to Article 3 of this Treaty, and to Articles 14, 16, 17, 19, 20, 23, 129, 142, 143, 155 and 160 of the Act concerning the Conditions of Accession and the Adjustments to the Treaties, to the provisions of Annex I to that Act concerning the composition and functioning of various committees, and to Articles 5 and 8 of the Protocol on the Statute of the European Investment Bank; acting unanimously, it may also declare that those provisions of the aforementioned Act which refer expressly to a State which has not deposited its instruments of ratification and accession have lapsed, or it may adjust them.

ARTICLE 3

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

IN WITNESS WHEREOF, the undersigned Plenipotentiaries have affixed their signatures below this Treaty.

DONE at Brussels on this twenty-second day of January in the year one thousand nine hundred and seventy-two.

[For signatures and ratifications see page 295]

ACT

CONCERNING THE CONDITIONS OF THE ACCESSION AND THE ADJUSTMENTS TO THE TREATIES

PART ONE

Principles

ARTICLE 1

For the purposes of this Act:

- the expression “original Treaties” means the Treaty establishing the European Coal and Steel Community, the Treaty establishing the European Economic Community and the Treaty establishing the European Atomic Energy Community, as supplemented or amended by treaties or other acts which entered into force before accession; the expressions “ECSC Treaty”, “EEC Treaty” and “Euratom Treaty” mean the relevant original Treaties thus supplemented or amended;
- the expression “original Member States” means 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;
- the expression “new Member States” means the Kingdom of Denmark, Ireland, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland.

ARTICLE 2

From the date of accession, the provisions of the original Treaties and the acts adopted by the institutions of the Communities shall be binding on the new Member States and shall apply in those States under the conditions laid down in those Treaties and in this Act.

ARTICLE 3

1. The new Member States accede by this Act to the decisions and agreements adopted by the Representatives of the Governments of the Member States meeting in Council. They undertake to accede from the date of accession to all other agreements concluded by the original Member States relating to the functioning of the Communities or connected with their activities.

2. The new Member States undertake to accede to the conventions provided for in Article 220 of the EEC Treaty, and to the protocols on the interpretation of those conventions by the Court of Justice, signed by the original Member States, and to this end they undertake to enter into negotiations with the original Member States in order to make the necessary adjustments thereto.

3. The new Member States are in the same situation as the original Member States in respect of declarations or resolutions of, or other positions taken up by, the Council and in respect of those concerning the European Communities adopted by common agreement of the Member States; they will accordingly observe the principles and guidelines deriving from those declarations, resolutions or other positions and will take such measures as may be necessary to ensure their implementation.

ARTICLE 4

1. The agreements or conventions entered into by any of the Communities with one or more third States, with an international organisation or with a national of a third State, shall, under the conditions laid down in the original Treaties and in this Act, be binding on the new Member States.

2. The new Member States undertake to accede, under the conditions laid down in this Act, to agreements or conventions concluded by the original Member States and any of the Communities, acting jointly, and to agreements concluded by the original Member States which are related to those agreements or conventions. The Community and the original Member States shall assist the new Member States in this respect.

3. The new Member States accede by this Act and under the conditions laid down therein to the internal agreements concluded by the original Member States for the purpose of implementing the agreements or conventions referred to in paragraph 2.

4. The new Member States shall take appropriate measures, where necessary, to adjust their positions in relation to international organisations and international agreements to which one of the Communities or to which other Member States are also parties, to the rights and obligations arising from their accession to the Communities.

ARTICLE 5

Article 234 of the EEC Treaty and Articles 105 and 106 of the Euratom Treaty shall apply, for the new Member States, to agreements or conventions concluded before accession.

ARTICLE 6

The provisions of this Act may not, unless otherwise provided herein, be suspended, amended or repealed other than by means of the procedure laid down in the original Treaties enabling those Treaties to be revised.

ARTICLE 7

Acts adopted by the institutions of the Communities to which the transitional provisions laid down in this Act relate shall retain their status in law; in particular, the procedures for amending those acts shall continue to apply.

ARTICLE 8

Provisions of this Act the purpose or effect of which is to repeal or amend acts adopted by the institutions of the Communities, otherwise than as a transitional measure, shall have the same status in law as the provisions which they repeal or amend and shall be subject to the same rules as those provisions.

ARTICLE 9

1. In order to facilitate the adjustment of the new Member States to the rules in force within the Communities, the application of the original Treaties and acts adopted by the institutions shall, as a transitional measure, be subject to the derogations provided for in this Act.

2. Subject to the dates, time limits and special provisions provided for in this Act, the application of the transitional measures shall terminate at the end of 1977.

PART TWO

Adjustments to the Treaties

TITLE I

PROVISIONS GOVERNING THE INSTITUTIONS

CHAPTER 1

The Assembly

ARTICLE 10

The following shall be substituted for Article 21(2) of the ECSC Treaty, Article 138(2) of the EEC Treaty and Article 108(2) of the Euratom Treaty:

“The number of these delegates shall be as follows:

Belgium	...	...	...	...	...	14
Denmark	...	...	...	...	...	10
Germany	...	...	...	...	...	36
France	...	...	...	...	...	36
Ireland	...	...	...	...	...	10
Italy	...	...	...	...	...	36
Luxembourg	...	...	...	...	...	6
Netherlands	...	...	...	...	...	14
Norway	...	...	...	...	...	10
United Kingdom	...	...	...	...	...	36”.

CHAPTER 2

The Council

ARTICLE 11

The following shall be substituted for the second paragraph of Article 2 of the Treaty establishing a Single Council and a Single Commission of the European Communities:

“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, Norway, United Kingdom.”

ARTICLE 12

The following shall be substituted for Article 28 of the ECSC Treaty:

“ARTICLE 28

When the Council is consulted by the High Authority, it shall consider the matter without necessarily taking a vote. The minutes of its proceedings shall be forwarded to the High Authority.

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

- of an absolute majority of the representatives of the Member States, including the votes of the representatives of two Member States which each produce at least one eighth of the total value of the coal and steel output of the Community; or
- in the event of an equal division of votes and if the High Authority maintains its proposal after a second discussion, of the representatives of three Member States which each produce at least one eighth of the total value of the coal and steel output of the Community.

Wherever this Treaty requires a unanimous decision or unanimous assent, such decision or assent shall have been duly given if all the members of the Council vote in favour. However, for the purposes of applying Articles 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.

Decisions of the Council, other than those for which a qualified majority or unanimity is required, shall be taken by a vote of the majority of its members; this majority shall be considered to be attained if it represents an absolute majority of the representatives of the Member States, including the votes of the representatives of two Member States which each produce at least one eighth of the total value of the coal and steel output of the Community. However, for the purpose 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 5, Denmark 3, Germany 10, France 10, Ireland 3, Italy 10, Luxembourg 2, Netherlands 5, Norway 3, United Kingdom 10. For their adoption, acts shall require at least forty-three votes in favour, cast by not less than six members.

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

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

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

ARTICLE 13

The following shall be substituted for the fourth paragraph of Article 95 of the ECSC Treaty :

“ These amendments shall be proposed jointly by the High Authority and the Council, acting by a nine-tenths majority of its members, and shall be submitted to the Court for its opinion. In considering them, the Court shall have full power to assess all points of fact and of law. If as a result of such consideration it finds the proposals compatible with the provisions of the preceding paragraph, they shall be forwarded to the Assembly and shall enter into force if approved by a majority of three quarters of the votes cast and two thirds of the members of the Assembly.”

ARTICLE 14

The following shall be substituted for Article 148(2) of the EEC Treaty and Article 118(2) of the Euratom Treaty:

“ Where the Council is required to act by a qualified majority, the votes of its members shall be weighted as follows :

Belgium	...	...	...	...	...	5
Denmark	...	...	...	...	...	3
Germany	...	...	...	...	...	10
France	...	...	...	...	...	10
Ireland	...	...	...	...	...	3
Italy	...	...	...	...	...	10
Luxembourg	...	...	...	...	...	2
Netherlands	...	...	...	...	...	5
Norway	...	...	...	...	...	3
United Kingdom	...	...	...	...	...	10

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

- forty-three votes in favour where this Treaty requires them to be adopted on a proposal from the Commission,
- forty-three votes in favour, cast by at least six members, in other cases.”

CHAPTER 3

The Commission

ARTICLE 15

The following shall be substituted for the first subparagraph of Article 10(1) of the Treaty establishing a Single Council and a Single Commission of the European Communities :

“ The Commission shall consist of fourteen members, who shall be chosen on the grounds of their general competence and whose independence is beyond doubt.”

ARTICLE 16

The following shall be substituted for the first paragraph of Article 14 of the Treaty establishing a Single Council and a Single Commission of the European Communities :

“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.”

CHAPTER 4 The Court of Justice

ARTICLE 17

The following shall be substituted for the first paragraph of Article 32 of the ECSC Treaty, the first paragraph of Article 165 of the EEC Treaty and the first paragraph of Article 137 of the Euratom Treaty:

“The Court of Justice shall consist of eleven Judges.”

ARTICLE 18

The following shall be substituted for the first paragraph of Article 32a of the ECSC Treaty, the first paragraph of Article 166 of the EEC Treaty and the first paragraph of Article 138 of the Euratom Treaty:

“The Court of Justice shall be assisted by three Advocates-General.”

ARTICLE 19

The following shall be substituted for the second and third paragraphs of Article 32b of the ECSC Treaty, the second and third paragraphs of Article 167 of the EEC Treaty and the second and third paragraphs of Article 139 of the Euratom Treaty:

“Every three years there shall be a partial replacement of the Judges. Six and five Judges shall be replaced alternately.

Every three years there shall be a partial replacement of the Advocates-General. One and two Advocates-General shall be replaced alternately.”

ARTICLE 20

The following shall be substituted for the second paragraph of Article 18 of the Protocol on the Statute of the Court of Justice of the European Coal and Steel Community, Article 15 of the Protocol on the Statute of the Court of Justice of the European Economic Community and Article 15 of the Protocol on the Statute of the Court of Justice of the European Atomic Energy Community:

“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 seven 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.”

CHAPTER 5
The Economic and Social Committee

ARTICLE 21

The following shall be substituted for the first paragraph of Article 194 of the EEC Treaty and the first paragraph of Article 166 of the Euratom Treaty:

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

Belgium	...	...	...	...	...	12
Denmark	...	...	...	...	...	9
Germany	...	...	...	...	...	24
France	...	...	...	...	...	24
Ireland	...	...	...	...	...	9
Italy	...	...	...	...	...	24
Luxembourg	...	...	...	...	...	6
Netherlands	...	...	...	...	...	12
Norway	...	...	...	...	...	9
United Kingdom	...	...	...	...	...	24”.

CHAPTER 6
The ECSC Consultative Committee

ARTICLE 22

The following shall be substituted for the first paragraph of Article 18 of the ECSC Treaty:

“A Consultative Committee shall be attached to the High Authority. It shall consist of not less than sixty and not more than eighty-four members and shall comprise equal numbers of producers, of workers and of consumers and dealers.”

CHAPTER 7
The Scientific and Technical Committee

ARTICLE 23

The following shall be substituted for the first subparagraph of Article 134(2) of the Euratom Treaty:

“The Committee shall consist of twenty-eight members, appointed by the Council after consultation with the Commission.”

TITLE II
OTHER ADJUSTMENTS

ARTICLE 24

1. Norway and the United Kingdom shall be added to the Member States specified in the first sentence of Article 131 of the EEC Treaty.

2. The following countries and territories shall be added to the list in Annex IV to the EEC Treaty:

Anglo-French Condominium of the New Hebrides

Norwegian possessions in the Antarctic (Bouvet Island, Peter I Island and Queen Maud Land)

The Bahamas

Bermuda

British Antarctic Territory

British Honduras

British Indian Ocean Territory

British Solomon Islands

British Virgin Islands

Brunei

Associated States in the Caribbean: Antigua, Dominica, Grenada, St Lucia, St Vincent, St Kitts-Nevis-Anguilla

Cayman Islands

Central and Southern Line Islands

Falkland Islands and Dependencies

Gilbert and Ellice Islands

Montserrat

Pitcairn

St Helena and Dependencies

The Seychelles

Turks and Caicos Islands.

ARTICLE 25

The following paragraph shall be added after the first paragraph of Article 79 of the ECSC Treaty:

“Notwithstanding the preceding paragraph:

- (a) This Treaty shall not apply to the Faroe Islands. The Government of the kingdom of Denmark may, however, give notice, by a declaration deposited by 31 December 1975 at the latest with the Government of the French Republic, which shall transmit a certified copy thereof to each of the Governments of the other Member States, that this Treaty shall apply to those islands. In that event, this Treaty shall apply to those Islands from the first day of the second month following the deposit of the declaration.
- (b) This Treaty shall not apply to the Sovereign Base Areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus.
- (c) This Treaty shall apply to the Channel Islands and the Isle of Man only to the extent necessary to ensure the implementation of the arrangements for those islands set out in the Decision concerning the accession of the Kingdom of Denmark, Ireland, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland to the European Coal and Steel Community.”

ARTICLE 26

1. The following shall be substituted for Article 227(1) of the EEC Treaty :

“ 1. This Treaty shall apply to the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the French Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland.”

2. The following subparagraph shall be added to Article 227(3) of the EEC Treaty :

“ This Treaty shall not apply to those overseas countries and territories having special relations with the United Kingdom of Great Britain and Northern Ireland which are not included in the aforementioned list.”

3. The following paragraph shall be added to Article 227 of the EEC Treaty .

“ 5. Notwithstanding the preceding paragraphs :

(a) This Treaty shall not apply to the Faroe Islands. The Government of the Kingdom of Denmark may, however, give notice, by a declaration deposited by 31 December 1975 at the latest with the Government of the Italian Republic, which shall transmit a certified copy thereof to each of the Governments of the other Member States, that this Treaty shall apply to those Islands. In that event, this Treaty shall apply to those Islands from the first day of the second month following the deposit of the declaration.

(b) This Treaty shall not apply to the Sovereign Base Areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus.

(c) This Treaty shall apply to the Channel Islands and the Isle of Man only to the extent necessary to ensure the implementation of the arrangements for those islands set out in the Treaty concerning the accession of the Kingdom of Denmark, Ireland, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland to the European Economic Community and to the European Atomic Energy Community.”

ARTICLE 27

The following paragraph shall be added to Article 198 of the Euratom Treaty :

“ Notwithstanding the previous paragraphs :

(a) This Treaty shall not apply to the Faroe Islands. The Government of the Kingdom of Denmark may, however, give notice, by a declaration deposited by 31 December 1975 at the latest with the Government of the Italian Republic, which shall transmit a certified copy thereof to each of the Governments of the other Member States, that this Treaty shall apply to those Islands. In that event, this Treaty shall apply to those Islands from the first day of the second month following the deposit of the declaration.

(b) This Treaty shall not apply to the Sovereign Base Areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus.

- (c) This Treaty shall not apply to those overseas countries and territories having special relations with the United Kingdom of Great Britain and Northern Ireland which are not listed in Annex IV to the Treaty establishing the European Economic Community.
- (d) This Treaty shall apply to the Channel Islands and the Isle of Man only to the extent necessary to ensure the implementation of the arrangements for those islands set out in the Treaty concerning the accession of the Kingdom of Denmark, Ireland, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland to the European Economic Community and to the European Atomic Energy Community."

ARTICLE 28

Acts of the institutions of the Community relating to the products in Annex II to the EEC Treaty and the products subject, on importation into the Community, to specific rules as a result of the implementation of the common agricultural policy, as well as the acts on the harmonization of legislation of Member States concerning turnover taxes, shall not apply to Gibraltar unless the Council, acting unanimously on a proposal from the Commission, provides otherwise.

PART THREE

Adaptations to Acts adopted by the Institutions

ARTICLE 29

The acts listed in Annex I to this Act shall be adapted as specified in that Annex.

ARTICLE 30

The adaptations to the acts listed in Annex II to this Act made necessary by accession shall be drawn up in conformity with the guidelines set out in that Annex and in accordance with the procedure and under the conditions laid down in Article 153.

PART FOUR

Transitional Measures

TITLE I

FREE MOVEMENT OF GOODS

CHAPTER 1

Tariff Provisions

ARTICLE 31

1. The basic duty to which the successive reductions provided for in Articles 32 and 59 are to be applied shall, for each product, be the duty actually applied on 1 January 1972.

The basic duty used for the moves towards the Common Customs Tariff and the ECSC unified tariff provided for in Articles 39 and 59 shall, for each product, be the duty actually applied by the new Member States on 1 January 1972.

For the purposes of this Act, "ECSC unified tariff" means the customs nomenclature and the existing customs duties for the products in Annex I to the ECSC Treaty, other than coal.

2. If, after 1 January 1972, any tariff reductions deriving from the Agreement Relating Principally to Chemicals supplementary to the Geneva (1967) Protocol to the General Agreement on Tariffs and Trade become applicable, the reduced duties shall replace the basic duties referred to in paragraph 1.

ARTICLE 32

1. Customs duties on imports between the Community as originally constituted and the new Member States and between the new Member States themselves shall be progressively abolished in accordance with the following timetable:

- on 1 April 1973, each duty shall be reduced to 80% of the basic duty;
- the four other reductions of 20% each shall be made on:
 - 1 January 1974;
 - 1 January 1975;
 - 1 January 1976;
 - 1 July 1977.

2. Notwithstanding paragraph 1:

- (a) customs duties on imports of coal within the meaning of Annex I to the ECSC Treaty shall be abolished between Member States from the date of accession;
- (b) customs duties on imports of products listed in Annex III to this Act shall be abolished on 1 January 1974;
- (c) duty-free entry shall, from the date of accession, apply to imports which benefit from the provisions relating to tax exemptions applicable to persons travelling from one Member State to another.

3. As regards the products listed in Annex IV to this Act which are subject to contractual margins of preference between the United Kingdom and certain other countries enjoying Commonwealth preference, the United Kingdom may defer until 1 July 1973 the first of the tariff reductions referred to in paragraph 1.

4. Paragraph 1 shall not preclude the possibility of opening tariff quotas for certain iron and steel products which are not manufactured or the manufacture of which is inadequate in quantity or quality in the Community as originally constituted.

ARTICLE 33

In no case shall customs duties higher than those applied to third countries enjoying most favoured nation treatment be applied within the Community.

In the event of the Common Customs Tariff duties being amended or suspended or the new Member States applying Article 41, the Council, acting by a qualified majority on a proposal from the Commission, may take the necessary measures for the maintenance of Community preference.

ARTICLE 34

Any new Member State may suspend in whole or in part the levying of duties on products imported from other Member States. It shall inform the other Member States and the Commission thereof.

ARTICLE 35

Any charge having equivalent effect to a customs duty on imports, introduced after 1 January 1972 in trade between the Community as originally constituted and the new Member States or between the new Member States themselves, shall be abolished on 1 January 1973.

Any charge have equivalent effect to a customs duty on imports the rate of which on 31 December 1972 is higher than that actually applied on 1 January 1972 shall be reduced to the latter rate on 1 January 1973.

ARTICLE 36

1. Charges having equivalent effect to customs duties on imports shall be progressively abolished between the Community as originally constituted and the new Member States and between the new Member States themselves in accordance with the following timetable:

- by 1 January 1974 at the latest, each charge shall be reduced to 60% of the rate applied on 1 January 1972 ;
- the three other reductions of 20% each shall be made on :
 - 1 January 1975 ;
 - 1 January 1976 ;
 - 1 July 1977.

2. Notwithstanding paragraph 1:

- (a) charges having equivalent effect to customs duties on imports of coal within the meaning of Annex I to the ECSC Treaty shall be abolished between Member States from the date of accession ;
- (b) charges having equivalent effect to customs duties on imports on the products listed in Annex III to this Act shall be abolished on 1 January 1974.

ARTICLE 37

Customs duties on exports and charges having equivalent effect shall be abolished between the Community as originally constituted and the new Member States and between the new Member States themselves by 1 January 1974 at the latest.

ARTICLE 38

1. Without prejudice to the following paragraphs, the provisions concerning the progressive abolition of customs duties shall apply to customs duties of a fiscal nature.

2. The new Member States shall retain the right to replace a customs duty of a fiscal nature or the fiscal element of any such duty by an internal tax which is in conformity with Article 95 of the EEC Treaty. If a new Member State avails itself of this right, any element not so replaced by the internal tax shall constitute the basic duty under Article 31. This element shall be abolished in trade within the Community and brought into line with the Common Customs Tariff under the conditions laid down in Articles 32, 39 and 59.

3. Where the Commission finds that in a new Member State there is serious difficulty in replacing a customs duty of a fiscal nature or the fiscal element of any such duty, it shall authorise that State, following a request made before 1 February 1973, to retain the duty or fiscal element, provided the State abolishes it by 1 January 1976 at the latest. The decision of the Commission shall be taken before 1 March 1973.

The protective element, the amount of which shall be fixed by the Commission before 1 March 1973 after consulting the State concerned, shall constitute the basic duty provided for in Article 31. This element shall be abolished in trade within the Community and brought into line with the Common Customs Tariff under the conditions laid down in Articles 32, 39 and 59.

4. The Commission may authorise the United Kingdom to retain customs duties of a fiscal nature or the fiscal element of such duties on tobacco for two additional years if by 1 January 1976 it has not proved possible to convert those duties into internal taxes on manufactured tobacco on a harmonised basis in accordance with Article 99 of the EEC Treaty, either because there are no Community provisions in this field on 1 January 1975 or because the time limit set for the implementation of such Community provisions is later than 1 January 1976.

5. The Council Directive of 4 March 1969 on the harmonisation of provisions laid down by law, regulation or administrative action for deferred payment of customs duties, charges having equivalent effect and agricultural levies shall not apply in the new Member States to the customs duties of a fiscal nature referred to in paragraphs 3 and 4 or to the fiscal element of such duties.

6. The Council Directive of 4 March 1969 on the harmonisation of provisions laid down by law, regulation or administrative action in respect of inward processing shall not apply in the United Kingdom to the customs duties of a fiscal nature referred to in paragraphs 3 and 4 or to the fiscal element of such duties.

ARTICLE 39

1. For the purpose of the progressive introduction of the Common Customs Tariff and of the ECSC unified tariff, the new Member States shall amend their tariffs applicable to third countries as follows:

- (a) in the case of tariff headings in respect of which the basic duties do not differ by more than 15% in either direction from the duties in the Common Customs Tariff or the ECSC unified tariff, these latter duties shall be applied from 1 January 1974 ;
- (b) in other cases, each new Member State shall, from the same date, apply a duty reducing by 40% the difference between the basic duty and the duty in the Common Customs Tariff or the ECSC unified tariff.

This difference shall be further reduced by 20% on 1 January 1975 and by 20% on 1 January 1976.

The new Member States shall apply in full the Common Customs Tariff and the ECSC unified tariff from 1 July 1977.

2. From 1 January 1974, if any duties in the Common Customs Tariff are altered or suspended, the new Member States shall simultaneously amend or suspend their tariffs in the proportion resulting from the implementation of paragraph 1.

3. The new Member States shall apply the Common Customs Tariff from 1 January 1974 in respect of the products listed in Annex III to this Act.

4. The new Member States shall apply the Common Customs Tariff nomenclature from the date of accession. Denmark, Norway and the United Kingdom are, however, authorised to defer their application of the nomenclature until 1 January 1974.

The new Member States may include within this nomenclature existing national subdivisions which are indispensable in order that the progressive alignment of their customs duties with those in the Common Customs Tariff be carried out under the conditions laid down in this Act.

5. With a view to facilitating the progressive introduction of the Common Customs Tariff by the new Member States, the Commission shall determine, if necessary, the provisions whereby new Member States alter their customs duties.

ARTICLE 40

In respect of the following products in the Common Customs Tariff :

<i>CCT Heading No.</i>	<i>Description of goods (ECSC)</i>
73.01	Pig iron, cast iron and spiegeleisen, in pigs, blocks, lumps and similar forms
73.02	Ferro-alloys : A. Ferro-manganese : I. Containing more than 2% by weight of carbon (high carbon ferro-manganese)
73.07	Blooms, billets, slabs and sheet bars (including tinplate bars), of iron or steel; pieces roughly shaped by forging, of iron or steel A. Blooms and billets : ex I. Rolled billets

Ireland shall, notwithstanding the provisions of Article 39, apply from 1 January 1975 duties reducing by one third the difference between the rates actually applied on 1 January 1972 and those of the ECSC unified tariff. The difference resulting from this first move towards alignment shall be further reduced by 50% on 1 January 1976.

Ireland shall apply in full the ECSC unified tariff from 1 July 1977.

ARTICLE 41

In order to bring their tariffs into line with the Common Customs Tariff and the ECSC unified tariff, the new Member States shall remain free to alter their customs duties more rapidly than is provided for in Article 39(1) and (3). They shall inform the other Member States and the Commission thereof.

CHAPTER 2

Elimination of Quantitative Restrictions

ARTICLE 42

Quantitative restrictions on imports and exports shall, from the date of accession, be abolished between the Community as originally constituted and the new Member States and between the new Member States themselves.

Measures having equivalent effect to such restrictions shall be abolished by 1 January 1975 at the latest.

ARTICLE 43

Notwithstanding Article 42, Member States may, for a period of two years, retain restrictions on exports of waste and scrap metal of iron or steel falling within Common Customs Tariff heading No. 73.03, insofar as these arrangements are not more restrictive than those applied to exports to third countries.

For Denmark and Norway the period shall be three years and for Ireland five years.

ARTICLE 44

1. The new Member States shall progressively adjust State monopolies of a commercial character within the meaning of Article 37(1) of the EEC Treaty so as to ensure that by 31 December 1977 no discrimination regarding the conditions under which goods are procured and marketed exists between nationals of Member States.

The original Member States shall have equivalent obligations in relation to the new Member States.

2. From the beginning of 1973 the Commission shall make recommendations as to the manner in which and the timetable according to which the adjustment provided for in this Article must be carried out, it being understood that the manner and timetable must be the same for the new Member States and the original Member States.

CHAPTER 3

Other Provisions

ARTICLE 45

1. The Commission shall, before 1 April 1973 and with due regard for the provisions in force, in particular those relating to Community transit, determine the methods of administrative cooperation designed to ensure that goods fulfilling the requisite conditions benefit from the abolition of customs duties and charges having equivalent effect and quantitative restrictions and measures having equivalent effect.

2. The Commission shall, before the expiry of that time limit, lay down the provisions applicable to trade within the Community in goods obtained in the Community in the manufacture of which have been incorporated :

- products on which the customs duties or charges having equivalent effect which were applicable to them in the Community as originally constituted or in a new Member State have not been levied, or which have benefited from a total or partial drawback of such duties or charges ;
- agricultural products which do not fulfil the conditions required for admission to free movement in the Community as originally constituted or in a new Member State.

In adopting these provisions, the Commission shall take into account the rules laid down in this Act for the elimination of customs duties between the Community as originally constituted and the new Member States and between the new Member States themselves, and for the progressive introduction by the new Member States of the Common Customs Tariff and the provisions relating to the common agricultural policy.

ARTICLE 46

1. Save as otherwise provided in this Act, the provisions in force with regard to customs legislation for trade with third countries shall apply under the same conditions to trade within the Community, for such time as customs duties are levied in that trade.

For the purpose of establishing the customs value in respect of that trade, the customs territory to be taken into consideration shall be that defined by the provisions existing in the Community and in the new Member States on 31 December 1972.

2. The Member States shall apply the Common Customs Tariff nomenclature in trade within the Community from the date of accession. Denmark, Norway and the United Kingdom are, however, authorised to defer their application of this nomenclature until 1 January 1974.

The new Member States may include within this nomenclature existing national subdivisions which are indispensable in order that the progressive elimination of their customs duties within the Community be carried out under the conditions laid down in this Act.

ARTICLE 47

1. Where the compensatory amounts referred to in Article 55(1)(a) are levied in trade between the Community as originally constituted and the new Member States and between the new Member States themselves on imports of primary products considered as having been used in the manufacture of goods covered by Regulation No. 170/67/EEC on the common system of trade for ovalbumin and lactalbumin and Regulation (EEC) No. 1059/69 determining the system of trade applicable to certain goods processed from agricultural products, a compensatory amount, calculated on the basis of the said amounts and in accordance with the rules laid down by the above Regulations for calculating either the charge or the variable component applicable to the goods under consideration, shall be applied on importation of those goods.

When these same goods are imported from third countries into the new Member States, the charge laid down by Regulation No. 170/67/EEC and the variable component laid down by Regulation (EEC) No. 1059/69 shall be reduced or increased, as the case may be, by the compensatory amount under the same conditions as those laid down in Article 55(1)(b).

2. Article 61(2) shall apply for the determination of the customs duty constituting the fixed component of the charge applicable in the new Member States to goods covered by Regulation (EEC) No. 1059/69.

Each fixed component applied in trade between the Community as originally constituted and the new Member States and between the new Member States themselves shall be abolished in accordance with Article 32(1).

Each fixed component applied by the new Member States to imports from third countries shall be brought into line with the Common Customs Tariff in accordance with Article 39.

3. The new Member States shall, for the goods covered by Regulations No. 170/67/EEC and (EEC) No. 1059/69, apply in full the Common Customs Tariff nomenclature by 1 February 1973 at the latest.

4. The new Member States shall abolish customs duties and charges having equivalent effect, other than those provided for in paragraphs 1 and 2, on 1 February 1973.

On the same date, the new Member States shall abolish the measures having equivalent effect to quantitative restrictions in trade between themselves and with the Community as originally constituted.

5. The Council shall, acting by a qualified majority on a proposal from the Commission, adopt provisions to implement this Article, taking account, in particular, of the special situations which may result from the implementation for the same goods of the first sub-paragraph of paragraph 1 and of Article 97.

ARTICLE 48

1. The provisions of this Title shall not prevent Ireland from applying to products originating in the United Kingdom arrangements enabling customs duties and protective elements contained in customs duties of a fiscal nature to be eliminated more rapidly, in accordance with the Anglo-Irish Free Trade Area Agreement, signed on 14 December 1965, and related Agreements.

2. The provisions adopted pursuant to Article 45(2) shall apply from 1 January 1974 in the context of the customs arrangements in force between Ireland and the United Kingdom.

ARTICLE 49

1. Protocol Nos. 8 to 15 annexed to this Act shall not preclude any alteration to or suspension of duties decided under Article 28 of the EEC Treaty.

2. The protocols annexed to the Agreement on the determination of part of the Common Customs Tariff in respect of the products in List G annexed to the EEC Treaty are hereby revoked, with the exception of Protocol No. XVII.

TITLE II

AGRICULTURE

CHAPTER 1

General Provisions

ARTICLE 50

Save as otherwise provided in this Title, the rules provided for in this Act shall apply to agricultural products.

ARTICLE 51

1. This Article shall apply to prices in respect of which Chapters 2 and 3 refer to this Article.

2. Before the first move towards price alignment referred to in Article 52, the prices to be applied in each new Member State shall be fixed in accordance with the rules provided for in the common organisation of the market in the sector in question at a level which allows producers in that sector to obtain returns equivalent to those obtained under the previous national system.

3. In respect of Norway and the United Kingdom, those prices shall, however, be fixed at a level such that the application of the Community rules results in a level of market prices comparable with the level recorded in the Member State concerned during a representative period preceding the implementation of the Community rules.

ARTICLE 52

1. If the application of provisions of this Title results in a price level different from that of the common prices, the prices in respect of which Chapters 2 and 3 refer to this Article shall be aligned with the level of the common prices in six stages.

2. Subject to paragraph 4, the moves towards alignment shall be carried out each year at the beginning of the marketing year according to the following provisions:

- (a) when the price of a product in a new Member State is lower than the common price, the price in that Member State shall, at the time of each move towards alignment, be increased successively by a sixth, a fifth, a quarter, a third and a half of the difference between the price level in that new Member State and the common price level which are applicable before each move towards alignment; the price resulting from this calculation shall be increased proportionately to any rise in the common price for the following marketing year;
- (b) when the price of a product in a new Member State is higher than the common price, the difference between the price level applicable before each move towards alignment in the new Member State and the common price level applicable for the next marketing year shall be reduced successively by a sixth, a fifth, a quarter, a third and a half.

3. In the interest of the smooth functioning of the process of integration, the Council, acting in accordance with the procedure laid down in Article 43(2) of the EEC Treaty, may decide that, notwithstanding paragraph 2, the price of one or more products in one or more of the new Member States shall for one marketing year depart from the prices resulting from the application of paragraph 2.

This departure may not exceed 10% of the amount of the price move to be made.

In that event, the price level for the following marketing year shall be that which would have resulted from applying paragraph 2 if the departure had not been decided upon. A further departure from this price level may, however, be decided upon for that marketing year in accordance with the conditions in the preceding subparagraphs.

4. The common prices shall be applied in the new Member States by 1 January 1978 at the latest.

ARTICLE 53

If the difference between the price level of a product in a new Member State and the common price level is found to be minimal, the Council, acting in accordance with the procedure laid down in Article 43(2) of the EEC Treaty, may decide that the common price shall be applied in that new Member State in respect of the product concerned.

ARTICLE 54

1. For such time as there is a difference in the United Kingdom between prices obtained under the national system of guaranteed prices and market prices resulting from the application of the mechanisms of the common agricultural policy and the provisions of this Title, that Member State is authorised to retain production subsidies.

2. The United Kingdom shall, for each of the products to which paragraph 1 applies, endeavour to abolish these subsidies as soon as possible during the period referred to in Article 9(2).

3. These subsidies may not have the effect of raising the returns of producers above the level which would have resulted from the application to these returns of the rules for the alignment of prices laid down in Article 52.

4. The Council, acting in accordance with the procedure laid down in Article 43(2) of the EEC Treaty, shall adopt the rules necessary for the application of this Article with a view to ensuring the proper functioning of the common agricultural policy and in particular of the common organisation of the market.

ARTICLE 55

1. The differences in price levels shall be compensated as follows :

- (a) in trade between the new Member States themselves and with the Community as originally constituted, compensatory amounts shall be levied by the importing State or granted by the exporting State ;
- (b) in trade between the new Member States and third countries, levies or other import charges applied under the common agricultural policy and export refunds shall be reduced or increased, as the case may be, by the compensatory amounts applicable in trade with the Community as originally constituted. Customs duties may not, however, be reduced by the compensatory amount.

2. For products in respect of which prices are fixed in accordance with Articles 51 and 52, the compensatory amounts applicable in trade between the Community as originally constituted and the new Member States, and between those States and third countries, shall be equal to the difference between the prices fixed for the new Member State concerned and the common prices.

For the other products, the compensatory amounts shall be determined in the cases provided for in Chapters 2 and 3 and in accordance with the rules which they lay down.

3. The compensatory amounts applicable in trade between the new Member States shall be determined by direct reference to the compensatory amounts fixed for each of those States in accordance with paragraph 2.

4. No compensatory amount shall, however, be fixed if the application of paragraphs 2 and 3 results in a minimal amount.

5. For products in respect of which the duty in the Common Customs Tariff is bound under the General Agreement on Tariffs and Trade, the binding shall be taken into account.

6. The compensatory amount levied or granted by a Member State in accordance with paragraph 1(a) may not exceed the total amount levied by that same Member State on imports from third countries.

The Council, acting by a qualified majority on a proposal from the Commission, may derogate from this rule, in particular in order to avoid deflections of trade and distortions of competition.

ARTICLE 56

If the world market price for a product is higher than the price used in calculating the import charge introduced under the common agricultural policy, less the compensatory amount deducted from the import charge in accordance with Article 55, or if the refund on exports to third countries is less than the compensatory amount, or if no refund is applicable, appropriate measures may be taken with a view to ensuring the proper functioning of the common organisation of the market.

ARTICLE 57

In fixing the level of the various elements of the price and intervention system, except for the prices referred to in Articles 51 and 70, account shall be taken for the new Member States, to the extent necessary for the proper functioning of the Community rules, of the difference in prices expressed by the compensatory amount.

ARTICLE 58

The compensatory amounts granted shall be financed by the Community from the Guarantee Section of the European Agricultural Guidance and Guarantee Fund.

ARTICLE 59

The following provisions shall apply to products the importation of which from third countries into the Community as originally constituted is subject to customs duties :

1. Customs duties on imports shall be progressively abolished between the Community as originally constituted and the new Member States and between the new Member States themselves in five stages. The first reduction, which shall reduce the customs duties to 80% of the basic duty, and the four other reductions of 20% each, shall be made in accordance with the following timetable :

- (a) for products covered by the common organisation of the market in beef and veal : at the start of each marketing year, the first reduction taking place in 1973 ;
- (b) for products covered by Regulation No. 23 on the progressive establishment of a common organisation of the market in fruit and vegetables, by Regulation (EEC) No. 234/68 on the establishment of a common organisation of the market in live trees and other plants, bulbs, roots and the like, cut flowers and ornamental foliage, and by Regulation (EEC) No. 865/68 on the establishment of a common organisation of the market in products processed from fruit and vegetables : on 1 January each year, the first reduction taking place on 1 January 1974 ;
- (c) for other agricultural products : in accordance with the timetable laid down in Article 32(1), the first reduction, however, taking place on 1 July 1973.

2. For the purpose of the progressive introduction of the Common Customs Tariff, each new Member State shall reduce the difference between the basic duty and the duty in the Common Customs Tariff by successive

amounts of 20%. These moves towards alignment shall be made on the dates laid down in paragraph 1 for the products in question. For the products referred to in paragraph 1(c), the moves towards alignment shall follow the timetable laid down in Article 39(1).

However, in the case of tariff headings in respect of which the basic duties do not differ by more than 15% in either direction from the duties in the Common Customs Tariff, the latter duties shall be applied from the date of the first move towards alignment for each category of products in question.

3. In respect of the second, third and fourth reductions or moves towards alignment, the Council, acting by a qualified majority on a proposal from the Commission, may decide that, in respect of one or more of the new Member States, the duties applicable to one or more of the products referred to in paragraph 1(b) shall, for one year, depart from the duties resulting from the application of paragraph 1 or, as the case may be, paragraph 2.

This departure may not exceed 10% of the amount of the modification to be made under paragraphs 1 or 2.

In that event, the duties to be applied for the following year shall be those which would have resulted from applying paragraph 1 or, as the case may be, paragraph 2, if the departure had not been decided upon. However, for that year, a further departure from those duties may be decided upon in accordance with the conditions set out in the above subparagraphs.

On 1 January 1978, the customs duties on these products shall be abolished and the new Member States shall apply in full the Common Customs Tariff.

4. In respect of products covered by a common organisation of the market, the new Member States may, in accordance with the procedure laid down in Article 26 of Regulation No. 120/67/EEC on the common organisation of the market in cereals or, as the case may be, laid down in the corresponding Articles of the other Regulations on the establishment of a common organisation of agricultural markets, be authorised to abolish the customs duties referred to in paragraph 1, or to align duties as provided for in paragraph 2, or both, at a more rapid rate than that laid down in the preceding paragraphs or to suspend in whole or in part the customs duties on products imported from other Member States.

In respect of other products, no authorisation shall be required for the introduction of the measures referred to in the preceding subparagraph.

The customs duties resulting from an accelerated alignment shall not be less than the customs duties on imports of the same products from other Member States.

Each new Member State shall inform the other Member States and the Commission of the measures taken.

ARTICLE 60

1. In respect of products covered, on the date of accession, by a common organisation of the market, the system applicable in the Community as originally constituted in respect of customs duties and charges having equiva-

lent effect and quantitative restrictions and measures having equivalent effect shall, subject to Articles 55 and 59, apply in the new Member States from 1 February 1973.

2. In respect of products not covered, on the date of accession, by a common organisation of the market, the provisions of Title I concerning the progressive abolition of charges having equivalent effect to customs duties and of quantitative restrictions and measures having equivalent effect shall not apply to those charges, restrictions and measures if they form part of a national market organisation on the date of accession.

This provision shall apply only to the extent necessary to ensure the maintenance of the national organisation and until the common organisation of the market for these products is implemented.

3. The new Member States shall apply the Common Customs Tariff nomenclature by 1 February 1973 at the latest, in respect of agricultural products covered by a common organisation of the market.

To the extent that no difficulties arise in the application of the Community rules and, in particular, in the functioning of the common organisation of markets and of the transitional mechanisms provided for in this Title, the Council, acting by a qualified majority on a proposal from the Commission, may authorise a new Member State to include within this nomenclature such existing national subdivisions as would be indispensable for carrying out the progressive moves towards alignment with the Common Customs Tariff or the elimination of the duties in the Community under the conditions laid down in this Act.

ARTICLE 61

1. The component for protection of the processing industry which is used in calculating the charge on imports from third countries of products covered by the common organisation of the markets in cereals, rice and products processed from fruit and vegetables shall be levied on imports from the new Member States into the Community as originally constituted.

2. For imports into the new Member States, the amount of that component shall be determined by separating out, from the total protection applied on 1 January 1972, the component or components designed to ensure the protection of the processing industry.

Such component or components shall be levied on imports from other Member States; they shall replace, as regards the charge on imports from third countries, the Community protective component.

3. Article 59 shall apply to the component referred to in paragraphs 1 and 2. The reductions or alignments in question shall, however, in respect of cereal and rice products be made at the beginning of the marketing year fixed for the basic product concerned.

ARTICLE 62

1. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt the provisions necessary for implementing this Title.

2. The Council, acting unanimously on a proposal from the Commission after consulting the Assembly, may make the necessary adaptations to the provisions of Chapters 2, 3 and 4 of this Title, if made necessary as a result of a change in Community rules.

ARTICLE 63

1. If transitional measures are necessary to facilitate the passage from the existing arrangements in the new Member States to those resulting from the application of the common organisation of the markets as provided for in this Title, particularly if for certain products the implementation of the new arrangements on the scheduled date meets with appreciable difficulties, such measures shall be adopted in accordance with the procedure provided for in Article 26 of Regulation No. 120/67/EEC or, as the case may be, in the corresponding Articles of the other Regulations on the common organisation of agricultural markets. Such measures may be taken during the period up to 31 January 1974, but their application may not extend beyond that date.

2. The Council may, acting unanimously on a proposal from the Commission after consulting the Assembly, extend the time limit in paragraph 1 up to 31 January 1975.

ARTICLE 64

The provisions of this Title shall not affect the degree of freedom of trade in agricultural products which results from the Anglo-Irish Free Trade Area Agreement, signed on 14 December 1965, and related Agreements.

CHAPTER 2

Provisions relating to certain Common Organisations of Markets

SECTION 1

Fruit and Vegetables

ARTICLE 65

1. A compensatory amount shall be fixed for fruit and vegetables in respect of which:

- (a) the new Member State concerned applied, during 1971, quantitative restrictions or measures having equivalent effect,
- (b) a common basic price is fixed, and
- (c) the producer price in that new Member State appreciably exceeds the basic price applicable in the Community as originally constituted during the period preceding the application of the Community system to the new Member States.

2. The producer price referred to in paragraph 1(c) shall be calculated by applying to the national data of the new Member State concerned the principles set out in Article 4(2) of Regulation No. 159/66/EEC laying down additional provisions in respect of the common organisation of the market in fruit and vegetables.

3. The compensatory amount shall apply only during the period for which the basic price is in force.

ARTICLE 66

1. Until the first move towards alignment, the compensatory amount applicable in trade between a new Member State in which the conditions referred to in Article 65(1) are fulfilled and the Community as originally

constituted, another new Member State, with the exception of those referred to in the following subparagraph, or third countries, shall be equal to the difference between the prices referred to in Article 65 (1) (c).

In trade between two new Member States in which the conditions referred to in Article 65 (1) are fulfilled, the compensatory amount shall be equal to the difference between their respective producer prices. The compensatory amount shall not be applied if this difference is insignificant.

The differences referred to in the above subparagraphs shall be adjusted, to the extent necessary, by the incidence of customs duties.

2. Where subsequent compensatory amounts are fixed, the compensatory amount shall be reduced by one fifth of the original amount on 1 January every year, beginning on 1 January 1974.

Article 52 (3) shall apply by analogy. The compensatory amount shall be abolished on 1 January 1978.

ARTICLE 67

For the purpose of determining entry prices, the price quotations recorded in the new Member States shall be reduced by :

- (a) the compensatory amount, if any ;
- (b) the duties applicable to imports into those Member States from third countries instead of the duties of the Common Customs Tariff.

ARTICLE 68

The provisions relating to the common quality standards shall apply to the marketing of home produce in the United Kingdom only from :

- (a) 1 February 1974, in respect of artichokes, asparagus, Brussels sprouts, ribbed celery, witloof chicory, garlic and onions ;
- (b) 1 February 1975, in respect of beans, roundheaded cabbages, carrots, lettuces, curled-leaved endives and broad-leaved (Batavian) endives, shelling peas, spinach and strawberries.

SECTION 2

Wine

ARTICLE 69

Until 31 December 1975, Ireland and the United Kingdom are authorised to retain the use of composite names including the word wine for the designation of certain beverages in respect of which the use of such names is incompatible with Community rules. This derogation shall not, however, apply to products exported to the Member States of the Community as originally constituted.

SECTION 3

Oilseeds

ARTICLE 70

1. Article 52 shall apply to the derived intervention prices for oilseeds.

2. The intervention prices applicable in the new Member States until the first move towards alignment shall be fixed in accordance with the rules provided for within the common organisation of the market, account being taken of the normal relationship which should exist between the income to be obtained from oilseeds and that obtained from the production of the products which compete in crop rotation with oilseeds.

ARTICLE 71

The amount of aid in respect of oilseeds harvested in a new Member State shall be adjusted by the compensatory amount applicable in that State, increased by the incidence of the customs duties applied therein.

ARTICLE 72

In trade in oilseeds, the compensatory amount shall be applied only to refunds granted on exports to third countries of oilseeds harvested in a new Member State.

SECTION 4

Cereals

ARTICLE 73

Articles 51 and 52 shall apply to the derived intervention prices for cereals.

ARTICLE 74

The compensatory amounts applicable in trade between the Community as originally constituted and the new Member States and between those States and third countries shall be fixed as follows :

1. The compensatory amount applicable until the first move towards alignment in the case of cereals for which no derived intervention price is fixed for the new Member States shall be derived from the compensatory amount applicable in the case of a competing cereal for which a derived intervention price is fixed, account being taken of the relationship existing between the threshold prices of the cereals in question. However, if the relationship between the threshold prices differs appreciably from that between the prices recorded on the market of the new Member State concerned, the latter relationship may be taken into consideration.

The subsequent compensatory amounts shall be fixed on the basis of those referred to in the first sub-paragraph and according to the rules in Article 52 for the alignment of prices.

2. The compensatory amount for the products specified in Article 1(c) and (d) of Regulation No. 120/67/EEC shall be derived from the compensatory amount for the cereals to which they relate with the help of the coefficients or rules used in determining the levy, or the variable component of the levy, on those products.

SECTION 5

Pigmeat

ARTICLE 75

1. The compensatory amount per kilogramme of pig carcase shall be calculated on the basis of the compensatory amounts applicable to the quantity of feed grain required for the production in the Community of one kilogramme of pigmeat.

2. The compensatory amount for the products, other than pig carcasses, specified in Article 1(1) of Regulation No. 121/67/EEC on the common organisation of the market in pigmeat shall be derived from the compensatory amount referred to in paragraph 1 with the help of the coefficients used in calculating levy.

ARTICLE 76

1. Until 31 December 1975, products which do not correspond to the provisions of point 23 of Annex I to Directive No. 64/433/EEC, on health protection questions in intra-Community trade in fresh meat, may be bought in by intervention agencies in Denmark, Ireland and the United Kingdom.

2. Until 31 October 1974, the United Kingdom is authorised not to apply the Community scale of classification for pig carcasses.

SECTION 6

Eggs

ARTICLE 77

1. The compensatory amount per kilogramme of eggs in shell shall be calculated on the basis of the compensatory amounts applicable to the quantity of feed grain required for the production in the Community of one kilogramme of eggs in shell.

2. The compensatory amount per hatching egg shall be calculated on the basis of the compensatory amounts applicable to the quantity of feed grain required for the production in the Community of one hatching egg.

3. The compensatory amount for the products specified in Article 1(1)(b) of Regulation No. 122/67/EEC on the common organisation of the market in eggs shall be derived from the compensatory amount for eggs in shell with the help of the coefficients used in calculating the levy.

ARTICLE 78

With regard to egg-marketing standards, Ireland and the United Kingdom may retain on their markets a system of grading in four and five weight-categories respectively, on condition that the marketing of eggs which comply with Community standards shall not be subject to restrictions because of different systems of grading.

SECTION 7

Poultry Meat

ARTICLE 79

1. The compensatory amount per kilogramme of slaughtered poultry shall be calculated on the basis of the compensatory amounts applicable to the quantity of feed grain, differentiated according to species of poultry, which is required for the production in the Community of one kilogramme of slaughtered poultry.

2. The compensatory amount applicable per chick shall be calculated on the basis of the compensatory amounts applicable to the quantity of feed grain required for the production in the Community of one chick.

3. The compensatory amount for the products specified to in Article 1(2)(d) of Regulation No. 123/67/EEC on the common organisation of the market in poultry meat shall be derived from the compensatory amount for slaughtered poultry with the help of the coefficients used in calculating the levy.

SECTION 8

Rice

ARTICLE 80

The compensatory amounts applicable in trade between the Community as originally constituted and the new Member States and between those States and third countries shall be fixed as follows:

1. The compensatory amount applicable until the first move towards alignment for round-grained husked rice, long-grained husked rice and broken rice shall be established on the basis of the difference between the threshold price and the market prices recorded on the market of the new Member State concerned during a reference period.

The subsequent compensatory amounts shall be fixed on the basis of those provided for in the first subparagraph and according to the rules in Article 52 for the alignment of prices.

2. The compensatory amount for paddy rice, semi-milled rice, wholly-milled rice and the products specified in Article 1(1)(c) of Regulation No. 359/67/EEC on the common organisation of the market in rice shall, for each of those products, be derived from the compensatory amount for the product referred to in paragraph 1 to which it relates with the help of the coefficients used in determining the levy or the variable component of the levy.

SECTION 9

Sugar

ARTICLE 81

Articles 51 and 52 shall apply to the derived intervention price for white sugar, the intervention price for raw sugar and to the minimum price for beet.

ARTICLE 82

The compensatory amounts applicable in trade between the Community as originally constituted and the new Member States and between those States and third countries shall:

- (a) in the case of the products, other than fresh beet, in Article 1(1)(b) of Regulation No 1009/67/EEC on the common organisation of the market in sugar, be derived from the compensatory amount for the primary product in question, in accordance with the rules in force for calculating the levy;
- (b) in the case of the products in Article 1(1)(d) of Regulation No 1009/67/EEC, be derived from the compensatory amount for the primary product in question, in accordance with the rules in force for calculating:
 - the levy, in respect of the compensatory amount applicable to imports,
 - the refund, in respect of the compensatory amount applicable to exports.

ARTICLE 83

The amount referred to in Article 25(3) of Regulation No 1009/67/EEC shall, in the new Member States, be adjusted by the compensatory amount calculated in accordance with Article 55(2).

SECTION 10

Live Trees and other Plants, Bulbs, Roots and the like, Cut Flowers and Ornamental Foliage

ARTICLE 84

The provisions relating to common quality standards shall be applicable to the marketing of home produce in the United Kingdom only from 1 February 1974 and, in respect of cut flowers, only from 1 February 1975.

SECTION 11

Milk and Milk Products

ARTICLE 85

Articles 51 and 52 shall apply to the intervention prices for butter and skim milk powder.

ARTICLE 86

In trade between the Community as originally constituted and the new Member States, and between those States and third countries, compensatory amounts shall be fixed as follows:

1. For pilot products other than those referred to in Article 85, the compensatory amount applicable until the first move towards

alignment shall be determined on the basis of the difference between the representative market price level of the new Member State concerned and the representative market price level of the Community as originally constituted over a representative period preceding the introduction of the Community rules in the new Member State in question.

In fixing the compensatory amounts applicable from the first move towards alignment, account shall be taken of the amount fixed in accordance with the first subparagraph or paragraph 3 and the rules for alignment of prices in Article 52.

2. For products other than pilot products, the compensatory amounts shall be derived from the compensatory amount for the pilot product of the group to which the product concerned belongs, in accordance with the rules in force for calculating the levy.

3. If the first subparagraph of paragraph 1 and paragraph 2 cannot be applied or if their application results in compensatory amounts leading to abnormal price relationships, the compensatory amount shall be calculated on the basis of the compensatory amounts applicable for butter and skim milk powder.

ARTICLE 87

1. If a system providing for a different valuation of milk according to its use existed in a new Member State before accession, and if the application of Article 86 leads to difficulties on the market, the compensatory amount applicable until the first move towards alignment for one or more products falling with Commons Customs Tariff heading No. 04.01 shall be fixed on the basis of the difference between market prices.

When subsequent compensatory amounts are fixed, the compensatory amount shall be reduced annually at the beginning of the marketing year by one-sixth of the original amount and shall be abolished on 1 January 1978.

2. Appropriate measures shall be adopted to avoid distortions of competition which might result from the application of paragraph 1, either in respect of the products in question or in respect of other milk products, and to take account of possible changes in the common price.

ARTICLE 88

1. Ireland is authorised to grant a subsidy on the direct consumption of butter to the extent necessary to allow, during the transitional period, the price paid by the consumer to be progressively adjusted to the price level obtaining in the Community as originally constituted.

In the event of Ireland making use of the authorisation referred to in the first subparagraph, it shall grant a subsidy of the same amount on the consumption of butter imported from the other Member States.

2. This subsidy shall be abolished in six stages coinciding with the stages for aligning the price of butter.

ARTICLE 89

1. Until 31 December 1975 in the United Kingdom and until 31 December 1977 in Ireland, the supply to consumers as whole milk of milk with a fat content of less than 3.5% is authorised.

Milk sold as a whole milk pursuant to the first subparagraph must not, however, have been subjected to any skimming. Furthermore, the provisions in respect of whole milk shall apply to such milk.

2. Denmark is authorised to maintain until 31 December 1977 the exclusive milk supply licences which existed in certain areas at the date of accession. Licences which expire before 1 January 1978 may not be renewed.

SECTION 12

Beef and Veal

ARTICLE 90

Articles 51 and 52 shall apply to the guide prices for adult bovine animals and calves.

ARTICLE 91

1. The compensatory amount for calves and adult bovine animals calculated in accordance with Article 55 shall be corrected to the extent necessary, by the incidence of customs duties.

If the incidence of the customs duty applicable to trade between the Community as originally constituted and the new Member States and between the Member States themselves is higher than the compensatory amount calculated in accordance with Article 55, the customs duty shall be suspended at a level such that its incidence corresponds to the compensatory amount.

2. If the third subparagraph of Article 10 (1) of Regulation (EEC) No 805/68 on the common organisation of the market in beef and veal, or if Article 11 (1) of that Regulation, is applied, the appropriate measures shall be adopted in order to maintain Community preference and avoid deflections of trade.

3. The compensatory amount for the products referred to in the Annex to Regulation (EEC) No 805/68 shall be fixed taking account of the provisions laid down in the preceding paragraphs and with the help of the rules laid down for fixing the levies applicable to those products.

ARTICLE 92

In respect of the products specified in Article 1 (b) and (c) of Regulation (EEC) No 805/68, the refund on exports to third countries by the new Member States shall be corrected by the incidence of the difference between the customs duties on the products listed in the Annex to the said Regulation to imports from third countries into the Community as originally constituted on the one hand and into the new Member States on the other.

ARTICLE 93

For such time as the United Kingdom, pursuant to Article 54, retains production subsidies for slaughter cattle, Ireland is authorised, in order to avoid distortion of the Irish cattle market, to retain the measures relating to the export of beef and veal which it applied before accession, in correlation with the system of subsidies applied in the United Kingdom.

SECTION 13

Products Processed from Fruit and Vegetables

ARTICLE 94

Compensatory amounts shall be determined on the basis of the compensatory amounts fixed for sugar, glucose, or glucose syrup, as the case may be, and in accordance with the rules applicable for calculating:

- the levy, in respect of the compensatory amount applicable to imports,
- the refund, in respect of the compensatory amount applicable to exports.

SECTION 14

Flax

ARTICLE 95

1. The amount of aid for flax shall, for the new Member States, be fixed on the basis of the difference between the income to be obtained by flax producers and the return resulting from the foreseeable market price for this product.

2. The income to be received by flax producers shall be established taking into account the price of competing products in the crop rotation in the new Member State in question and the relationship in the Community as originally constituted between the income resulting from flax production and that resulting from the production of competing products.

SECTION 15

Seeds

ARTICLE 96

When an aid is granted for seed production, the amount of the aid may be fixed, in respect of the new Member States, at a level different from that fixed for the Community as originally constituted if the income of producers in a new Member State was previously appreciably different from the income of producers in the Community as originally constituted.

In that event, the amount of aid in respect of the new Member State must take account of the income previously received by seed producers and of the need to avoid any distortion of production patterns, and the need to align that amount gradually with the Community amount.

SECTION 16

Agricultural Products Exported in the Form of Goods not Covered by Annex II to the EEC Treaty

ARTICLE 97

Compensatory amounts shall be determined on the basis of the compensatory amounts fixed for the basic products and in accordance with the rules applicable for the calculation of the refunds provided for in Regulation (EEC) No 204/69, establishing the general rules concerning the granting of export refunds and the rules for fixing the amounts thereof, with respect to certain agricultural products exported in the form of goods not covered by Annex II to the Treaty.

CHAPTER 3

Provisions relating to Fisheries

SECTION 1

Common Organisation of the Market

ARTICLE 98

Articles 51 and 52 shall apply to the guide price for fisheries products. The moves towards price alignment shall be made at the beginning of the fishing year, and for the first time on 1 February 1973.

ARTICLE 99

The compensatory amounts shall be corrected, to the extent necessary, by the incidence of the customs duties.

SECTION 2

Fishing Rights

ARTICLE 100

1. Notwithstanding the provisions of Article 2 of Regulation (EEC) No 2141/70 on the establishment of a common structural policy for the fishing industry, the Member States of the Community are authorised, until 31 December 1982, to restrict fishing in waters under their sovereignty or jurisdiction, situated within a limit of six nautical miles, calculated from the base lines of the coastal Member State, to vessels which fish traditionally in those waters and which operate from ports in that geographical coastal area ; however, vessels from other regions of Denmark may continue to fish in the waters of Greenland until 31 December 1977 at the latest.

Member States may not, insofar as they avail themselves of this derogation, adopt provisions dealing with conditions for fishing in those waters which are less restrictive than those applied in practice at the time of accession.

2. The provisions laid down in the preceding paragraph and in Article 101 shall not prejudice the special fishing rights which each of the original

Member States and the new Member States might have enjoyed on 31 January 1971 in regard to one or more other Member States ; the Member States may exercise these rights for such time as derogations continue to apply in the areas concerned. As regards the waters of Greenland, however, the special rights shall expire on the dates laid down for these rights.

3. If a Member State extends its fishing limits in certain areas to twelve nautical miles, the existing fishing activities within twelve nautical miles must be so pursued that there is no retrograde change by comparison with the situation on 31 January 1971.

4. In order to permit a satisfactory overall balance of fishing operations to be established within the Community during the period referred to in the first paragraph, the Member States need not make full use of the opportunities presented by the provisions of the first subparagraph of paragraph 1 in certain areas of the maritime waters under their sovereignty or jurisdiction.

The Member States shall inform the Commission of the measures which they adopt for this purpose ; on a report from the Commission, the Council shall examine the situation and, in the light thereof, shall, where necessary, address recommendations to the Member States.

ARTICLE 101

The limit of six nautical miles referred to in Article 100 shall be extended to twelve nautical miles for the following areas :

1. *Denmark*

- the Faroe Islands
- Greenland
- the west coast, from Thyborøn to Blaavandshuk.

2. *France*

The coasts of the départements of Manche, Ille-et-Vilaine, Côtes du Nord, Finistère and Morbihan.

3. *Ireland*

- the north and west coasts, from Lough Foyle to Cork Harbour in the south-west
- the east coast, from Carlingford Lough to Carnsore Point, for crustaceans and molluscs (shellfish).

4. *Norway*

The coast between Egersund and the frontier between Norway and the Union of Soviet Socialist Republics.

5. *United Kingdom*

- the Shetlands and the Orkneys
- the north and east of Scotland, from Cape Wrath to Berwick
- the north-east of England, from the river Coquet to Flamborough Head

- The south-west from Lyme Regis to Hartland Point (including twelve nautical miles around Lundy Island)
- County Down.

ARTICLE 102

From the sixth year after Accession at the latest, the Council, acting on a proposal from the Commission, shall determine conditions for fishing with a view to ensuring protection of the fishing grounds and conservation of the biological resources of the sea.

ARTICLE 103

Before 31 December 1982, the Commission shall present a report to the Council on the economic and social development of the coastal areas of the Member States and the state of stocks. On the basis of that report, and of the objectives of the common fisheries policy, the Council, acting on a proposal from the Commission, shall examine the provisions which could follow the derogations in force until 31 December 1982.

CHAPTER 4 Other Provisions

SECTION 1 Veterinary Measures

ARTICLE 104

Directive No. 64/432/EEC on veterinary health inspection questions in intra-Community trade in bovine animals and swine shall be applied account being taken of the following provisions:

1. Until 31 December 1977, the new Member States are authorised to retain, in compliance with the general rules of the EEC Treaty, their national rules on imports of bovine animals and swine for breeding, store and slaughter with the exception, in the case of Denmark, of slaughter cattle.

Adjustments will be sought, within the framework of those national rules, to ensure the progressive development of trade; to this end, those rules will be examined by the Standing Veterinary Committee.

2. Until 31 December 1977, the Member States into which cattle are imported shall grant to the Member States from which cattle are exported the derogation provided for in Article 7 (1) (A) (a) of the Directive.
3. Until 31 December 1977, the new Member States are authorised to retain the methods applied in their territory for declaring a herd of cattle officially free of tuberculosis or brucellosis within the meaning of Article 2 of the Directive, subject to the application of the provisions of the Directive relating to the presence of animals vaccinated against brucellosis. The provisions relating to the tests laid down for animals traded within the Community shall continue to apply, subject to paragraphs 4 and 6.

4. Until 31 December 1977, exports of cattle from Ireland to the United Kingdom may be carried out:
 - (a) by way of derogation from the provisions of the Directive relating to brucellosis ; however, the provisions relating to the test laid down for animals traded within the Community shall continue to apply to exports of uncastrated cattle ;
 - (b) by way of derogation from the provisions of the Directive relating to tuberculosis, provided that, at the time of export, a declaration is made certifying that the exported animal comes from a herd declared officially free of tuberculosis according to the methods in force in Ireland ;
 - (c) by way of derogation from the provisions of the Directive relating to the obligation to separate store and breeding cattle on the one hand and slaughter cattle on the other.
5. Until 31 December 1975, Denmark is authorised to use "alttuberculin" by way of derogation from the provisions in Annex B to the Directive.
6. Until the implementation of the Community provisions concerning trade within the Member States, in respect of the matters governed by the Directive, Ireland and the United Kingdom are authorised to retain their national rules governing trade between Ireland and Northern Ireland.

The Member States concerned may take appropriate measures in order to limit this derogation exclusively to the trade referred to above.

ARTICLE 105

Directive No. 64/433/EEC on health protection questions in intra-Community trade in fresh meat shall apply, account being taken of the following provisions:

Until 31 December 1977, Ireland, Norway, and the United Kingdom in respect of Northern Ireland, are authorised to retain for the import of fresh meat their national rules relating to protection against foot-and-mouth disease, while complying with the general provisions of the EEC Treaty.

ARTICLE 106

Before the expiry of the time limits referred to in Articles 104 and 105, a review of the situation in the Community as a whole and in its various parts will be carried out in the light of developments in the veterinary field.

By 1 July 1976 at the latest, the Commission shall submit a report to the Council and, in so far as is necessary, appropriate proposals taking account of these developments.

SECTION 2

Miscellaneous Provisions

ARTICLE 107

The acts listed in Annex V to this Act shall apply in respect of the new Member States under the conditions laid down in that Annex.

TITLE III

EXTERNAL RELATIONS

CHAPTER 1

Agreements of the Communities with Certain Third Countries

ARTICLE 108

1. From the date of accession, the new Member States shall apply the provisions of the agreements referred to in paragraph 3, taking into account the transitional measures and adjustments which may appear necessary and which will be the subject of protocols to be concluded with the co-contracting third countries and annexed to those agreements.

2. These transitional measures, which will take into account the corresponding measures adopted within the Community and which may not extend beyond the period of validity thereof, shall be designed to ensure the progressive application by the Community of a single system for its relations with the co-contracting third countries as well as the identity of the rights and obligations of the Member States.

3. Paragraphs 1 and 2 shall apply to the agreements concluded with Greece, Turkey, Tunisia, Morocco, Israel Spain and Malta.

Paragraphs 1 and 2 shall also apply to agreements which the Community concludes with other third countries in the Mediterranean region before the entry into force of this Act.

CHAPTER 2

Relations with the Associated African and Malagasy States and with certain Developing Commonwealth Countries

ARTICLE 109

1. The arrangements resulting from the Convention of Association between the European Economic Community and the African and Malagasy States associated with that Community, signed on 29 July 1969, and from the Agreement establishing an Association between the European Economic Community and the United Republic of Tanzania, the Republic of Uganda and the Republic of Kenya, signed on 24 September 1969, shall not apply in relations between the new Member States and the States associated with the Community under the above acts.

The new Member States need not accede to the Agreement on products within the competence of the European Coal and Steel Community, signed on 29 July 1969.

2. Subject to the provisions of Articles 110 and 111, products originating in the Associated States referred to in paragraph 1 shall, on importation into the new Member States, be subject to the arrangements applied to those products before accession.

3. Subject to the provisions of Articles 110 and 111, products originating in the independent Commonwealth countries listed in Annex VI to this Act shall, on importation into the Community, be subject to the arrangements applied to those products before accession.

ARTICLE 110

For those products listed in Annex II to the EEC Treaty which are subject to a common organisation of the market and for those products subject on importation into the Community to specific rules as a result of the implementation of the common agricultural policy, which originate in the Associated States referred to in Article 109(1) or in the independent Commonwealth countries referred to in Article 109(3), the new Member States shall apply on importation the Community rules under the conditions laid down in this Act and subject to the following provisions :

- (a) where the Community rules provide for the levying of customs duties on imports from third countries, the new Member States shall, subject to the provisions of Article 111, apply the tariff arrangements which they applied before accession ;
- (b) as regards protective components other than customs duties, the Council shall, acting by a qualified majority on a proposal from the Commission, determine, should it prove necessary, adaptations to Community Rules designed to ensure that those products are imported under conditions similar to those existing before accession.

ARTICLE 111

Where alignment with the Common Customs Tariff leads to the reduction of a customs duty in a new Member State, the reduced customs duty shall apply to imports covered by Articles 109 and 110.

ARTICLE 112

1. Products imported into the United Kingdom before the dates determined under Article 115 which originate in the independent Commonwealth countries referred to in Article 109(3) shall not, when they are re-exported to another new Member State or to the Community as originally constituted, be considered to be in free circulation within the meaning of Article 10 of the EEC Treaty.

2. Products imported into the Community as originally constituted during that same period which originated in the Associated States referred to in Article 109(1) shall not, when re-exported to another Member State, be considered to be in free circulation in the Community as originally constituted, within the meaning of Article 10 of the EEC Treaty.

3. Where there is no risk of deflection of trade, and in particular in the event of minimal disparities in the import arrangements, the Commission may derogate from paragraphs 1 and 2.

ARTICLE 113

1. From accession, the new Member States shall communicate to the original Member States and the Commission the provisions concerning the arrangements which they apply to imports of products originating in or coming

from the independent Commonwealth countries referred to in Article 109(3) or the Associated States referred to in Article 109(1).

2. From accession, the Commission shall communicate to the new Member States the internal or conventional provisions concerning arrangements applicable to imports into the Community as originally constituted of products originating in or coming from the independent Commonwealth countries referred to in Article 109(3) or the Associated States referred to in Article 109(1).

ARTICLE 114

When the Council takes decisions and when the Committee of the European Development Fund gives opinions within the framework of the Internal Agreement on measures to be taken and procedures to be followed for the implementation of the Convention of Association between the European Economic Community and the African and Malagasy States associated with that Community, signed on 29 July 1969, of the Internal Agreement on the financing and administration of Community aid, signed on 29 July 1969, and of the Internal Agreement on measures to be taken and procedures to be followed for the implementation of the Agreement establishing an Association between the European Economic Community and the United Republic of Tanzania, the Republic of Uganda and the Republic of Kenya, signed on 24 September 1969, only the votes of the original Member States shall be counted, as the case may be, either in accordance with the weighted voting in force before accession for calculating a qualified majority or in accordance with Article 13(3) of the abovementioned Internal Agreement on the financing and administration of Community aid.

ARTICLE 115

1. Articles 109 to 114 shall apply until 31 January 1975.

2. However, imports originating in any independent Commonwealth country referred to in Article 109(3) which has before that date, established its relations with the Community on a basis other than association shall be subject in the new Member States from the date of entry into force of its agreement with the Community and in respect of matters not covered by that agreement, to the third country arrangements applicable to those imports taking into account the transitional provisions of this Act.

3. The Council may, acting unanimously after consulting the Commission, decide to defer the date laid down in paragraph 1 in the event of implementation of the transitional provisions laid down in the second paragraph of Article 62 of the Convention of Association between the European Economic Community and the African and Malagasy States associated with that Community, signed on 29 July 1969, or in the second paragraph of Article 36 of the Agreement establishing an Association between the European Economic Community and the United Republic of Tanzania, the Republic of Uganda and the Republic of Kenya, signed on 24 September 1969, for the period during which such transitional provisions are being implemented.

CHAPTER 3

Relations with Papua-New Guinea

ARTICLE 116

1. Articles 109(3) and 110 to 113 shall apply until 31 December 1977 to products originating in or coming from Papua-New Guinea imported into the United Kingdom.

2. These arrangements may be reviewed, in particular if that territory becomes independent before 1 January 1978. The Council shall, acting by a qualified majority on a proposal from the Commission, adopt, if the need arises, such provisions as are appropriate and may prove necessary.

TITLE IV

ASSOCIATION OF OVERSEAS COUNTRIES AND TERRITORIES

ARTICLE 117

1. The association of the non-European territories maintaining special relations with Norway or the United Kingdom and of the Anglo-French Condominium of the New Hebrides, listed in Article 24(2), shall take effect on 1 February 1975 at the earliest upon a decision of the Council taken under Article 136 of the EEC Treaty.

2. The new Member States need not accede to the Agreement on trade with overseas countries and territories in products within the province of the European Coal and Steel Community, signed on 14 December 1970.

ARTICLE 118

The provisions of the third part of Protocol No. 22 on relations between the European Economic Community and the Associated African and Malagasy States and the independent developing Commonwealth countries situated in Africa, the Indian Ocean, the Pacific Ocean and the Caribbean shall apply both to the overseas countries and territories referred to in Article 117 and to the non-European countries and territories maintaining special relations with the original Member States.

ARTICLE 119

1. The arrangements resulting from the Council Decision of 29 September 1970 on the association of the overseas countries and territories with the European Economic Community shall not apply in relations between those countries and territories and the new Member States.

2. Products originating in the countries and territories associated with the Community shall, on importation into the new Member States, be subject to the arrangements applied to those products before accession.

Products originating in the non-European territories maintaining special relations with Norway or the United Kingdom and in the Anglo-French

Condominium of the New Hebrides, listed in Article 24(2), shall, on importation into the Community, be subject to the arrangements applied to those products before accession.

Articles 110 to 114 shall apply.

3. This Article shall apply until 31 January 1975. If Article 115(3) is applied, this date may be deferred in accordance with the procedure and under the conditions laid down in that Article.

TITLE V

CAPITAL MOVEMENTS

ARTICLE 120

1. The new Member States may, under the conditions and within the time limits in Articles 121 to 126, defer the liberalisation of capital movements provided for in the First Council Directive of 11 May 1960 for the implementation of Article 67 of the EEC Treaty and in the Second Council Directive of 18 December 1962 adding to and amending the First Directive for the implementation of Article 67 of the EEC Treaty.

2. Appropriate consultations shall take place in due course between the new Member States and the Commission about procedures for applying measures of liberalisation or relaxation, the implementation of which may be deferred under the following provisions.

ARTICLE 121

1. Denmark may:

- (a) for a period of two years after accession, defer the liberalisation of purchases by non-residents of bonds denominated in Danish kroner and dealt in on the stock exchange in Denmark, including physical transfers of the securities in question;
- (b) for a period of five years after accession, defer the liberalisation of purchases by persons resident in Denmark of foreign securities dealt in on the stock exchange and of repurchases from abroad of Danish securities dealt in on the stock exchange, denominated entirely or partly in foreign currency, including physical transfers of the securities in question.

2. From the date of accession, Denmark will proceed to a progressive liberalisation of the operations referred to in paragraph 1(a).

ARTICLE 122

1. Ireland may:

- (a) for a period of two years after accession, defer the liberalisation of **direct investments in Member States** by persons resident in Ireland and the liberalisation of the liquidation of direct investments in Member States by persons resident in Ireland;
- (b) for a period of thirty months after accession, defer the liberalisation of the following capital movements of a personal nature:

—transfers of capital belonging to persons resident in Ireland who are emigrating, other than transfers connected with freedom of movement for workers which shall be liberalised from the date of accession ;

—gifts and endowments, dowries, succession duties, and real estate investments other than those connected with freedom of movement for workers which shall be liberalised from the date of accession ;

- (c) for a period of five years after accession defer the liberalisation of the operations set out in List B annexed to the Directives referred to in Article 120 and carried out by persons resident in Ireland.

2. Recognising that it is desirable to proceed, from the date of accession, to a substantial relaxation in the rules concerning the operations referred to in paragraph 1(a), Ireland will endeavour to take appropriate measures to this end.

ARTICLE 123

1. Norway may :

- (a) for a period of two years after accession, defer the liberalisation of capital imports for direct investment, in the form of long-term loans, in undertakings already established in Norway ;
- (b) for a period of two years after accession, defer the liberalisation of commercial credits for a period not exceeding five years where the foreign lender is a financial institution ;
- (c) for a period of two years after accession, defer the liberalisation of purchases by non-residents of shares denominated in Norwegian kroner and dealt in on the stock exchange in Norway, including physical transfers of the securities in question ;
- (d) for a period of five years after accession, defer the liberalisation of operations effected by persons resident in Norway in foreign securities dealt in on the stock exchange, including physical transfers of the securities in question.

2. From the date of accession Norway will, when granting authorisations for the operations referred to in paragraph 1(a), avoid discrimination between Norwegian undertakings, whether or not they are controlled by undertakings of other Member States.

3. With regard to the operations referred to in paragraph 1(b), Norway will endeavour to have recourse to instruments of economic policy compatible with Community rules rather than to exchange restrictions.

4. Recognising that it is desirable to proceed, from the date of accession, to a progressive liberalisation of the operations referred to in paragraph 1(c), Norway will endeavour to take appropriate measures to this end.

ARTICLE 124

1. The United Kingdom may :

- (a) for a period of two years after accession, defer the liberalisation of direct investments in Member States by persons resident in the United

Kingdom and the liberalisation of the liquidation of direct investments in Member States by persons resident in the United Kingdom ;

(b) for a period of thirty months after accession, defer the liberalisation of the following capital movements of a personal nature :

— transfers of capital belonging to persons resident in the United Kingdom who are emigrating, other than transfers connected with freedom of movement for workers which shall be liberalised from the date of accession ;

— gifts and endowments, dowries, succession duties and real estate investments other than those connected with freedom of movement for workers which shall be liberalised from the date of accession ;

(c) for a period of five years after accession, defer the liberalisation of the operations set out in List B annexed to the Directives referred to in Article 120, and carried out by persons resident in the United Kingdom.

2. From the date of accession, the United Kingdom will proceed to a substantial relaxation in the rules concerning the operations referred to in paragraph 1 (a).

ARTICLE 125

The new Member States will, circumstances permitting, carry out the liberalisation of capital movements referred to in Articles 121 to 124 before the expiry of the time limits laid down in those Articles.

ARTICLE 126

For the purpose of implementing the provisions of this Title, the Commission may consult the Monetary Committee and submit appropriate proposals to the Council.

TITLE VI

FINANCIAL PROVISIONS

ARTICLE 127

The Decision of 21 April 1970 on the replacement of financial contributions from Member States by the Communities' own resources, hereinafter referred to as the "Decision of 21 April 1970", shall be applied, account being taken of the following provisions.

ARTICLE 128

The revenue referred to in Article 2 of the Decision of 21 April 1970 shall also include :

(a) among those designated as agricultural levies, the revenue from any compensatory amount levied on imports under Articles 47 and 55, and from the fixed components applied in trade between

the Community as originally constituted and the new Member States and between the new Member States themselves under Article 61.

- (b) among those designated as customs duties, the customs duties levied by the new Member States in trade with non-member States, and also customs duties levied in trade between the Community as originally constituted and the new Member States and between the new Member States themselves.

ARTICLE 129

1. The financial contributions from Member States referred to in Article 3(2) of the Decision of 21 April 1970 shall be apportioned as follows:

— for the new Member States:

Denmark	...	...	...	2.42 per cent.
Ireland	...	...	...	0.60 per cent.
Norway	...	...	...	1.66 per cent.
United Kingdom	...	...	...	19.00 per cent.

— and for the original Member States, in accordance with the scale laid down in Article 3(2) of the Decision of 21 April 1970, after the financial contributions of the new Member States specified above have been deducted.

2. For 1973, the basis for calculating the variations referred to in Article 3(3) of the Decision of 21 April 1970 shall be:

- for the new Member States, the percentages referred to in paragraph 1;
- for the original Member States, their relative share for the preceding year, account being taken of the percentages for the new Member States specified above.

ARTICLE 130

The Communities' own resources and also the financial contributions and, where appropriate, the contributions referred to in Article 4 (2), (3) and (4) of the Decision of 21 April 1970 shall be due from the new Member States to the following extent only:

45.0 per cent. in 1973
56.0 per cent. in 1974
67.5 per cent. in 1975
79.5 per cent. in 1976
92.0 per cent. in 1977.

ARTICLE 131

1. From 1 January 1978, the Communities' own resources and, where appropriate, the financial contributions referred to in Article 4(2) (3) and (4) of the Decision of 21 April 1970, shall be due from the new Member States, in full, subject to the following provisions:

- (a) The increase in the relative share to be paid by each new Member State under the head of the Communities' own resources and of the financial contributions for 1978 in comparison with the relative share due for 1977, shall not exceed two-fifths of the difference between the relative share due under the head of the Communities' own resources and of the financial contributions for 1977 and the relative share which each new Member State would have had to pay under the same head for the same year, if this relative share had been calculated in accordance with the arrangements laid down for the original Member States from 1978 by the Decision of 21 April 1970.
- (b) For 1979, the increase in the relative share of each new Member State in comparison with 1978 shall not exceed that for 1978 in comparison with 1977.

2. The Commission shall carry out the calculations necessary for the application of this Article.

ARTICLE 132

Until 31 December 1979, that part of the Communities' budget which is not covered as a result of applying Articles 130 and 131 shall be incorporated into the amount apportioned for the original Member States in accordance with Article 129. The total amount thus determined shall be apportioned among the original Member States in accordance with the Decision of 21 April 1970.

TITLE VII

OTHER PROVISIONS

ARTICLE 133

The acts listed in Annex VII to this Act shall apply in respect of the new Member States under the conditions laid down in that Annex.

ARTICLE 134

1. During the five years following accession, the Commission will examine, with the Governments concerned, whether existing measures arising from provisions laid down by law, regulation or administrative action in force in the new Member States, which had they been introduced after accession would have fallen within the scope of Article 67 of the ECSC Treaty, could, by comparison with the measures in force in the original Member States, give rise to serious distortions in conditions of competition in the coal and steel industries whether within the common market or in export markets. The Commission may, after consulting the Council, propose to the Governments concerned any action which it considers appropriate to correct such measures or to offset their effects.

2. Until 31 December 1977, the prices charged by undertakings for sales of steel on the Irish market, reduced to their equivalent at the point chosen

for their price list, may not be below the prices shown in the price list in question for a comparable transactions, save when authorisation has been given by the Commission, in agreement with the Government of Ireland, without prejudice to the last subparagraph of Article 60(2)(b) of the ECSC Treaty.

3. If Decision No. 1/64 of the High Authority of 15 January 1964 prohibiting alignment on quotations for steel products and pig iron from State-trading countries or territories is extended after accession, that prohibition shall not apply until 31 December 1975 to products for the Danish and Norwegian markets.

ARTICLE 135

1. If, before 31 December 1977, difficulties arise which are serious and liable to persist in any sector of the economy or which could bring about serious deterioration in the economic situation of a given area, a new Member-State may apply for authorisation to take protective measures in order to rectify the situation and adjust the sector concerned to the economy of the common market.

2. On application by the State concerned, the Commission shall, by emergency procedure, determine without delay the protective measures which it considers necessary, specifying the circumstances and the manner in which they are to be put into effect.

3. The measures authorised under paragraph 2 may involve derogations from the rules of the EEC Treaty and of this Act to such an extent and for such periods as are strictly necessary in order to attain the objectives referred to in paragraph 1. Priority shall be given to such measures as will least disturb the functioning of the common market.

4. In the same circumstances and according to the same procedure, any original Member State may apply for authorisation to take protective measures in regard to one or more new Member States.

ARTICLE 136

1. If, before 31 December 1977, the Commission, on application by a Member State or by any other interested party, finds that dumping is being practised between the Community as originally constituted and the new Member States or between the new Member States themselves, it shall address recommendations to the person or persons with whom such practices originate for the purpose of putting an end to them.

Should the practices continue, the Commission shall authorise the injured Member State or States to take protective measures, the conditions and details of which the Commission shall determine.

2. For the application of this Article to the products listed in Annex II to the EEC Treaty, the Commission shall evaluate all relevant factors, in particular the level of prices at which these products are imported into the market in question from elsewhere, account being taken of the provisions of the EEC Treaty relating to agriculture, in particular Article 39.

ARTICLE 137

1. Notwithstanding Article 136, Ireland may, until 31 December 1977, take the necessary measures in cases of extreme urgency. It shall forthwith notify such measures to the Commission, which may decide to abolish or modify them.

2. This provision shall not apply to the products in Annex II to the EEC Treaty.

ARTICLE 138

Notwithstanding the second paragraph of Article 95 of the EEC Treaty, Denmark may retain until 30 June 1974 the special excise duties on table wines imported in bottles or other similar containers.

PART FIVE

Provisions relating to the Implementation of this Act

TITLE I

SETTING UP OF THE INSTITUTIONS

ARTICLE 139

1. The Parliaments of the new Member States shall, upon accession, designate their delegates to the Assembly.

2. The Assembly shall meet at the latest one month after accession. It shall make such adaptations to its rules of procedure as are made necessary by accession.

ARTICLE 140

1. Upon accession, the office of President of the Council shall be held by the member of the Council who would have held that office in accordance with the original text of Article 2 of the Treaty establishing a Single Council and a Single Commission of the European Communities. On expiry of his term of office, the office of President shall then be held in the order of Member States laid down in the Article referred to above as amended by Article 11.

2. The Council shall make such adaptations to its rules of procedure as are made necessary by accession.

ARTICLE 141

1. The President, the Vice-Presidents and the members of the Commission shall be appointed upon accession. The Commission shall take up its duties on the fifth day after its members have been appointed. The terms of office of the members in office at the time of accession shall terminate at the same time.

2. The Commission shall make such adaptations to its rules of procedure as are made necessary by accession.

ARTICLE 142

1. Upon accession, four additional judges shall be appointed to the Court of Justice.

2. The terms of office of two of the judges appointed in accordance with paragraph 1 shall expire on 6 October 1976. Those two judges shall be chosen by lot. The terms of office of the other two judges shall expire on 6 October 1979.

3. Upon accession, a third Advocate-General shall be appointed. His term of office shall expire on 6 October 1979.

4. The Court shall make such adaptations to its rules of procedure as are made necessary by accession. The rules of procedure as adapted shall require the unanimous approval of the Council.

5. In order to give judgment in cases pending before the Court on 1 January 1973 in respect of which oral proceedings have started before that date, the full Court and the Chambers shall be composed as before accession and shall apply the rules of procedure in force on 31 December 1972.

ARTICLE 143

Upon accession, the Economic and Social Committee shall be enlarged by the appointment of fifty-one members representing the various categories of economic and social activity in the new Member States. The terms of office of the members thus appointed shall expire at the same time as those of the members in office at the time of accession.

ARTICLE 144

Upon accession, the Consultative Committee of the European Coal and Steel Community shall be enlarged by the appointment of additional members. The terms of office of the members thus appointed shall expire at the same time as those of the members in office at the time of accession.

ARTICLE 145

Upon accession, the members of the Scientific and Technical Committee shall be appointed in accordance with the procedure laid down in Article 134 of the Euratom Treaty. The Committee shall take up its duties on the fifth day after its members have been appointed. The terms of office of the members in office at the time of accession shall expire at that time.

ARTICLE 146

Upon accession, the Monetary Committee shall be enlarged by the appointment of members representing the new Member States. Their terms of office shall expire at the same time as those of the members in office at the time of accession.

ARTICLE 147

Adaptations to the Rules of the Committees established by the original Treaties and to their rules of procedure necessitated by accession, shall be made as soon as possible after accession.

ARTICLE 148

1. The terms of office of the new members of the Committees listed in Annex VIII shall expire at the same time as those of the members in office at the time of accession.

2. Upon accession, the membership of the Committees listed in Annex IX shall be completely renewed.

TITLE II

APPLICABILITY OF THE ACTS OF THE INSTITUTIONS

ARTICLE 149

From accession, the new Member States shall be considered as being addressees of and as having received notification of directives and decisions within the meaning of Article 189 of the EEC Treaty and of Article 161 of the Euratom Treaty, and of recommendations and decisions within the meaning of Article 14 of the ECSC Treaty, provided that those directives, recommendations and decisions have been notified to all the original Member States.

ARTICLE 150

The application in each new Member State of the acts listed in Annex X to this Act shall be deferred until the dates specified in that list.

ARTICLE 151

1. The following shall be deferred until 1 February 1973 :

- (a) the application to the new Member States of the Community rules established for production of and trade in agricultural products and for trade in certain goods processed from agricultural products which are the subject of special arrangements ;
- (b) the application to the Community as originally constituted of the amendments made to these rules by this Act, including those arising from Article 153.

2. Paragraph 1 shall not apply to the adaptations referred to in Part II, point A, of Annex I, referred to in Article 29 of this Act.

3. Until 31 January 1973, the arrangements applicable to trade between, on the one hand, a new Member State and, on the other hand, the Community as originally constituted, the other new Member States or third countries shall be those applied before accession.

ARTICLE 152

The new Member States shall put into effect the measures necessary for them to comply from the date of accession with the provisions of directives and decisions within the meaning of Article 189 of the EEC Treaty and of Article 161 of the Euratom Treaty, and with recommendations and

decisions within the meaning of Article 14 of the ECSC Treaty, unless a time limit is provided for in the list in Annex XI or in any other provisions of this Act

ARTICLE 153

1. Adaptations to the acts of the institutions of the Communities not included in this Act or its Annexes, made by the institutions before accession in accordance with the procedure in paragraph 2 to bring those acts into line with the provisions of this Act, in particular those of Part Four, shall enter into force on accession.

2. The Council, acting by a qualified majority on a proposal from the Commission, or the Commission, according to which of these two institutions adopted the original act, shall to this end draw up the necessary texts.

ARTICLE 154

Notwithstanding Article 3(3), the principles concerning the general arrangements for regional aid, elaborated within the framework of the application of Articles 92 to 94 of the EEC Treaty and contained in the communication of the Commission of 23 June 1971 and also in the resolution of the Representatives of the Governments of the Member States, meeting in Council, of 20 October 1971, shall apply to the new Member States on 1 July 1973 at the latest.

These texts will be supplemented to take account of the new situation of the Community after accession, so that all the Member States are in the same situation in regard to them.

ARTICLE 155

The texts of the acts of the institutions of the Communities adopted before accession and drawn up by the Council or the Commission in the Danish, English and Norwegian languages shall, from the date of accession, be authentic under the same conditions as the texts drawn up in the four original languages. They shall be published in the Official Journal of the European Communities if the texts in the original languages were so published.

ARTICLE 156

Agreements, decisions and concerted practices in existence at the time of accession which come within the scope of Article 65 of the ECSC Treaty by reason of accession must be notified to the Commission within three months of accession. Only agreements and decisions which have been notified shall remain provisionally in force until a decision has been taken by the Commission.

ARTICLE 157

Provisions laid down by law, regulation or administrative action designed to ensure the protection of the health of the workers and the general public in the territories of the new Member States against the dangers arising

from ionizing radiations shall, in accordance with Article 33 of the Euratom Treaty, be communicated by those States to the Commission within three months of accession.

TITLE III

FINAL PROVISIONS

ARTICLE 158

Annexes I to XI, Protocols Nos 1 to 30 and the Exchange of Letters on Monetary Questions, which are attached to this Act, shall form an integral part thereof.

ARTICLE 159

The Government of the French Republic shall transmit a certified copy of the Treaty establishing the European Coal and Steel Community and the Treaties amending that Treaty to the Governments of the Kingdom of Denmark, Ireland, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland.

ARTICLE 160

The Government of the Italian Republic shall transmit a certified copy of the Treaty establishing the European Economic Community, the Treaty establishing the European Atomic Energy Community and the Treaties amending or supplementing them in the Dutch, French, German and Italian languages to the Governments of the Kingdom of Denmark, Ireland, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland.

The texts of the Treaty establishing the European Economic Community and the Treaty establishing the European Atomic Energy Community, and the Treaties amending or supplementing them, drawn up in the Danish, English, Irish and Norwegian languages, shall be annexed to this Act. These texts shall be authentic under the same conditions as the original texts of the Treaties referred to above.

ARTICLE 161

A certified copy of the international agreements deposited in the archives of the Secretariat of the Council of the European Communities shall be transmitted to the Governments of the new Member States by the Secretary-General.

ANNEX I

List referred to in Article 29 of the Act of Accession

I. CUSTOMS LEGISLATION

1. *Council Regulation (EEC) No. 802/68 of 27 June 1968*
OJ No. L 148/1, 28 June 1968

In Article 14(2), the word "twelve" is replaced by the word "forty-three".

2. *Council Regulation (EEC) No. 803/68 of 27 June 1968*
OJ No. L 148/6, 28 June 1968

Article 6(2) is replaced by the following:

"2. For goods introduced into the territory of a Member State and then carried to a destination in another Member State, through the territory of a third country, or by sea after passing through the territory of a Member State, the place of introduction into the Community to be taken into consideration shall be determined in accordance with the procedure laid down in Article 17."

The first sub-paragraph of Article 6(3) is replaced by the following:

"3. For goods introduced into the customs territory of the Community and carried directly from one of the French overseas departments or Greenland to another part of the customs territory of the Community or vice-versa, the place of introduction to be taken into consideration shall be the place referred to in paragraphs 1 and 2 situated in that part of the customs territory of the Community from which the goods came, if they were unloaded or transhipped there and this was certified by the Customs authorities."

In Article 17(2), the word "twelve" is replaced by the word "forty-three".

3. *Council Regulation (EEC) No. 950/68 of 28 June 1968*
OJ No. L 172/1, 22 July 1968

Point C.3. in Title I of Part I of the Annex is replaced by the following text:

"The unit of account (ua) used for certain specific customs duty rates or as a criterion for the purpose of determining the application of certain headings or sub-headings has a value of 0.88867088 grammes of fine gold. The exchange rate to be taken to convert the unit of account into Belgian francs, Danish kroner, Dutch guilders, French francs, German marks, Irish pounds, Italian lire, Luxembourg francs, Norwegian kroner or pounds sterling shall be that corresponding to the par value communicated to and recognized by the International Monetary Fund in respect of these currencies."

4. *Council Regulation (EEC) No. 1496/68 of 27 September 1968*
OJ No. L 238/1, 28 September 1968

Article 1 is replaced by the following:

"The customs territory of the Community shall comprise the following territories:

—the territory of the Kingdom of Belgium;

- the territory of the Kingdom of Denmark, except the Faroe Islands;
- the German territories to which the Treaty establishing the European Economic Community applies, except the Island of Heligoland and the territory of Büsingen (Treaty of 23 November 1964 between the Federal Republic of Germany and the Swiss Confederation);
- the territory of the French Republic, except overseas territories;
- the territory of Ireland;
- the territory of the Italian Republic, except the communes of Livigno and Campione d'Italia and the national waters of Lake Lugano which are between the bank and the political frontier of the area between Ponte Tresa and Porto Ceresio;
- the territory of the Grand Duchy of Luxembourg;
- the territory of the Kingdom of the Netherlands in Europe;
- the territory of the Kingdom of Norway, except the islands—other than Jan Mayen—which are not in the area between the coast of the continental part of the Kingdom and the limit of its territorial waters;
- the territory of the United Kingdom of Great Britain and Northern Ireland and of the Channel Islands and the Isle of Man”.

5. *Commission Regulation (EEC) No. 1769/68* of 6 November 1968
OJ No. L 285/1, 25 November 1968

In the Annex, the first sub-paragraph of paragraph 3 of the Introductory Notes is replaced by the following:

“As regards the French overseas departments of Guadeloupe, Guiana, Martinique and Reunion, and as regards Greenland, of which territories the airports are not included in the list, the following rules shall apply:

- (a) for goods shipped direct from third countries to these territories, the whole of the cost of air transport to these airports is to be included in the value for customs purposes;
- (b) for goods shipped from third countries to the European part of the Community and transhipped or unloaded in one of those territories, the air transport costs which would have been incurred for carrying the goods only as far as the airport of transhipment or unloading are to be included in the value for customs purposes;
- (c) for goods shipped from third countries to those territories and transhipped or unloaded in an airport in the European part of the Community, the air transport costs to be included in the value for customs purposes are those which result from the application of the percentages given in the following list to the costs which would have been incurred for carrying the goods from the airport of departure to the airport of transhipment or unloading.”

6. *Council Regulation (EEC) No. 97/69* of 16 January 1969
OJ No. L 14/1, 21 January 1969

In Article 3(2), the word “twelve” is replaced by the word “forty-three”.

7. *Council Regulation (EEC) No. 542/69* of 18 March 1969
OJ No. L 77/1, 29 March 1969

Sub-paragraph (d) of Article 11 is replaced by the following:

“(d) “office of transit” means:

- the customs office at the point of entry into a Member State other than the Member State of departure,
- also the office at the point of exit from the Community when the consignment is leaving the customs territory of the Community in the course of a Community transit operation via a frontier between a Member State and a third country.”

Sub-paragraph (g) of Article 11 is replaced by the following:

“(g) “internal frontier” means a frontier common to two Member States.

Goods loaded in a seaport of a Member State and unloaded in a seaport of another Member State shall be deemed to have crossed an internal frontier provided that the sea crossing is covered by a single transport document.

Goods coming from a third country by sea and transhipped in a seaport of a Member State with a view to unloading in a seaport of another Member State shall not be deemed to have crossed an internal frontier.”

A new paragraph, worded as follows, is inserted in Article 41:

“3. The provisions of paragraph 1 shall likewise apply to goods crossing an internal frontier in accordance with the second sub-paragraph of Article 11(g).”

Article 44 is replaced by the following:

“1. Notwithstanding the provisions of Article 4, goods the transport of which involves crossing an internal frontier within the meaning of the second sub-paragraph of Article 11(g) need not be placed under the Community transit system before crossing the said frontier.

2. The provisions of paragraph 1 shall not apply:

—where goods are subject to Community measures entailing control of their use or destination;

or

—where the transport operation is to end in a Member State other than that in which the port of unloading is situated, save where transport beyond that port is to be effected, in pursuance of the second sub-paragraph of Article 7(2), under the Rhine Manifest procedure.

3. Where goods have been placed under the Community transit system before crossing the internal frontier, the effect of that system shall be suspended during the crossing of the high seas.

4. No guarantee need be lodged in respect of the transport of goods by sea.”

In Article 47, the words “. . . pursuant to the provisions of the second sub-paragraph of Article 44(1)” are replaced by:

“pursuant to the provisions of Article 44”.

In Article 58(2) the word “twelve” is replaced by the word “forty-three”.

The initials "EC" and "EF" are inserted in the heading of each form in Annex A.

The initials "EC" and "EF" are inserted in the heading of each form in Annex B.

The initials "EC" and "EF" are inserted in the heading of each form in Annex C.

The initials "EC" and "EF" are inserted in the heading of each form in Annex D.

The initials "EC" and "EF" are inserted in the heading of the form in Annex E.

The initials "EC" and "EF" are inserted in the heading of Specimen I in Annex F.

Point I.1. of Specimen I in Annex F is replaced by the following:

"The undersigned.....(1)
resident at.....(2)
hereby jointly and severally guarantees, at the office of guarantee
of
up to a maximum of.....in favour of the Kingdom of
Belgium, the Kingdom of Denmark, the Federal Republic of
Germany, the French Republic, Ireland, the Italian Republic, the
Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the
Kingdom of Norway and the United Kingdom of Great Britain and
Northern Ireland (3), the amounts for which the principal,.....
(1), may be or become liable to the abovementioned Member States
of the European Communities by reason of infringements or irregu-
larities committed in the course of a Community transit operation
carried out by that person, including duties, taxes, agricultural levies
and other charges—with the exception of pecuniary penalties—as
regards principal or further liabilities, expenses and incidentals".

The initials "EC" and "EF" are inserted in the heading of Specimen II in Annex F.

Point I.1. of Specimen II in Annex F is replaced by the following:

"The undersigned.....(1)
resident at.....(2)
hereby jointly and severally guarantees, at the office of departure of
..... in
favour of the Kingdom of Belgium, the Kingdom of Denmark, the
Federal Republic of Germany, the French Republic, Ireland, the
Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of
the Netherlands, the Kingdom of Norway and the United Kingdom of
Great Britain and Northern Ireland (3), the amounts for which the
principal.....(1), may be or become liable to the above-
mentioned Member States of the European Communities, by reason
of infringements or irregularities committed in the course of a
Community transit operation carried out by that person from the

office of departure of.....
to the office of destination of.....
in respect of the goods designated hereafter, including duties, taxes,
agricultural levies and other charges—with the exception of pecu-
niary penalties—as regards principal or further liabilities, expenses
and incidentals.”

The initials “ EC ” and “ EF ” are inserted in the heading of the form in Annex G.

On the first page of the form in Annex G, four dotted lines are inserted after the words “ the following.....Member States of the European Communities: ”.

The initials “ EC ” and “ EF ” are inserted in the specimen label in Annex H.

8. *Commission Regulation (EEC) No. 582/69 of 26 March 1969*
OJ No. L 79/1, 31 March 1969

In the Annex, the following words are inserted in the heading of the “ CERTIFICATE OF ORIGIN ” form and the copy of that form:

“ EUROPEAN COMMUNITIES ”
“ DE EUROPÆISKE FÆLLESSKABER ”
“ DE EUROPEISKE FELLESKAP ”

9. *Commission Regulation (EEC) No. 1062/69 of 6 June 1969*
OJ No. L 141/31, 12 June 1969

In the Annex, the wording of the “ CERTIFICATE ”, the form of which is to be determined by the Commission, is replaced by the following:

CERTIFICAT/BESCHEINIGUNG/CERTIFICATO/CERTIFICAAT/
CERTIFICATE/CERTIFIKAT/BEVIS N°..... (.....)

pour les préparations dites « Fondues » présentées en emballages immédiats
d'un contenu net inférieur ou égal à 1 kg

Für „Käsefondue“ genannte Zubereitungen in unmittelbaren Umschliessungen
mit einem Gewicht des Inhalts von 1 kg oder weniger

Per le preparazioni dette « Fondute » presentate in imballaggi immediati di un
contenuto netto inferiore o uguale a 1 kg

Voor de preparaten „Fondues“ genaamd, in onmiddellijke verpakking, met een
netto-inhoud van 1 kg of minder

For preparations known as “Cheese Fondues” put up in immediate packings
of a net capacity of 1 kg or less

For tilberedte produkter betegnet “Oste-fondue” i eengangsemballage med et
netto-indhold på mindre end eller lig med 1 kg

For såkalt “Oste-fondue” tilberedninger i direkte emballasje, med et nettoinn-
hold på 1 kg eller mindre

L'autorité compétente/Die zuständige Stelle/L'autorità competente/De bevoegde autoriteit/The competent authority/Vedkommende myndighed/Vedkommende myndighet:

certifie que le lot de
bescheinigt, dass die Sendung von
certifica che la partita di
bevestigt dat de partij van
certifies that the parcel of
bekræfter, at sendingen på
bekrefter at varepartiet på

kilogrammes de produit, faisant l'objet de la facture no.....du
kilogramm, für welche die Rechnung Nr.....vom.....
chilogrammi di prodotto, oggetto della fattura n.....del
kilogram van het produkt, waarvoor factuur nr.....van
kilogrammes of product, covered by Invoice No.....of.....
kilogram af produktet, omhandlet i faktura nr.....af.....
kilo, med faktura nr.....av.....

délivrée par/ausgestellt wurde durch/emessa da/Afgegeven door/issued by
udstedt af/utstedt av:.....
pays d'origine/Ursprungsland/paese d'origine/land van oorsprong/country of
origin/oprindelsesland/oprinnelsesland:
pays de destination/Bestimmungsland/paese destinatario/land van bestemming/
country of destination/bestemmelsesland/bestemmelsesland:

répond aux caractéristiques suivantes:
folgende Merkmale aufweist:
risponde alle seguenti caratteristiche:
de volgende kenmerken vertoont:
has the following characteristics:
svarer til følgende karakteristika:
har følgende kjennetegn:

Ce produit a une teneur en poids en matières grasses provenant du lait égale ou supérieure à 12% et inférieure à 18%.

Dieses Erzeugnis hat einen Gehalt an Milchlipp von 12 oder mehr, jedoch weniger als 18 Gewichtshundertteilen.

Tale prodotto ha un tenore in peso di materie grasse provenienti dal latte uguale o superiore a 12% e inferiore a 18%.

Dit produkt heeft een gehalte aan van melk afkomstige vetstoffen gelijk aan of hoger dan 12%, doch lager dan 18%.

This product has a milkfat content equal to or exceeding 12% and less than 18% by weight.

Dette produkt har et vægtindhold af mælkefedt på mindst 12 og højst 18 procent.

Dette produkt har et vektinnhold av melkefett på 12% eller mer, men mindre en 18%.

Il a été obtenu à partir de fromages dans la fabrication desquels ne sont entrés d'autres fromages que l'Emmental ou le Gruyère.

Es ist hergestellt aus Schmelzkäse, zu dessen Erzeugung keine anderen Käsesorten als Emmentaler oder Greyerzer verwendet wurden.

E stato ottenuto con formaggi fusi per la cui fabbricazione sono stati utilizzati solamente Emmental o Gruviera.

Het werd verkregen uit gesmolten kaas, waarin bij de fabricatie ervan geen andere kaassoorten dan Emmental en Gruyere werden verwerkt.

It is prepared with processed cheeses made exclusively from Emmental or Gruyere cheese.

Fremstillet af smelteost, ved hvis fabrikation der ikke er anvendt andre ostesorter end Emmentaler eller Gruyère.

Det er fremstilt av smelteost i hvis produksjon ikke er inngått andre ostesorter enn Emmentaler eller Gruyère.

avec adjonction de vin blanc, d'eau-de-vie de cerises (kirsch), de fécule et d'épices.

mit Zusätzen von Weisswein, Kirschwasser, Stärke und Gewürzen.

con l'aggiunta di vino bianco, acquavite di ciliege (kirsch), fecola e spezie.

met toevoeging van witte wijn, brandewijn van kersen (kirsch), zetmeel en specerijen.

with added white wine, kirsch, starch and spices.

med tilsætning af hvidvin, kirsebærbrændevin (kirsch), stivelse og krydderier.

tilsatt hvitvin, kirsebærbrennevin (kirsch), plantestivelse og krydder.

Les frommages Emmental ou Gruyère utilisés dans sa fabrication ont été fabriqués dans le pays exportateur.

Die zu seiner Herstellung verwendeten Käsesorten Emmentaler oder Greyerzer sind im Ausfuhrland erzeugt worden.

I formaggi Emmental o Gruviera utilizzati per la sua fabbricazione sono stati fabbricati nel paese esportatore.

De voor de bereiding ervan verwerkte Gruyère en Emmentaler kaassoorten werden in het uitvoerland bereid.

The Emmental and Gruyere cheeses used in its manufacture were made in the exporting country.

De ved fabrikationen anvendte Emmentaler- eller Gruyère-oste er fremstillet i eksportlandet.

Ostesortene Emmentaler eller Gruyère som er brukt i produktets fremstilling er fremstilt i eksportlandet.

Lieu et date d'émission:
Ausstellungsort und -datum:
Luogo e data d'emissione:
Plaats en datum van afgifte:
Place and date of issue:
Sted og dato for udstedelsen:
Sted og dato for utstedelsen:

Cachet de l'organisme émetteur:
Stempel der ausstellenden Stelle:
Timbro dell'organismo emittente:
Stempel van het met de afgifte belaste bureau:
Stamp of issuing body:
Den udstedende myndigheds stempel:
Den utstedende instans' stempel:



Signature(s)
Unterschrift(en)
Firma(e)
Handtekening(en)
Signature(s)
Underskrift(er)
Underskrift(er)

10. *Commission Regulation (EEC) No. 1617/69 of 31 July 1969*
OJ No. L 212/1, 25 August 1969
The initials "EC" and "EF" are inserted in the heading of the form in the Annex.

11. *Commission Regulation (EEC) No. 2311/69 of 19 November 1969*
OJ No. L 295/1, 24 November 1969
The initials "EC" and "EF" are inserted in the heading of the form in Annex I.

Point I.1 of the specimen in Annex I is replaced by the following:

" 1. The undersigned.....(1) resident at..... (2) hereby jointly and severally guarantees, at the office of guarantee of..... in favour of the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the French Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland, any amounts for which a principal may become liable to the abovementioned Member States of the European Communities by reason of infringements or irregularities committed in the course of a Community transit operation including duties, taxes, agricultural levies and other charges—with the exception of pecuniary penalties—as regards principal or further liabilities, expenses and incidental charges with regard to which the undersigned has agreed to be responsible by the issue of guarantee vouchers

up to a maximum amount of 5,000 units of account per voucher.”

Four dotted lines numbered 6, 7, 8 and 9 are inserted in the table contained in point I.4. of that specimen.

The initials “EC” and “EF” are inserted in the heading of the form in Annex II.

12. *Commission Regulation (EEC) No. 2312/69* of 19 November 1969
OJ No. L 295/6, 24 November 1969

The initials “EC” and “EF” are inserted in the heading of the form in the Annex.

The words:

“RECEIPT”
“ANKOMSTBEVIS” and
“FREMKOMSTBEVIS”

are inserted in the title of that form.

13. *Commission Regulation (EEC) No. 2313/69* of 19 November 1969
OJ No. L 295/8, 24 November 1969

In Article 5 (3) the words:

“ISSUED RETROACTIVELY”
“UDSTEDT EFTERFØLGENDE” and
“UTSTEDT A POSTERIORI”

are inserted after “Achteraf afgegeven”.

The initials “EC” and “EF” are inserted in the heading of the form in the Annex.

14. *Commission Regulation (EEC) No. 2314/69* of 19 November 1969
OJ No. L 295/13, 24 November 1969

The initials “EC” and “EF” are inserted in the heading of the form in the Annex.

The words:

“TRANSIT ADVICE NOTE”
“GRÆNSEOVERGANGSATTEST” and
“GRENSEPASSERINGSBEVIS”

are inserted in the heading of that form.

15. *Commission Regulation (EEC) No. 2315/69* of 19 November 1969
OJ No. L 295/14, 24 November 1969

The initials “EC” and “EF” are inserted in the heading of the form in the Annex.

16. *Commission Regulation (EEC) No. 2552/69* of 17 December 1969
OJ No. L 320/19, 20 December 1969

In Annex I, the wording of the “Certificate of authenticity”, the form of which is determined by the Commission, is replaced by the following:

The Internal Revenue Service certifies that the above whisky was distilled in the United States at
L'Internal Revenue Service certifie que le whisky Bourbon décrit ci-dessus a été obtenu aux U.S.A.
Der Internal Revenue Service bestätigt, daß der obengenannte Bourbon-Whisky in den USA unmittelbar
L'Internal Revenue Service certifica che il whisky Bourbon sopra descritto è stato ottenuto negli U.S.A.
De Internal Revenue Service verklaart dass de hierboven omschreven Bourbon whisky met den sterkte
The Internal Revenue Service bekræfter, at forannævnte Bourbon-whisky med en styrke på højst 160°
Internal Revenue Service bekræfter at ovennævnte Bourbon whisky er fremstilt ved én produktionsgang i

not exceeding 160° proof (80° Gay-Lussac) from a fermented mash of grain of which not less than
directement à 160° proof (80° Gay Lussac) au maximum, exclusivement par distillation de moûts fermentés
mit einer Stärke von höchstens 160° proof (80° Gay-Lussac) durch Destillation aus vergorener Getreide-
direttamente a non più di 160° proof (80° Gay-Lussac) esclusivamente per distillazione di mosti fermentati
van niet meer dan 160° proof (80° Gay-Lussac) in de Verenigde Staten van Noord-Amerika in één pro-
proof (80° Gay-Lussac) er fremstillet i USA i én arbejdsgang udelukkende ved destillering og gæret
USA med en styrke på maksimum 160° proof (80° Gay-Lussac) utelukkende ved destillering av gjæret

51% was corn grain (maize) and aged for not less than two years in charred new oak containers.
tés d'un mélange de céréales contenant au moins 51% de grains de maïs et qu'il a vieilli pendant au
Maische mit einem Anteil an Mais von mindestens 51 Gewichtsunterteilen hergestellt wurde und daß
tati di una miscela di cereali contenente almeno 51% di granturco e che è stato invecchiato per almeno
duktiegang is verkregen uitsluitend door distillatie van gegist beslag van gemengde granen bestaande uit
urt af en kornblanding indeholdende mindst 51% majs, og at den er lagret i mindst 2 år i ny, indvendigt
most av en kornblanding med et maisinnhold på minst 51%, og lagret i minst to år i nye ekefat med

moins deux ans en fûts de chêne neufs superficiellement carbonisés.
er mindestens 2 Jahre in neuen, innen angekohlten Eichenfässern gelagert hat.
due anni in fusti nuovi di quercia carbonizzati superficialmente.
ten minste 51 gewichtspercenten (%) maïs en dat deze whisky gedurende ten minste twee jaar is gelagerd in
nieuwe, aan de binnenzijde verkoolede, eikehouten vaten.
forkullede egetræsfade.
karboniseret innside.

Place and date of issuance
Lieu et date d'émission
Ort und Datum der Ausstellung
Luogo e data di emissione
Plaats en datum van afgifte
Sted og dato for udstedelsen
Sted og dato for utstedelsen

U.S. Treasury Department
Internal Revenue Service Officer

Seal of the Internal Revenue Service
Sceau de l'Internal Revenue Service
Stempel des Internal Revenue Service
Timbro dell'Internal Revenue Service
Stempel van het Internal Revenue Service
Internal Revenue Service's stempel
Internal Revenue Service's stempel

17. *Commission Regulation (EEC) No. 2588/69* of 22 December 1969
OJ No. L 322/32, 24 December 1969
as amended by:

—*Commission Regulation (EEC) No. 2631/70* of 23 December 1970
OJ No. L 279/34, 24 December 1970

—*Commission Regulation (EEC) No. 1571/71* of 22 July 1971
OJ No. L 165/25, 23 July 1971

The text of the annex is replaced by the following:

“List of airline companies which are exempt from providing a guarantee:

1. Aer Lingus Teoranta (Irish Air Lines), Dublin
2. Aeroflot, Moskva
3. Aerolíneas Argentinas, Buenos Aires
4. Aerolinee Itavia, Roma
5. Aer Turas, Dublin
6. African Safari Airways, Nairobi
7. Air Afrique, Abidjan
8. Air Algérie (Compagnie générale de transports aériens), Alger
9. Air Anglia, Norwich
10. Air Bahama (International), Nassau
11. Air Canada, Montreal
12. Air Ceylon, Colombo
13. Air France, Paris
14. Air India, Bombay
15. Air Inter, Paris
16. Airlift International, USA
17. Air Madagascar (Société nationale malgache de transports aériens), Tananarive
18. Air Sénégal (Compagnie sénégalaise de transports aériens), Dakar
19. Air Viking, Reykjavik
20. Air Zaïre, Kinshasa
21. Alaska Airlines, USA
22. Alia (Royal Jordan Airlines), Amman
23. Alitalia (Linee Aeree Italiane), Roma
24. APSA, Lima
25. Arco Bermuda
26. Ariana (Afghan Airlines), Kabul
27. ATI, Napoli
28. Aurigny (Channel Islands), Alderney
29. Austrian Airlines, Wien
30. Avianca (Aerovías Nacionales de Colombia SA) Bogotá
31. “Balkan” Bulgarian Airlines, Sofia
32. “Basco” Brothers Air Services Co., Aden

33. Bavaria Fluggesellschaft Schwabe & Co., München
34. BEA (British European Airways Corporation), Ruislip
35. BKS Air Transport Ltd., London
36. BOAC (British Overseas Airways Corporation), Heathrow Airport, London
37. Britannia, Luton
38. British Air Ferries, Southend
39. British Island Airways, Gatwick Airport, London
40. British Midland, Castle Donington
41. British United Airways, Gatwick Airport, London
42. Caledonian-BUA, Gatwick Airport, London
43. Cambrian, Rhoose
44. Canadian Pacific-Air, Vancouver
45. Ceskoslovenske Aerolinie (CSA), Praha
46. Channel Airways, Stansted Airport, London
47. Condor Flugdienst GmbH, Frankfurt/Main
48. Cyprus Airways, Nicosia
49. Dan-Air Services Ltd., London
50. Deutsche Lufthansa AG, Köln
51. Donaldson, Gatwick Airport, London
52. East African Airways Corporation, Nairobi
53. El Al Israel Airlines Ltd., Tel Aviv
54. Elivie (Società Italiana Esercizio Elicotteri SpA), Napoli
55. Ethiopian Airlines, Addis Abèba
56. Fairflight, Biggin Hill Airport, London
57. Finnair, Helsinki
58. Garuda Indonesian Airways, Djakarta
59. General Air Nord GmbH, Hamburg
60. Germanair Bedarfsluftfahrtgesellschaft mbH, Frankfurt/Main
61. Ghana Airways Corporation, Accra
62. Humber Airways, Hull
63. Iberia (Líneas Aéreas de España), Madrid
64. Icelandic Airlines (Flugfelag), Reykjavik
65. Interregional-Fluggesellschaft mbH, Düsseldorf
66. Intra Airways, Jersey
67. Invicta Airways, Manston
68. Iran National Airlines Corporation, Teheran
69. Iraqi Airways, Baghdad
70. Japan Air Lines Co. Ltd., Tokio
71. JAT (Jugoslovenski Aerotransport), Beograd
72. KLM (Koninklijke Luchtvaart Maatschappij), Den Haag
73. Kuwait Airways Corporation, Koweit
74. Laker Airways, Gatwick Airport, London
75. Libyan Arab Airlines, Tripoli
76. Lloyd International, Stansted Airport, London
77. Loftleidir HF, Reykjavik
78. Loganair, Glasgow
79. LOT (Polskie Linie Lotnicze), Warszawa
80. Lufttransport-Unternehmen GmbH, Düsseldorf
81. Luftverkehrsunternehmen Atlantis AG, Frankfurt/Main-Niederrad

82. Luxair (Luxembourg Airlines), Luxembourg
83. Malaysia-Singapore Airlines, Singapore
84. Malev (Magyar Légiközlekedési Vállalat), Budapest
85. Martinair Holland NV (MAC), Amsterdam
86. MEA (Middle East Airlines SAL), Beirut
87. Monarch, Luton
88. National Airlines Inc., Miami
89. Nigerian Airways, Lagos
90. NLM (Nederlandse Luchtvaart Maatschappij), Amsterdam
91. (Fred) Olsen, Oslo
92. Olympic Airways, Athenai
93. Ontario World Air, Toronto
94. Pacific Western, Vancouver
95. Pakistan International Airlines Corporation, Karachi
96. Panair Luftverkehrsgesellschaft mbH & Co., München
97. Pan American World Airways Inc., New York
98. Qantas Airways Ltd., Sydney
99. Rousseau Aviation, Dinard
100. Royal Air Maroc, Casablanca
101. SAA (South African Airways), Johannesburg
102. Sabena—Belgian World Airlines, Bruxelles—Brussel
103. SAM (Societa Aerea Mediterranea), Roma
104. SAS (Scandinavian Airlines System), Stockholm
105. Saturn, Oakland
106. Saudi Arabian Airlines, Jeddah
107. Seaboard World Airlines Inc., New York
108. Sierra Leone Airways, Freetown
109. Skyways Coach Air, Ashford
110. Southern Air Transport, Miami
111. South-West Aviation Ltd., Exeter
112. Spantax SA, Madrid
113. Strathallan, Perth
114. Sudan Airways, Khartoum
115. Swissair (Swiss Air Transport Company Ltd.), Zürich
116. Syrian Arab Airlines, Damascus
117. TAP (Transportes Aereos Portugueses SARL), Lisboa
118. Tarom (Rumanian Air Transport), Bucuresti
119. TF—Transport Flug GmbH & Co., Frankfurt/Main
120. Tradewinds, Gatwick Airport, London
121. Transavia (Holland NV), Amsterdam
122. Trans-Mediterranean Airways, Beirut
123. Transmeridian, Stansted Airport, London
124. Trans-Union, Paris
125. Tunis Air, Tunis
126. Turk Hava Yollari Anonim Ortakligi, Istanbul
127. TWA (Trans World Airlines Inc.), New York
128. United Arab Airlines, Heliopolis
129. UTA (Union de Transports Aériens), Paris
130. VARIG (Empresa Viação Aerea Riograndense), Rio de Janeiro
131. VIASA (Venezolana Internacional de Aviación SA), Caracas

132. *Zambian Airways, Lusaka*

18. *Commission Regulation (EEC) No. 1570/70 of 3 April 1970*
OJ No. L 171/10, 4 August 1970

Subparagraph (b) of Article 1 is replaced by the following:

- “(b) marketing centre: one of the following centres:
—for Germany: Cologne, Frankfurt, Hamburg and Munich;
—for Denmark: Copenhagen;
—for France: Dieppe, Le Havre, Marseilles, Paris-Rungis, Perpignan and Rouen;
—for Ireland: Dublin;
—for Italy: Milan;
—for Norway: Oslo;
—for the Netherlands: Rotterdam;
—for the United Kingdom: London, Liverpool, Hull and Glasgow;
—for BLEU: Antwerp and Brussels.”

Article 4(2) is replaced by the following:

“2. The average free-at-frontier price, not cleared through customs, shall be calculated on the basis of the gross proceeds of sales made between importers and wholesalers. However, for the Paris-Rungis, Milan, London, Oslo and Copenhagen centres the basis to be used shall be the prices at which goods are most commonly sold at those centres.

The gross proceeds of such sales shall be decreased by:

- an intervention margin of 15 per cent. for the Paris-Rungis, Milan, London, Oslo and Copenhagen centres and of 6 per cent. for the other marketing centres;
- transport costs within the Community;
- a standard amount of 2.5 units of account, representing all the other costs which are not to be included in the value for customs purposes;
- customs duties and charges which are not to be included in the value for customs purposes.”

19. *Commission Regulation (EEC) No. 304/71 of 11 February 1971*
OJ No. L 35/31, 12 February 1971

Article 5 is replaced by the following:

“The railway administrations shall ensure that for transport operations effected under the Community transit system labels bearing the following inscription are used: *Douane/Zoll/Dogana/Customs/Told/Toll*”. The labels shall be affixed to the consignment note or to the express parcel dispatch note and also to the railway wagon in the case of a complete load or to the parcel or parcels in other cases.”

20. *Commission Regulation (EEC) No. 1279/71 of 17 June 1971*
OJ No. L 133/32, 19 June 1971

Article 2 is replaced by the following:

“Where the goods referred to in Article 1(1) have been placed, for the purposes of their dispatch, under Community transit pro-

cedure, the principal shall enter under "Description of goods" in the Community transit declaration one of the following, as appropriate:

- Sortie de la Communauté soumise à des restrictions.
Ausgang aus der Gemeinschaft Beschränkungen unterworfen.
Uscita dalla Comunità assoggettata a restrizioni
Verlaten van de Gemeenschap aan beperkingen onderworpen.
Export from the Community subject to restrictions.
Udførsel fra Fællesskabet undergivet restriktioner.
Udførsel fra Fællesskabet underlagt restriksjoner.
- Sortie de la Communauté soumise à imposition.
Ausgang aus der Gemeinschaft Abgabenerhebung unterworfen.
Uscita dalla Comunità assoggettata a tassazione.
Verlaten van de Gemeenschap aan belastingheffing onderworpen.
Export from the Community subject to duty.
Udførsel fra Fællesskabet betinget af afgiftsbetaling.
Udførsel fra Fællesskabet avgiftspliktig.

21. *Commission Decision No. 64/503/EEC* of 30 July 1964
OJ No. 137/2293, 28 August 1964

The initials "EC" and "EF" are inserted in the heading of form D.D.5 in the Annex.

"MOVEMENT CERTIFICATE" and
"GODSTRANSPORTBEVIS"

are inserted in the title of that form.

22. *Commission Decision No. 70/41/EEC* of 19 December 1969
OJ No. L 13/13, 19 January 1970

The initials "EC" and "EF" are inserted in the first page of form D.D.3 in the Annex.

"MOVEMENT CERTIFICATE" and
"GODSTRANSPORTBEVIS"

are inserted in the first page of that form.

23. *Council directive No. 68/312/EEC* of 30 July 1968
OJ No. L 194/13, 6 August 1968

The following is inserted at the end of the Annex:

"6. United Kingdom of Great Britain
and Northern Ireland

—Transit sheds

(Section 17 of the Customs & Excise Act 1952, as amended by Section 10 of the Finance Act 1966)

7. Ireland

—Transit sheds
—Transit depots

(Customs Code Vol II)
(Section 16, Finance Act 1967)

8. Kingdom of Norway

—Pakkehus og opplagssteder

(Tolloven, § § 45-55)"

24. *Council Directive No. 69/73/EEC* of 4 March 1969

OJ No. L 58/1, 8 March 1969

In Article 28(2), the word "twelve" is replaced by the word "forty-three".

25. *Council Directive No. 69/74/EEC* of 4 March 1969

OJ No. L 58/7, 8 March 1969

The following is inserted at the end of the Annex:

" 7. United Kingdom of Great Britain
and Northern Ireland

—Private bonded warehouses (Customs & Excise Act 1952,
—General bonded warehouses Part III)

8. Ireland

—Approved warehouses (Customs Consolidation Act
1876, Section 12)

9. Kingdom of Norway

—Transittopplag (Tolloven, §§ 48-55)"

26. *Council Directive No. 69/75/EEC* of 4 March 1969

OJ No. L 58/11, 8 March 1969

The following is inserted at the end of the Annex:

" 6. Ireland

Shannon Customs-Free Airport (Customs-Free Airport Act
1947)

7. Kingdom of Denmark

Frihavne (Toldloven, Kapitel 9)

8. Kingdom of Norway

Frilagre (Tolloven, §§ 48-55)"

II. AGRICULTURE

A. GENERAL

In the following acts "twelve" is replaced by "forty-three" in the Articles indicated.

1. *Regulation No. 23*

OJ No. 30/965, 20 April 1962

Article 13 (2)

2. *Regulation No. 24*

OJ No. 30/989, 20 April 1962

Article 7 (2)

3. *Council Regulation No. 17/64/EEC* of 5 February 1964

OJ No. 34/586, 27 February 1964

Article 26 (2)

4. *Council Regulation No. 79/65/EEC* of 15 June 1965

OJ No. 109/1859, 23 June 1965

Article 19 (2)

5. *Council Regulation No. 136/66/EEC* of 22 September 1966

OJ No. 172/3025, 30 September 1966

Article 38 (2)

6. *Council Regulation No. 120/67/EEC* of 13 June 1967

OJ No. 117/2269, 19 June 1967

Article 26 (2)

7. *Council Regulation No. 121/67/EEC* of 13 June 1967
OJ No. 117/2283, 19 June 1967
Article 24 (2)
8. *Council Regulation No. 122/67/EEC* of 13 June 1967
OJ No. 117/2293, 19 June 1967
Article 17 (2)
9. *Council Regulation No. 123/67/EEC* of 13 June 1967
OJ No. 117/2301, 19 June 1967
Article 17 (2)
10. *Council Regulation No. 359/67/EEC* of 25 July 1967
OJ No. 174/1, 31 July 1967
Article 26 (2)
11. *Council Regulation No. 1009/67/EEC* of 18 December 1967
OJ No. 308/1, 18 December 1967
Article 40 (2)
12. *Council Regulation (EEC) No. 234/68* of 27 February 1968
OJ No. L 55/1, 2 March 1968
Article 14 (2)
13. *Council Regulation (EEC) No. 804/68* of 27 June 1968
OJ No. L 148/13, 28 June 1968
Article 30 (2)
14. *Council Regulation (EEC) No. 805/68* of 27 June 1968
OJ No. L 148/24, 28 June 1968
Article 27 (2)
15. *Council Regulation (EEC) No. 865/68* of 28 June 1968
OJ No. L 153/8, 1 July 1968
Article 15 (2)
16. *Council Regulation (EEC) No. 727/70* of 21 April 1970
OJ No. L 94/1, 28 April 1970
Article 17 (2)
17. *Council Regulation (EEC) No. 729/70* of 21 April 1970
OJ No. L 94/13, 28 April 1970
Article 13 (2)
18. *Council Regulation (EEC) No. 1308/70* of 29 June 1970
OJ No. L 146/1, 4 July 1970
Article 12 (2)
19. *Council Regulation (EEC) No. 2142/70* of 20 October 1970
OJ No. L 236/5, 27 October 1970
Article 29 (2)
20. *Council Regulation (EEC) No. 1696/71* of 26 July 1971
OJ No. L 175/1, 4 August 1971
Article 20 (2)
21. *Council Regulation (EEC) No. 2358/71* of 26 October 1971
OJ No. L 246/1, 5 November 1971
Article 11 (2)
22. *Council Directive* of 23 October 1962
OJ No. 115/2645, 11 November 1962
as amended by:
—*Council Directive No. 70/358/EEC* of 13 July 1970
OJ No. L 157/36, 18 July 1970

- Article 11a (2)
23. *Council Directive No. 64/54/EEC* of 5 November 1963
OJ No. 12/161, 27 January 1964
as amended by:
—*Council Directive No. 70/359/EEC* of 13 July 1970
OJ No. L 157/38, 18 July 1970
Article 8a (2)
 24. *Council Directive No. 64/432/EEC* of 26 June 1964
OJ No. L 121/1977, 29 July 1964
as amended by:
—*Council Directive No. 71/285/EEC* of 19 July 1971
OJ No. L 179/1, 9 August 1971
Article 12 (3)
 25. *Council Directive No. 64/433/EEC* of 26 June 1964
OJ No. 121/2012, 29 July 1964
as amended by:
—*Council Directive No. 69/349/EEC* of 6 October 1969
OJ No. L 256/5, 11 October 1969
Article 9a (3)
 26. *Council Directive No. 66/400/EEC* of 14 June 1966
OJ No. 125/2290, 11 July 1966
Article 21 (3)
 27. *Council Directive No. 66/401/EEC* of 14 June 1966
OJ No. 125/2298, 11 July 1966
Article 21 (3)
 28. *Council Directive No. 66/402/EEC* of 14 June 1966
OJ No. 125/2309, 11 July 1966
Article 21 (3)
 29. *Council Directive No. 66/403/EEC* of 14 June 1966
OJ No. 125/2320, 11 July 1966
Article 19 (3)
 30. *Council Directive No. 66/404/EEC* of 14 June 1966
OJ No. 125/2326, 11 July 1966
Article 17 (3)
 31. *Council Directive No. 68/193/EEC* of 9 April 1968
OJ No. L 93/15, 17 April 1968
Article 17 (3)
 32. *Council Directive No. 69/208/EEC* of 30 June 1969
OJ No. L 169/3, 10 July 1969
Article 20 (3)
 33. *Council Directive No. 70/357/EEC* of 13 July 1970
OJ No. L 157/31, 18 July 1970
Article 6 (2)
 34. *Council Directive No. 70/373/EEC* of 20 July 1970
OJ No. L 170/2, 3 August 1970
Article 3 (2)
 35. *Council Directive No. 70/457/EEC* of 29 September 1970
OJ No. L 225/1, 12 October 1970
Article 23 (3)

- 36. *Council Directive No. 70/458/EEC* of 29 September 1970
OJ No. L 225/7, 12 October 1970
Article 40 (3)
- 37. *Council Directive No. 71/118/EEC* of 15 February 1971
OJ No. L 55/23, 8 March 1971
Article 12 (3)
- 38. *Council Directive No. 71/161/EEC* of 30 March 1971
OJ No. L 87/14, 17 April 1971
Article 18 (3)

B. COMMON ORGANIZATION OF MARKETS

(a) FRUIT AND VEGETABLES

- 1. *Council Regulation No. 158/66/EEC* of 25 October 1966
OJ No. 192/3282, 27 October 1966
as amended by:
 - Council Regulation No. 1040/67/EEC* of 21 December 1967
OJ No. 314/7, 23 December 1967
 - Council Regulation (EEC) No. 161/69* of 28 January 1969
OJ No. L 23/1, 30 January 1969
 - Council Regulation (EEC) No. 2516/69* of 9 December 1969
OJ No. L 318/14, 18 December 1969
 - Council Regulation (EEC) No. 2423/70* of 30 November 1970
OJ No. L 261/1, 2 December 1970

In Article 2(3), the following subparagraph is inserted:

“However, application of the additional quality grades for cauliflowers, tomatoes, apples and pears, peaches, citrus fruits, table grapes, lettuces, endives, onions, witloof chicory, cherries, strawberries, asparagus and cucumbers may be extended until 31 December 1977.”

- 2. *Commission Regulation (EEC) No. 193/70* of 2 February 1970
OJ No. L 26/6, 3 February 1970
as amended by:
 - Commission Regulation (EEC) No. 304/70* of 19 February 1970
OJ No. L 40/24, 20 February 1970
 - Commission Regulation (EEC) No. 344/70* of 25 February 1970
OJ No. L 46/1, 27 February 1970
 - Commission Regulation (EEC) No. 2509/70* of 11 December 1970
OJ No. L 269/10, 12 December 1970
 - Commission Regulation (EEC) No. 282/71* of 9 February 1971
OJ No. L 33/13, 10 February 1971
 (3), The following are inserted at the end of the third paragraph of Article 9 :
 - “goods to be put on the market in.....(1)
by.....(2)”

- “varer bestemt til forbrug i.....(1)
af.....(2)”
- “varer bestemt til forbrug i.....(1)
av.....(2)”
3. *Commission Regulation (EEC) No. 1559/70* of 31 July 1970
OJ No. L 169/55, 1 August 1970
The following is inserted at the end of the second subparagraph Article 10 (2):
“for processing into feedingstuffs under Article 7 (b) of Regulation No. 159/66/EEC”
“bestemt til omdannelse til dyrefoder i overensstemmelse med artikel 7, litra b, i forordning nr. 159/66/EØF”
“bestemt for omdannelse til dyrefoder i henhold til artikel 7 (b) i forordning nr. 159/66/EØF”
4. *Commission Regulation (EEC) No. 1562/70* of 31 July 1970
OJ No. L 169/67, 1 August 1970
The following is inserted at the end of the second subparagraph of Article 10 (2):
“intended for distillation under Article 7 (b) of Regulation No. 159/66/EEC”
“bestemt til destillering i overensstemmelse med artikel 7, litra b, i forordning nr. 159/66/EØF”
“bestemt til destillering i henhold til artikel 7 (b) i forordning nr. 159/66/EØF”

(b) WINE

1. *Commission Regulation No. 143*
OJ No. 127/2789, 1 December 1962
as amended by:
—*Commission Regulation No. 26/64/EEC* of 28 February 1964
OJ No. 48/753, 19 March 1964
In Article 1, the first paragraph is replaced by the following:
“With a view to preparing the viticultural land register provided for in Article 1 of Council Regulation No. 24 on the progressive establishment of a common organization of the market in wine, any natural or legal person who cultivates vines or who causes vines to be cultivated in the open air in a Member State in which the total surface area of vines in the open air exceeds 100 hectares shall submit a declaration of vine cultivation to the authority designated by the Member States.”
2. *Commission Regulation No. 26/64/EEC* of 28 February 1964
OJ No. 48/753, 19 March 1964
as amended by:
—*Commission Regulation (EEC) No. 39/68* of 11 January 1968
OJ No. L 9/17, 12 January 1968
The text of Article 4 becomes paragraph 1. The following paragraph is then added:

“ 2. The provisions of the preceding paragraph shall also apply in the case of vines cultivated in the open air in a Member State in which the total surface area of vines in the open air does not exceed 100 hectares.”

3. *Commission Regulation (EEC) No. 1594/70* of 5 August 1970
OJ No. L 173/23, 6 August 1970

Article 3 (2) is replaced by the following:

“ 2. In Belgium, Ireland, the Netherlands and the United Kingdom sucrose in aqueous solution may be added only to those products referred to in Article 19 (1a) and (1b) of Regulation (EEC) No. 816/70, which have been grown, or prepared from grapes grown, in areas situated in communes or other administrative units in which vines were cultivated at the time of the entry into force of this Regulation in respect of Belgium and the Netherlands, or at the date of accession in respect of Ireland and the United Kingdom.”

4. *Commission Regulation (EEC) No. 1698/70* of 25 August 1970
OJ No. L 190/4, 26 August 1970

The following are inserted at the end of Article 4 (2):

“ intended for making into wine under Regulation (EEC) No. 1698/70 for the production of quality wine psr ”

“ bestemt til vinfremstilling i overensstemmelse med forordning (EØF) nr. 1698/70 med henblik på produktion af k.y.b.d.”

“ bestemt til fremstilling av vin i henhold til forordning (EØF) nr. 1698/70, med henblik på produksjon av k.v.b.d.”

5. *Commission Regulation (EEC) No. 1699/70* of 25 August 1970
OJ No. L 190/6, 26 August 1970

The following are inserted at the end of Article 2 (a) (aa):

“ not to be made into wine nor to be used in the making of wine ”

“ ikke tilladt til vinfremstilling eller til anvendelse ved vinfremstilling ”

“ ikke tillatt til fremstilling av vin, heller ikke til bruk ved fremstilling av vin ”

The following are inserted at the end of Article 2 (a) (bb):

“ not to be used for the preparation of wine or of beverages intended for direct human consumption, with the exception of alcohol, potable spirits and piquette, in so far as the making of the latter is authorized by the Member State concerned ”

“ ikke tilladt til tilberedning af vin eller drikkevarer bestemt til direkte menneskeligt forbrug, med undtagelse af alkohol, brændevin og ettervin, for så vidt fremstillingen af denne sidstnævnte er tilladt i den pågældende medlemsstat ”

“ ikke tillatt ved bearbeidelse av vin og heller ikke for drikkevarer som er bestemt til direkte konsum for mennesker, unntatt ren alkohol, eau-de-vie, ettervin; den siste forsåvidt produksjonen er tillatt av vedkommende Medlemsstat ”

The following are inserted at the end of Article 2 (a) (cc):
“intended for distillation”
“bestemt til destillering”
“bestemt til destillering”

The following are inserted at the end of Article 2 (b) (aa):
“not to be made into wine nor to be used in the making of wine”
“ikke tilladt til vinfremstilling eller til anvendelse ved vinfremstilling”
“ikke tillatt ved fremstilling av vin og heller ikke til bruk ved fremstilling av vin”

The following are inserted at the end of Article 2 (b) (bb):
“not to be used for the preparation of wine or beverages intended for direct human consumption”
“ikke tilladt til tilberedning af vin eller drikkevarer bestemt til direkte menneskeligt forbrug”
“ikke tillatt ved bearbeidelse av vin og heller ikke ved drikkevarer som er bestemt for direkte konsum for mennesker”

The following are inserted at the end of Article 2 (b) (cc):
“intended for the production of potable spirits”
“bestemt til fremstilling af brændevin”
“bestemt til produksjon av eau-de-vie”

6. *Commission Regulation (EEC) No. 1700/70 of 25 August 1970*
OJ No. L 190/9, 26 August 1970

The following are inserted at the end of Article 1 (2) (a):
“not for direct human consumption in the unaltered state”
“ikke tilladt i denne stand til direkte menneskeligt forbrug”
“ikke tillatt i en tilstand so muliggjør direkte konsum for mennesker”

The following are inserted at the end of Article 1 (2) (b):
“not for direct human consumption”
“ikke tilladt til direkte menneskeligt forbrug”
“ikke tillatt til direkte konsum for mennesker”

(c) OILS AND FATS

1. *Commission Regulation No. 225/67/EEC of 28 June 1967*
OJ No. 136/2919, 30 June 1967

as amended by:

—*Commission Regulation (EEC) No. 1486/69 of 28 July 1969*
OJ No. L 186/7, 30 July 1969

—*Commission Regulation (EEC) No. 458/70 of 11 March 1970*
OJ No. L 57/9, 12 March 1970

—*Commission Regulation (EEC) No. 1382/70 of 14 July 1970*
OJ No. L 154/14, 15 July 1970

—*Commission Regulation (EEC) No. 1478/71 of 12 July 1971*
OJ No. L 156/9, 13 July 1971

In point A of the Annex, the words:

“seeds from Denmark”

and the corresponding coefficient of equivalence:

“ 0.08 ”

are deleted.

2. *Commission Regulation (EEC) No. 911/68 of 5 July 1968*

OJ No. L 158/8, 6 July 1968

as amended by:

—*Commission Regulation (EEC) No. 1469/68 of 23 September 1968*

OJ No. L 239/1, 28 September 1968

—*Commission Regulation (EEC) No. 52/69 of 11 January 1969*

OJ No. L 8/1, 14 January 1969

—*Commission Regulation (EEC) No. 474/69 of 13 March 1969*

OJ No. L 63/21, 14 March 1969

—*Commission Regulation (EEC) No. 971/69 of 28 May 1969*

OJ No. L 127/10, 29 May 1969

—*Commission Regulation (EEC) No. 1486/69 of 28 July 1969*

OJ No. L 186/7, 30 July 1969

—*Commission Regulation (EEC) No. 1851/69 of 18 September 1969*

OJ No. L 236/31, 19 September 1969

—*Commission Regulation (EEC) No. 2478/69 of 11 December 1969*

OJ No. L 312/35, 12 December 1969

—*Commission Regulation (EEC) No. 329/70 of 23 February 1970*

OJ No. L 43/22, 24 February 1970

—*Commission Regulation (EEC) No. 1480/71 of 12 July 1971*

OJ No. L 156/12, 13 July 1971

—*Commission Regulation (EEC) No. 2193/71 of 13 October 1971*

OJ No. L 231/23, 14 October 1971

The following are inserted at the end of Article 10 (1)

(b) (aa):

“ seeds or mixtures not imported from third countries or from Greece ”

“ frø eller blandinger heraf ikke importeret fra tredjelande eller Grækenland ”

“ frø eller blandinger av frø som ikke er importert fra tredjeland eller fra Hellas ”

The following are inserted at the end of Article 10 (1) (b)

(bb):

“ seeds or mixtures denatured in accordance with Article 9 of Regulation (EEC) No. 911/68 ”

“ frø eller blandinger heraf denatureret i overensstemmelse med artikel 9 i forordning (EØF) nr. 911/68 ”

“ frø eller blandinger av frø denaturert i henhold til artikkel 9 i forordning (EØF) nr. 911/68 ”

The following are inserted at the end of Article 10 (1)

(b) (cc):

“ seeds recognized as seeds for sowing ”

“ frø anerkendt som udsæd ”

“ frø godkjent som såvare ”

(d) CEREALS

1. *Council Regulation No. 131/67/EEC* of 13 June 1967

OJ No. 120/2362, 21 June 1967

as amended by:

—*Council Regulation (EEC) No. 538/68* of 29 April 1968

OJ No. L 104/1, 3 May 1968

—*Council Regulation (EEC) No. 1205/69* of 26 June 1969

OJ No. L 155/6, 28 June 1969

The second paragraph of Article 2 is replaced by the following:

“ Where inland waterway or sea freight charges are not based on the application of a tariff, the lowest average of these charges recorded over a period of two months selected from the twelve months preceding the month during which the prices are fixed shall be taken into account.”

2. *Commission Regulation No. 158/67/EEC* of 23 June 1967

OJ No. 128/2536, 27 June 1967

as amended by:

—*Commission Regulation (EEC) No. 478/67* of 23 August 1967

OJ No. 205/2, 24 August 1967

—*Commission Regulation (EEC) No. 213/68* of 22 February 1968

OJ No. L 47/18, 23 February 1968

—*Commission Regulation (EEC) No. 405/69* of 3 March 1969

OJ No. L 53/10, 4 March 1969

—*Council Regulation (EEC) No. 2204/69* of 5 November 1969

OJ No. L 279/19, 6 November 1969

—*Commission Regulation (EEC) No. 1637/71* of 28 July 1971

OJ No. L 170/20, 29 July 1971

In the Annex, the following are deleted from the various columns:

with regard to common wheat, the wording relating to “ Great Britain ”

with regard to rye, the wording relating to “ Denmark ”

with regard to barley, the wording relating to “ Denmark ” and “ Great Britain ”

with regard to oats, the wording relating to “ Denmark ” and “ Great Britain ”

(e) EGGS

1. *Council Regulation No. 129/63/EEC* of 12 December 1963

OJ No. 185/2938, 19 December 1963

as amended by:

—*Council Regulation No. 122/67/EEC* of 13 June 1967

OJ No. 117/2293, 19 June 1967

—*Council Regulation No. 123/67/EEC* of 13 June 1967

OJ No. 117/2301, 19 June 1967

The following are inserted at the end of Article 1 (1) (a):

“for hatching”

“rugeæg”

“rugeegg”

2. *Commission Regulation (EEC) No. 95/69* of 17 January 1969

OJ No. L 13/13, 18 January 1969

Dutch text as amended by:

—*Regulation (EEC) No. 927/69* of 20 May 1969

OJ No. L 120/6, 21 May 1969

In Article 2 (2) the following Member States and their corresponding distinguishing numbers are inserted:

Denmark 7

Ireland 8

Norway 9

United Kingdom 10

(f) PIGMEAT

Council Regulation No. 2108/70 of 20 October 1970

OJ No. L 234/1, 23 October 1970

In Annex 1, column 2 “weight of carcass” and column 3 “thickness of back fat” are to be amended in accordance with the following table:

	<i>weight of carcass in kilogrammes</i>	<i>thickness of back fat in millimetres</i>
in sub-class EAA add:	50 to less than 60 (rest unchanged)	up to 15 inclusive
in sub-class I A add:	50 to less than 60 (rest unchanged)	up to 18 inclusive
in sub-class II A add:	50 to less than 60 (rest unchanged)	up to 22 inclusive
in sub-class III A add:	50 to less than 60 (rest unchanged)	up to 27 inclusive

(g) RICE

1. *Commission Regulation (EEC) No. 2085/68* of 20 December 1968

OJ No. L 307/11, 21 December 1968

as amended by:

—*Commission Regulation (EEC) No. 316/70* of 20 February 1970

OJ No. L 41/14, 21 February 1970

The following are inserted at the end of the second indent of Article 4:

“intended for the manufacture of starch, of quellmehl or for use in the brewing industry, in accordance with the provisions of Regulation (EEC) No. 2085/68”

“bestemt til fremstilling af stivelse, kvældemel eller til anvendelse i bryggerier i overensstemmelse med bestemmelserne i forordning (EØF) nr. 2085/68 ”

“bestemt til produksjon av stivelse, forklistret mel eller til anvendelse i bryggerinæringen i samsvar med bestemmelsene i forordning (EØF) nr. 2085/68 ”

2. *Commission Regulation (EEC) No. 559/68 of 6 May 1968*
OJ No. L 106/6, 7 May 1968

as amended by:

—*Commission Regulation (EEC) No. 316/70 of 20 February 1970*

OJ No. L 41/14, 21 February 1970

—*Commission Regulation (EEC) No. 1607/71 of 26 July 1971*

OJ No. L 168/16, 27 July 1971

The following are inserted at the end of second indent of Article 2 (2):

“intended for use in the brewing industry, in accordance with the provisions of Regulation (EEC) No. 559/68 ”

“bestemt til anvendelse i bryggerier i overensstemmelse med bestemmelserne i forordning (EØF) nr. 559/68 ”

“bestemt til anvendelse i bryggerinæringen i samsvar med bestemmelsene i forordning (EØF) nr. 559/68 ”

(h) SUGAR

1. *Council Regulation No. 1009/67/EEC of 18 December 1967*
OJ No. 308/1, 18 December 1967

amended by:

—*Council Regulation (EEC) No. 2100/68 of 20 December 1968*
OJ No. L 309/4, 24 December 1968

—*Council Regulation (EEC) No. 1393/69 of 17 July 1969*
OJ No. L 179/1, 21 July 1969

—*Council Regulation (EEC) No. 2485/69 of 9 December 1969*
OJ No. L 314/6, 15 December 1969

—*Council Regulation (EEC) No. 853/70 of 12 May 1970*
OJ No. L 103/2, 13 May 1970

—*Council Regulation (EEC) No. 1253/70 of 29 June 1970*
OJ No. L 143/1, 1 July 1970

—*Council Regulation (EEC) No. 1060/71 of 25 May 1971*
OJ No. L 115/16, 27 May 1971

The following sentence is added to the first subparagraph of Article 23 (1):

“However, new Member States may, instead of the average annual sugar production during the 1961/62 to 1965/66 marketing years, use that of the 1965/66 to 1969/70 marketing years.”

The second subparagraph of Article 23 (1) is replaced by the following:

“The basic quantities shall be:

for Denmark	290,000	metric tons of white sugar
for Germany	1,750,000	” ” ” ” ”
for France	2,400,000	” ” ” ” ”
for Ireland	150,000	” ” ” ” ”
for Italy	1,230,000	” ” ” ” ”
for Netherlands	550,000	” ” ” ” ”
for BLEU	550,000	” ” ” ” ”
for United Kingdom	900,000	” ” ” ” ”

The following subparagraph is added to Article 24 (2):

“ However, the coefficient to be applied to the United Kingdom in determining the maximum quota shall be fixed at 1.0 for the period until the end of the sugar marketing year 1974/75.”

The first paragraph of Article 26 (2) is replaced by the following:

“ This quantity shall be equal to the anticipated human consumption in the Community, expressed as white sugar, for the sugar marketing year in respect of which it is fixed, reduced by the quantity expressed as white sugar which may be imported under the arrangements laid down in Protocol No. 17 on the import of sugar by the United Kingdom from the exporting countries and territories referred to in the Commonwealth Sugar Agreement.”

The following Article 33a is inserted:

“ Article 33a

1. New Member States shall make an inventory of the stocks of sugar in free circulation in their territory on the date of the application of this Regulation.
2. A quantity of sugar which may be regarded as representing a normal stock on the date referred to in paragraph 1 shall be fixed for each new Member State.

This quantity shall be fixed taking into consideration:

- (a) a normal working stock,
- (b) the anticipated consumption in the Member State concerned until the new beet harvest,
- (c) the supply situation based on national production and imports or exports of that Member State.

3. When the quantities recorded in the framework of the inventory referred to in paragraph 1 exceed the quantity referred to in the first subparagraph of paragraph 2, the necessary measures shall be taken to obviate such financial burdens as may result for the Community from the marketing of a quantity equivalent to the excess quantity.

4. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 40.”

2. Council Regulation (EEC) No. 1027/67 of 21 December 1967
OJ No. 313/2, 22 December 1967

The following subparagraph is inserted at the end of Article 3 (1):

“For the new Member States, this provision shall apply for the first sugar year following the date of accession.”

The following subparagraph is inserted at the end of Article 4 (1):

“For the new Member States, this provision shall apply from the first sugar year following the date of accession.”

3. *Council Regulation (EEC) No. 206/68* of 20 February 1968
OJ No. L 47/1, 23 February 1968
After Article 8, the following is inserted:

“Article 8a

In respect of the new Member States:

— the words “1967/68 marketing year” in Articles 4 (2), 5 (2), 6 (2) and 10 (2) are replaced by:

“1972/73 marketing year”;

—the words “prior to the 1968/69 sugar year” in Articles 5 (3) and 8 (d) are replaced by:

“prior to the 1973/74 marketing year”.”

The following paragraph is inserted at the end of Article 5:

“4. However, when in a new Member State the sugar beet is delivered free of charge at the sugar factory, the contract shall provide for the manufacturer to share in transport costs and shall determine the percentage or the amount thereof.”

4. *Commission Regulation (EEC) No. 2061/69* of 20 October 1969
OJ No. L 263/19, 21 October 1969

as amended by:

—*Commission Regulation (EEC) No. 267/70* of 12 February 1970

OJ No. L 35/25, 13 February 1970

—*Commission Regulation (EEC) No. 1068/70* of 5 June 1970
OJ No. L 123/10, 6 June 1970

—*Commission Regulation (EEC) No. 772/71* of 14 April 1971
OJ No. L 85/18, 15 April 1971

The following are inserted at the end of Article 16 (2):

“intended for denaturing by one of the processes set out in the Annex to Regulation (EEC) No. 2061/69 and approved by the Member State of destination”

“bestemt til denaturering efter en af de fremgangsmåder, der er fastsat i bilaget til forordning (EØF) nr. 2061/69 og tilladt af den modtagende medlemsstat”

“bestemt til å denatureres etter en av de metoder som er fastsatt i vedlegget til forordning (EØF) nr. 2061/69, og godkjent av den Medlemsstat som er mottager”

The following are inserted at the end of Article 21 (1):

- “denatured sugar”
- “denatureret sukker”
- “denaturert sukker”

5. *Commission Regulation (EEC) No. 1734/70* of 26 August 1970
OJ No. L 191/30, 27 August 1970

as amended by:

—*Commission Regulation (EEC) No. 2462/70* of 4 December 1970

OJ No. L 264/16, 5 December 1970

—*Commission Regulation (EEC) No. 1739/71* of 6 August 1971

OJ No. L 178/15, 7 August 1971

The following paragraph is inserted in Article 4:

“5. During the period when Summer Time is not in force in Ireland or in the United Kingdom, the time limits fixed in the preceding paragraphs shall be taken as earlier by one hour in those Member States.”

6. *Commission Regulation (EEC) No. 258/71* of 4 February 1971
OJ No. L 29/29, 5 February 1971

as amended by:

—*Commission Regulation (EEC) No. 2164/71* of 8 October 1971

OJ No. L 228/11, 9 October 1971

The following paragraph is inserted at the end of Article 4:

“5. During the period when Summer Time is not in force in Ireland or in the United Kingdom, the time limits fixed in the preceding paragraphs shall be taken as earlier by one hour in those Member States.”

(i) MILK PRODUCTS

1. *Council Regulation (EEC) No. 823/68* of 28 June 1968
OJ No. L 151/3, 30 June 1968

as amended by:

—*Council Regulation (EEC) No. 2197/69* of 28 October 1969
OJ No. L 279/3, 6 November 1969

—*Council Regulation (EEC) No. 2307/70* of 10 November 1970

OJ No. L 249/13, 17 November 1970

—*Council Regulation (EEC) No. 668/71* of 30 March 1971

OJ No. L 77/1, 1 April 1971

—*Council Regulation (EEC) No. 1578/71* of 19 July 1971

OJ No. L 166/1, 24 July 1971

In Annex II, the following are deleted from Common Customs Tariff subheading No. 04.04 E I (b) 2:

“Havarti, Esrom”

2. *Council Regulation (EEC) No. 987/68* of 15 July 1968

OJ No. L 169/6, 18 July 1968

Article 1 (a) is replaced by the following:

“(a) milk:

The product of the milking of one or more cows or goats, to which nothing has been added and which has undergone no more than a partial skimming;”

3. *Commission Regulation (EEC) No. 1053/68* of 23 July 1968
OJ No. L 179/17, 25 July 1968

as amended by:

—*Commission Regulation (EEC) No. 196/69* of 31 January 1969

OJ No. L 26/28, 1 February 1969

—*Commission Regulation (EEC) No. 2605/70* of 22 December 1970

OJ No. L 278/17, 23 December 1970

—*Commission Regulation (EEC) No. 2369/71* of 4 November 1971

OJ No. L 246/27, 5 November 1971

The following are deleted from the title of the second certificate model:

“Havarti or Esrom”

4. *Commission Regulation (EEC) No. 1054/68* of 23 July 1968
OJ No. L 179/25, 25 July 1968

as amended by:

—*Commission Regulation (EEC) No. 196/69* of 31 January 1969

OJ No. L 26/28, 1 February 1969

—*Commission Regulation (EEC) No. 2262/69* of 13 November 1969

OJ No. L 286/25, 14 November 1969

—*Commission Regulation (EEC) No. 2632/69* of 29 December 1969

OJ No. L 327/21, 30 December 1969

—*Commission Regulation (EEC) No. 1183/70* of 24 June 1970

OJ No. L 138/13, 25 June 1970

—*Commission Regulation (EEC) No. 50/71* of 12 January 1971

OJ No. L 10/9, 13 January 1971

—*Commission Regulation (EEC) No. 375/71* of 22 February 1971

OJ No. L 44/9, 23 February 1971

—*Commission Regulation (EEC) No. 1106/71* of 28 May 1971

OJ No. L 177/13, 29 May 1971

—*Commission Regulation (EEC) No. 1660/71* of 28 July 1971

OJ No. L 172/16, 31 July 1971

In the third recital the following is deleted:

“Denmark:

—“Mejeribrugets Osteeksportudvalg”, Aarhus, for Havarti

falling within subheading 04.04 E I (b) 2;”

In the Annex, the heading

“Denmark”

and the corresponding specifications in the various columns are deleted.

5. *Commission Regulation (EEC) No. 1098/68* of 27 July 1968
OJ No. L 184/10, 29 July 1968
- as amended by:
- Commission Regulation (EEC) No. 412/69* of 4 March 1969
OJ No. L 54/9, 5 March 1969
 - Commission Regulation (EEC) No. 849/69* of 7 May 1969
OJ No. L 109/7, 8 May 1969
 - Commission Regulation (EEC) No. 1353/69* of 15 July 1969
OJ No. L 174/10, 16 July 1969
 - Commission Regulation (EEC) No. 951/71* of 7 May 1971
OJ No. L 103/10, 8 May 1971

In the Annex,

—under the heading Area E, the text “Territory of the United Kingdom . . . ‘to’ . . . with the exception of Gibraltar” is deleted;

—Area F becomes Area E.

6. *Commission Regulation (EEC) No. 1106/68* of 27 July 1968
OJ No. L 184/26, 29 July 1968
- as amended by:
- Commission Regulation (EEC) No. 2044/69* of 17 October 1969
OJ No. L 262/9, 18 October 1969
 - Commission Regulation (EEC) No. 332/70* of 23 February 1970
OJ No. L 44/1, 25 February 1970
 - Commission Regulation (EEC) No. 2026/71* of 21 September 1971
OJ No. L 214/9, 22 September 1971

The following are inserted at the end of the second subparagraph of Article 7 (2):

“intended for denaturing or processing in accordance with Regulation (EEC) No. 1106/68”

“bestemt til at underkastes kontrol med henblik på denaturering eller forarbejdning i overensstemmelse med forordning (EØF) nr. 1106/68”

“bestemt til å kontrolleres med sikte på denaturering eller bearbejdelse i samsvar med forordning (EØF) nr. 1106/68”.

7. *Commission Regulation (EEC) No. 1324/68* of 29 August 1968
OJ No. L 215/25, 30 August 1968

Annex I to the Regulation is replaced by the following Annex :

<i>Subheadings appearing in Annex II to Regulation (EEC) No. 823/68</i>	<i>Products</i>
04.04 E I (b) 2	Tilsit
ex 04.04 E I (b) 3	<p>Butterkäse Danbo Edam Elbo Esrom Fontal Fontina Fynbo Galantine Gouda Havarti Italic Jarlsberg Maribo Molbo Mimolette Norvegia Samsø St. Paulin Tybo</p> <p>other cheeses with a fat content by weight in the dry matter equal to or exceeding 30% and with a water content by weight in the non-fatty matter exceeding 52% and less than or equal to 67%</p>

8. *Commission Regulation (EEC) No. 685/69* of 14 April 1969
OJ No. L 90/12, 15 April 1969

as amended by:

- *Commission Regulation (EEC) No. 880/69* of 12 May 1969
OJ No. L 114/11, 13 May 1969
- *Commission Regulation (EEC) No. 1064/69* of 10 June 1969
OJ No. L 139/13, 11 June 1969
- *Commission Regulation (EEC) No. 1273/69* of 2 July 1969
OJ No. L 161/9, 3 July 1969
- *Commission Regulation (EEC) No. 332/70* of 23 February 1970
OJ No. L 44/1, 25 February 1970
- *Commission Regulation (EEC) No. 603/70* of 31 March 1970
OJ No. L 72/62, 1 April 1970
- *Commission Regulation (EEC) No. 757/70* of 24 April 1970
OJ No. L 91/31, 25 April 1970
- *Commission Regulation (EEC) No. 878/70* of 14 May 1970
OJ No. L 105/24, 15 May 1970
- *Commission Regulation (EEC) No. 606/71* of 23 March 1971
OJ No. L 70/16, 24 March 1971
- *Commission Regulation (EEC) No. 1179/71* of 4 June 1971
OJ No. L 123/18, 5 June 1971

The text of Article 3 is replaced by the following:

“1. The butter shall be made in dairies which have the appropriate technical installations:

(a) from pasteurized sour cream, and

(b) under conditions which ensure the manufacture of butter of good keeping quality.

2. However, the intervention agencies of the Member States in which the production of butter from pasteurized sweet cream is at least 65% of the total production of butter, shall also buy in butter made from sweet cream.”

The following are inserted at the end of Article 18 (1) (b):

“Butter for intervention”

“Interventionssmør”

“Smør fra interventionslagre”

The following are inserted at the end of the second subparagraph of Article 19 (2):

“for processing in accordance with Regulation (EEC) No. 685/69.”

“bestemt til forarbejdning i overensstemmelse med forordning (EØF) nr. 685/69”

“bestemt til bearbejdning i henhold til forordning (EØF) nr. 685/69”

9. *Commission Regulation (EEC) No. 2683/70 of 29 December 1970*

OJ No. L 285/36, 31 December 1970

as amended by:

—*Commission Regulation (EEC) No. 994/71 of 13 May 1971*
OJ No. L 108/24, 14 May 1971

—*Commission Regulation (EEC) No. 1638/71 of 28 July 1971*
OJ No. L 170/23, 29 July 1971

—*Commission Regulation (EEC) No. 2369/71 of 4 November 1971*

OJ No. L 246/27, 5 November 1971

In the Annex, the words:

“ex 04.03”,

“Butter, with a fat content by weight of not more than 99.5%” and

“area E”

are deleted.

10. *Commission Regulation (EEC) No. 757/71 of 7 April 1971*

OJ No. L 83/53, 8 April 1971

as amended by:

—*Commission Regulation (EEC) No. 1189/71 of 7 June 1971*
OJ No. L 124/15, 8 June 1971

—*Commission Regulation (EEC) No. 1549/71 of 20 July 1971*
OJ No. L 163/62, 21 July 1971

—*Commission Regulation (EEC) No. 1688/71* of 30 July 1971
OJ No. L 174/1, 3 August 1971

The following are inserted at the end of Article 3 (2):

“Exported from the Community subject to payment of the amount laid down in Regulation (EEC) No. 757/71”

“Udførsel fra Fællesskabet undergivet opkrævning af det beløb, der er omhandlet i forordning (EØF) nr. 757/71”

“Utførsel fra Fellesskapet hvor beløpet nevnt i forordning (EOF) nr. 757/71 skal Oppkreves.”

11. *Council Regulation (EEC) No. 1411/71* of 29 June 1971
OJ No. L 148/4, 3 July 1971

as corrected by:

—*Corrigendum to Council Regulation (EEC) No. 1411/71* of 29 June 1971

OJ No. L 188/24, 20 August 1971

—*Corrigendum to Council Regulation (EEC) No. 1411/71* of 29 June 1971

OJ No. L 233/12, 16 October 1971

In Article 6 the following paragraph is inserted:

“1a. The Member States may provide for an additional whole milk category with a fat content fixed by them of not less than 3.8%.”

(j). BEEF AND VEAL

1. *Council Regulation (EEC) No. 805/68* of 27 June 1968
OJ No. L 148/24, 28 June 1968

as amended by:

—*Council Regulation (EEC) No. 1253/70* of 29 June 1970
OJ No. L 143/1, 1 July 1970

—*Council Regulation (EEC) No. 1261/71* of 15 June 1971
OJ No. L 132/1, 18 June 1971

Article 10 is replaced by the following:

“Article 10

1. Import prices shall be fixed for both calves and adult bovine animals, calculated for each of these products on the basis of Community free-at-frontier offer prices in accordance with the most representative purchasing possibilities as regards quality and quantity and the development of the market in these products.

This import price shall be determined on the basis of the available price data for calves, adult bovine animals, or one of the products listed in the Annex under Section (a) under tariff heading No. 02.01 A II (a) 1 (aa) or 02.01 A II (a) 1 (bb), the data on the latter products being converted into offer prices applicable to calves and adult bovine animals.

2. Where live animals, or their fresh and chilled meat, are exported from one or more third countries at abnormally

low prices which are lower than the offer prices of other third countries, a special import price shall be fixed for the importation of calves and adult bovine animals from such third countries.

3. Should one or more of the import prices for calves or for adult bovine animals, after addition of the customs duty, be lower than the guide price, the difference between the guide price and the import price in question plus that addition shall be offset by a levy on imports of that product into the Community.

However, such a levy shall be fixed at:

- (a) 75% of the abovementioned difference, if it is found that the price of the product in question on the representative markets of the Community is more than the guide price but does not exceed 102% of that price;
- (b) 50% of the abovementioned difference, if it is found that the price of the product in question on the representative markets of the Community is more than 102% of the guide price but does not exceed 104% of that price;
- (c) 25% of the abovementioned difference, if it is found that the price of the product in question on the representative markets of the Community is more than 104% of the guide price but does not exceed 106% of that price;
- (d) Nil, if it is found that the price of the product in question on the representative markets of the Community, is more than 106% of the guide price.

4. In applying the provisions of paragraph 3, no account shall be taken of a variation in the import price or in the price recorded on the representative markets of the Community which does not exceed an amount to be determined.

5. The price recorded on the representative markets of the Community shall be derived from the prices recorded on the representative market or markets of each Member State for the various qualities—of calves, adult bovine animals or the meat of these animals, as the case may be—after taking into account the significance of each of such qualities and the relative size of the bovine stock of each Member State.

6. The detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 27.

7. The levies resulting from the application of paragraph 2 shall be fixed in accordance with the procedure laid down in Article 27.

The levies resulting from the application of paragraph 1 shall be fixed by the Commission.”

as supplemented by:

- High Authority Decision No. 27/59* of 29 April 1959
OJ No. 30/578, 1 May 1959

The National Coal Board (UK) and the major undertakings in the coal industry in the other new Member States are to be added to Article 2(1).
Sales areas for the new Member States are to be added to Article 3(2).

VI. COMMERCIAL POLICY

Council Regulation (EEC) No. 1025/70 of 25 May 1970
OJ No. L 124/6, 8 June 1970

as modified by:

- Council Regulation (EEC) No. 1984/70* of 29 September 1970
OJ No. L 218/1, 3 October 1970
- Council Regulation (EEC) No. 724/71* of 31 March 1971
OJ No. L 80/3, 5 April 1971
- Council Regulation (EEC) No. 1080/71* of 25 May 1971
OJ No. L 116/8, 28 May 1971
- Council Regulation (EEC) No. 1429/71* of 2 July 1971
OJ No. L 151/8, 7 July 1971
- Council Regulation (EEC) No. 2384/71* of 8 November 1971
OJ No. L 249/1, 10 November 1971

The problem created by the deletion of the reference to Gibraltar in Annex II is to be solved in such a way as to ensure that Gibraltar is in the same position with regard to the Community's import liberalization system as it was before accession.

VII. SOCIAL POLICY

1. *Council Regulation (EEC) No. 1408/71* of 14 June 1971
OJ No. L 149/2, 5 July 1971

The Regulation is to be amended to the extent that amendments made to Danish legislation so require.

2. *Council Decision No. 70/532/EEC* of 14 December 1970
OJ No. L 273/25, 17 December 1970

To the extent that changes in the structure of the organizations on the two sides of industry referred to in this Decision so require, the number of representatives of these organizations in the Standing Committee on Employment may have to be changed.

3. *Commission Decision No. 63/326/EEC* of 17 May 1963
OJ No. 80/1534, 29 May 1963

as amended by:

- Commission Decision No. 64/19/EEC* of 19 December 1963
OJ No. 2/27, 10 January 1964
- Commission Decision No. 70/254/EEC* of 15 April 1970
OJ No. L 96/37, 30 April 1970

4. *Commission Decision No. 65/362/EEC* of 5 July 1965
OJ No. 130/2184, 16 July 1965
5. *Commission Decision No. 67/745/EEC* of 28 November 1967
OJ No. 297/13, 7 December 1967
6. *Commission Decision No. 68/252/EEC* of 7 June 1968
OJ No. L 132/9, 14 June 1968
7. *Commission Decision No. 71/122/EEC* of 19 February 1971
OJ No. L 57/22, 10 March 1971

To the extent that developments in the structure of the organizations of the two sides of industry referred to in the five Decisions listed above so require, the number of representatives of the organizations in the Committees may have to be changed.

VIII. TECHNICAL BARRIERS

1. *Council Directive No. 71/307/EEC* of 26 July 1971
OJ No. L 185/16, 16 August 1971

The Danish and Norwegian equivalents of the terms in Article 5(1) of this Directive are to be added thereto. The new terms will not be "ny uld" (in Danish) or "ny ull" (in Norwegian) or any equivalent expressions.

"Hibiscus species" is to be added to Annex I to this Directive.

2. *Council Directive No. 71/316/EEC* of 26 July 1971
OJ No. L 202/1, 6 September 1971

The letters to be used for the new distinguishing abbreviations UK, IR, N and DK are to be inserted in the drawings referred to in point 3.2.1. of Annex II.

3. *Council Directive No. 71/318/EEC* of 26 July 1971
OJ No. L 202/21, 6 September 1971

The equivalence of the testing methods in current use in the United Kingdom to those prescribed in the Directive must be verified before the Directive can be modified to introduce these methods into the Community.

Point 5.2.4. of Chapter I, B of the Annex may have to be amended to permit photoelectric reading of the number of revolutions made by the meter drum.

ANNEX III

List of the products referred to in
Articles 32, 36 and 39 of the Act of Accession
(EURATOM)

CCT heading No.	Description of goods
26.01	<p>Metallic ores and concentrates and roasted iron pyrites:</p> <p>C. Uranium ores:</p> <p> I. Uranium ores and pitchblende with a uranium content of more than 5% by weight</p> <p>D. Thorium ores:</p> <p> I. Monazite; urano-thorianite and other thorium ores, with a thorium content of more than 20% by weight</p>
28.50	<p>Fissile chemical elements and isotopes; other radioactive chemical elements and radioactive isotopes; compounds, inorganic or organic, of such elements or isotopes, whether or not chemically defined; alloys, dispersions and cermets, containing any of these elements, isotopes or compounds:</p> <p>A. Fissile chemical elements and isotopes; compounds, alloys, dispersions and cermets containing such elements or isotopes, including spent or irradiated nuclear reactor cartridges:</p> <p> I. Natural uranium:</p> <p> (a) Crude; waste and scrap</p> <p> (b) Worked:</p> <p> 1. Bars, angles, shapes and sections, wire, sheets and strips</p> <p> 2. Other</p> <p> II. Other</p> <p>B. Artificial radioactive isotopes, and their compounds</p>
28.51	<p>Isotopes and their compounds, inorganic or organic, whether or not chemically defined, other than isotopes and compounds falling within heading No. 28.50:</p> <p>A. Heavy hydrogen (deuterium) and compounds thereof (including heavy water); mixtures and solutions containing deuterium in which the ratio of the deuterium atoms to the normal hydrogen atoms exceeds 1:5,000 in number</p>
28.52	<p>Compounds, inorganic or organic, of thorium, of uranium depleted in U 235, of rare earth metals, of yttrium or of scandium, whether or not mixed together:</p> <p>A. Of thorium or of uranium depleted in U 235, whether or not mixed together</p>
78.06	<p>Other articles of lead:</p> <p>A. Containers with an anti-radiation lead covering, for the transport or storage of radioactive materials</p>
81.04	<p>Other base metals, unwrought or wrought, and articles thereof; cermets, unwrought or wrought, and articles thereof:</p> <p>N. Thorium</p> <p> I. Unwrought; waste and scrap</p> <p> II. Wrought:</p> <p> (a) Wrought bars, rods, angles, shapes, sections, wire, plates, sheets and strip</p> <p> (b) Other</p>

CCT heading No.	Description of goods
84.14	<p>Industrial and laboratory furnaces and ovens, non-electric:</p> <p>A. Specially designed for the separation of irradiated nuclear fuels for the treatment of radioactive waste or for the recycling of irradiated nuclear fuels</p>
84.17	<p>Machinery, plant and similar laboratory equipment, whether or not electrically heated, for the treatment of materials by a process involving a change of temperature such as heating, cooking, roasting, distilling, rectifying, sterilising, pasteurising, steaming, drying, evaporating, vapourising, condensing or cooling, not being machinery or plant of a kind used for domestic purposes; instantaneous or storage water heaters, non-electrical:</p> <p>A. Machinery and equipment for the manufacture of the products mentioned in sub-heading 28.51 A</p> <p>B. Machinery and equipment specially designed for the separation of irradiated nuclear fuels, for the treatment of radioactive waste or for recycling of irradiated nuclear fuels</p>
84.18	<p>Centrifuges; filtering and purifying machinery and apparatus (other than filter funnels, milk strainers and the like), for liquids or gases:</p> <p>A. For the separation of uranium isotopes</p> <p>B. For the manufacture of the products specified in subheading 28.51 A</p> <p>C. Specially designed for the separation of irradiated nuclear fuels, for the treatment of radioactive waste or for the recycling of irradiated nuclear fuels</p>
84.22	<p>Lifting, handling, loading or unloading machinery, telfers and conveyors (for example, lifts, hoists, winches, cranes, transporter cranes, jacks, pulley tackle, belt conveyors and teleferics), not being machinery falling within heading No. 84.23:</p> <p>A. Mechanical remote control manipulators, fixed or mobile, but not suitable for use in the hand, specially designed for handling highly radioactive substances</p>
84.44	<p>Rolling mills and rolls therefor:</p> <p>A. Rolling mills specially designed for the recycling of irradiated nuclear fuels</p>
84.45	<p>Machine-tools for working metal or metal carbides, not being machines falling within heading No. 84.49 or 84.50:</p> <p>A. Specially designed for the recycling of irradiated nuclear fuels (for example, sheathing, unsheathing, shaping):</p> <p style="padding-left: 20px;">I. Automatic machines, numerically-controlled</p> <p style="padding-left: 20px;">II. Other</p>
84.59	<p>Machines and mechanical appliances, having individual functions not falling within any other heading of this Chapter:</p> <p>A. For the manufacture of the products mentioned in sub-heading 28.51 A</p>

CCT heading No.	Description of goods
	<p>B. Nuclear reactors: I. Nuclear reactors II. Parts: (a) Fuel elements, not irradiated, of natural uranium (b) Fuel elements, not irradiated, of enriched uranium (c) Other C. Specially designed for the recycling of irradiated nuclear fuels (for example, sintering of radioactive metal oxides, sheathing)</p>
85.11	<p>Industrial and laboratory electric furnaces, ovens and induction and dielectric heating equipment; electric welding, brazing and soldering machines and similar electric machines and apparatus for cutting: A. Furnaces, ovens, induction and dielectric heating equipment: I. Specially designed for the separation of irradiated nuclear fuels, for the treatment of radioactive waste and for the recycling of irradiated nuclear fuels</p>
85.22	<p>Electric appliances and apparatus, having individual functions, not falling within any other heading of this Chapter: A. For the manufacture of the products specified in sub-heading 28.51 A B. Specially designed for the separation of irradiated nuclear fuels, for the treatment of radioactive waste or for the recycling of irradiated nuclear fuels</p>
86.07	<p>Railway and tramway goods vans, goods wagons and trucks: A. Specially designed for the transport of highly radioactive material</p>
86.08	<p>Containers specially designed and equipped for carriage by one or more modes of transport: A. Containers with an anti-radiation lead covering, for the transport of radioactive materials</p>
87.02	<p>Motor vehicles for the transport of persons, goods or materials (including sports motor vehicles, other than those of heading No. 87.09): B. For the transport of goods or materials: I. Motor lorries specially designed for the transport of highly radioactive materials</p>
87.07	<p>Works trucks, mechanically propelled, of the types used in factories, warehouses, dock areas or airports for short distance transport or handling of goods (for example, platform trucks, fork-lift trucks and straddle carriers); tractors of the type used on railway station platforms; parts of the foregoing vehicles: A. Trucks specially designed for the transport of highly radioactive material</p>
87.14	<p>Other vehicles (including trailers), not mechanically propelled, and parts thereof: B. Trailers and semi-trailers: I. Specially designed for the transport of highly radioactive materials C. Other vehicles: I. Specially designed for the transport of highly radioactive materials</p>

ANNEX IV

List of products referred to in Article 32 of the Act of Accession
(Commonwealth products which are subject to contractual margins of preference
in the United Kingdom)

No. in UK customs tariff on 1.1.1972	Description of goods
05.07	<p>Skins and other parts of birds, with their feathers or down, feathers and parts of feathers (whether or not with trimmed edges) and down, not further worked than cleaned, disinfected or treated for preservation; powder and waste of feathers or parts of feathers:</p> <p>B. Feathers in bales, sacks or similar packages, without internal containers; down:</p> <p>(1) Cleaned to the standard prescribed in paragraph 8 of Part 12 of British Standard 1425:1960 (and supplement), as amended until November 1967</p> <p>D. Other</p>
05.08	<p>Bones and horn-cores, unworked, defatted, simply prepared (but not cut to shape), treated with acid or degelatinised; powder and waste of these products:</p> <p>C. Other</p>
05.09	<p>Horns, antlers, hooves, nails, claws and beaks of animals, unworked or simply prepared but not cut to shape, and waste and powder of these products; whalebone and the like, unworked or simply prepared but not cut to shape, and hair and waste of these products</p>
05.14	<p>Ambergris, castoreum, civet and musk; cantharides; bile, whether or not dried; animal products, fresh, chilled or frozen, or otherwise provisionally preserved, of a kind used in the preparation of pharmaceutical products:</p> <p>B. Other</p>
13.01	<p>Raw vegetable materials of a kind used primarily in dyeing or in tanning:</p> <p>D. Other</p>
15.08	<p>Animal and vegetable oils, boiled, oxidized, dehydrated, sulphurized, blown or polymerized by heat in vacuum or in inert gas, or otherwise modified:</p> <p>B. Castor oil</p> <p>C. Coconut oil; ground nut oil; linseed oil; rape oil; sesamum oil; soya bean oil; sunflower seed oil; safflower seed oil:</p> <p>D. Other</p>
15.14	<p>Spermaceti, crude, pressed or refined, whether or not coloured</p>
19.03	<p>Macaroni, spaghetti and similar products</p>
19.05	<p>Prepared foods prepared by the swelling or roasting of cereals or cereal products (puffed rice, corn flakes and similar products)</p>
21.07	<p>Food preparations not elsewhere specified or included:</p> <p>H. Other:</p> <p>2. Other</p>
22.06	<p>Vermouths and other wines of fresh grapes flavoured with aromatic extracts</p>

No. in UK customs tariff on 1.1.1972	Description of goods
25.19	Natural magnesium carbonate (magnesite), whether or not calcined, other than magnesium oxide: A. Dead-burned
25.24	Asbestos
27.13	Paraffin wax, micro-crystalline wax, slack wax, ozokerite, lignite wax, peat wax and other mineral waxes, whether or not coloured: C. Paraffin wax and micro-crystalline wax
32.01	Tanning extracts of vegetable origin B. Other
33.01	Essential oils (terpeneless or not); concretes and absolutes; resinoids: A. Essential oils: 3. Other: (a) not terpeneless: (i) of the following: bay, citronella, eucalyptus, ginger, ginger-grass, lemon-grass, litsea cubeba, ninde, onion, palmarosa, pimento and sandalwood (b) terpeneless
35.01	Casein, caseinates and other casein derivatives, other than casein glues: B. Other
41.02	Bovine cattle leather (including buffalo leather) and equine leather, except leather falling within heading No. 41.06, 41.07 or 41.08
41.03	Sheep and lamb skin leather, except leather falling within heading No. 41.06, 41.07 or 41.08: A. Prepared: 2. Other B. Other
41.04	Goat and kid skin leather, except leather falling within headings Nos. 41.06, 41.07 or 41.08
41.05	Other kinds of leather, except leather falling within headings Nos. 41.06, 41.07 or 41.08
41.06	Chamois-dressed leather
41.07	Parchment-dressed leather
41.08	Patent leather and imitation patent leather; metallized leather
43.02	Furskins, tanned or dressed, including furskins assembled in plates, crosses and similar forms; pieces or cuttings, of furskin, tanned or dressed, including heads, paws, tails and the like (not being fabricated)
55.05	Cotton yarn, not put up for retail sale: B. Other

No. in UK customs tariff on 1.1.1972	Description of goods
55.06	Cotton yarn, put up for retail sale: B. Other
55.07	Cotton gauze
55.08	Terry towelling
55.09	Other woven fabrics of cotton
57.06	Yarn of jute or other vegetable textile fibres of No. 57.03: B. Not containing mmf: 2. Singles, polished or glazed; multiples, whether or not polished or glazed
57.07	Yarn of other vegetable textile fibres: B. Not containing mmf: 2. Other
57.10	Woven fabrics of jute or other vegetable textile fibres of No. 57.03: B. Not containing mmf:
58.01	Carpets, carpeting and rugs, knotted (made up or not): A. Handmade: 2. Other B. Other: 3. Other
58.02	Other carpets, carpeting, rugs, mats and matting and "Kelem", "Schumacks" and "Karamanie" rugs and the like (made up or not): A. Coir mats and matting B. Other 3. Other
58.05	Ribbons, unwoven, in threads or fibres, in parallel form and mounted (thin coloured ribbon), other than articles of sub-item No. 58.06: B. Containing neither silk nor synthetic or artificial textile fibres
59.02	Felt and articles of felt, even if impregnated or proofed: B. Articles of felt: 2. Other
59.04	Twine, cord and rope, braided or otherwise: B. Containing neither silk nor synthetic or artificial textile fibres: 3. Other
60.05	Outer garments, clothing accessories and other hosiery articles, not elasticated or rubberized: B. Other articles: 2. Other
61.05	Handkerchiefs: C. Other
61.06	Shawls, scarves, foulards, mufflers, men's scarves, mantillas, veils and hat-veils, and similar articles: C. Other

No. in UK customs tariff on 1.1.1972	Description of goods
62.01	Covers: B. Other
62.02	Bed linen, table linen, toilet linen, domestic linen or kitchen linen; curtains, vitrage-nets and other articles of furnishing: B. Other 1. Bedspreads, quilts, sheets, pillowcases, bolster cases and mattress cases, face, hand and bath towels, wholly of cotton and containing no embroidery, net, lace or materials resembling lace 2. Other
62.03	Sacks and bags, of a kind used for the packing of goods B. Other: 2. Other (b) Other
62.05	Other made up textile articles, (including dress patterns): B. Other
67.01	Skins and other parts of birds with their feathers or down, feathers, parts of feathers, down, and articles thereof, (other than goods falling within heading No. 05.07 and worked quills and scapes)
68.01	Road and paving setts, curbs and flagstones, of natural stone (except slate): B. Granite flagstones
79.01	Unwrought zinc; zinc waste and scrap A. Zinc, other than alloys of zinc
97.06	Appliances, apparatus, accessories and requisites for gymnastics or athletics, or for sports and outdoor games (other than articles falling within heading No. 97.04): B. Rackets, exceeding 9 ounces in weight C. Unstrung racket frames D. Other
97.07	Fish hooks, line fishing rods and tackle; fish landing nets and butterfly nets; decoy " birds " and similar lures

ANNEX V

List referred to in Article 107 of the Act of Accession

A. LEGISLATION ON SEEDS AND PLANTS

1. *Council Directive No. 66/400/EEC* of 14 June 1966

OJ No. 125/2290, 11 July 1966

as modified by:

—*Council Directive No. 69/61/EEC* of 18 February 1969

OJ No. L 48/4, 26 February 1969

—*Council Directive No. 71/162/EEC* of 30 March 1971

OJ No. L 87/24, 17 April 1971

(a) Provisions identical with those contained in Article 2(2) of the abovementioned Directive shall apply in respect of the new Member States until 30 June 1977.

(b) In the case of the new Member States, the provisions laid down by law, regulation or administrative action, as amended in accordance with the provisions of the Directive in question, other than those required for compliance with the provisions of Article 14(1) of that Directive, shall apply:

—from 1 July 1974 at the latest, in respect of those provisions which relate to basic seed;

—from 1 July 1976, in respect of the other provisions.

2. *Council Directive No. 66/401/EEC* of 14 June 1966

OJ No. 125/2298, 11 July 1966

as modified by:

—*Council Directive No. 69/63/EEC* of 18 February 1969

OJ No. L 48/8, 26 February 1969

—*Council Directive No. 71/162/EEC* of 30 March 1971

OJ No. L 87/24, 17 April 1971

(a) Provisions identical with those contained in Article 2(2) of the abovementioned Directive shall apply in respect of the new Member States until 30 June 1977.

(b) In the case of the new Member States, the provisions laid down by law, regulation or administrative action, as amended in accordance with the provisions of the Directive in question, other than those required for compliance with the provisions of Article 14(1) of that Directive, shall apply:

—from 1 July 1974 at the latest, in respect of those provisions which relate to basic seed;

—from 1 July 1976, in respect of the other provisions.

3. *Council Directive No. 66/402/EEC* of 14 June 1966

OJ No. 125/2309, 11 July 1966

as modified by:

—*Council Directive No. 69/60/EEC* of 18 February 1969

OJ No. L 48/1, 26 February 1969

—*Council Directive No. 71/162/EEC* of 30 March 1971

OJ No. L 87/24, 17 April 1971

(a) Provisions identical with those contained in Article 2(2)(c) of the abovementioned Directive shall apply in respect of the new Member States until 30 June 1976.

(b) In the case of the new Member States, the provisions laid down by law, regulation or administrative action, as amended in accordance with the provisions of the Directive in question, other than those required for compliance with the provisions of Article 14(1) of that Directive, shall apply:

—from 1 July 1974 at the latest, in respect of those provisions which relate to basic seed;

—from 1 July 1976, in respect of the other provisions.

4. *Council Directive No. 66/403/EEC* of 14 June 1966

OJ No. 125/2320, 11 July 1966

as modified by:

—*Council Directive No. 69/62/EEC* of 18 February 1969

OJ No. L 48/7, 26 February 1969

—*Council Directive No. 71/162/EEC* of 30 March 1971

OJ No. L 87/24, 17 April 1971

(a) Provisions identical with those contained in Article 2(2)(a) of the abovementioned Directive shall apply in respect of the new Member States until 30 June 1975.

(b) In the case of the new Member States, the provisions laid down by law, regulation or administrative action, as amended in accordance with the provisions of the Directive in question, other than those required for compliance with the provisions of Article 13(1) of that Directive, shall apply:

—from 1 July 1974 at the latest, in respect of those provisions which relate to basic planting materials;

—from 1 July 1976, in respect of the other provisions.

5. *Council Directive No. 69/208/EEC* of 30 June 1969

OJ No. L 169/3, 10 July 1969

as modified by:

—*Council Directive No. 71/162/EEC* of 30 March 1971

OJ No. L 87/24, 17 April 1971

(a) Provisions identical with those contained in Article 2(2)(a) of the abovementioned Directive shall apply in respect of the new Member States until 30 June 1976.

(b) In the case of the new Member States, the provisions laid down by law, regulation or administrative action as amended in accordance with the provisions of the Directive in question, other than those

required for compliance with the provisions of Article 13(1) of the Directive, shall apply:

- from 1 July 1974 at the latest, in respect of those provisions which relate to basic seed;
- from 1 July 1976, in respect of the other provisions.

6. *Council Directive No. 70/458/EEC* of 29 September 1970
OJ No. L 225/7, 12 October 1970

as modified by:

- Council Directive No. 71/162/EEC* of 30 March 1971
OJ No. L 87/24, 17 April 1971

Provisions identical with those contained in Article 2(2) of the abovementioned Directive shall apply in respect of the new Member States until 30 June 1976.

7. *Council Directive No. 66/404/EEC* of 14 June 1966
OJ No. 125/2325, 11 July 1966

as modified by:

- Council Directive No. 69/64/EEC* of 18 February 1969
OJ No. L 48/12, 26 February 1969

- (a) Provisions identical with those contained in Article 18(2) of the abovementioned Directive shall apply in respect of the new Member States until 1 July 1975.
- (b) Provisions identical with those contained in Article 18(3) of the Directive in question shall apply in respect of the new Member States until 1 July 1977.

B. ANIMAL FEEDINGSTUFFS LEGISLATION

Council Directive No. 70/524/EEC of 23 November 1970
OJ No. L 270/1, 14 December 1970

The new Member States may maintain in force until 31 December 1977 provisions of national law existing at the date of accession which prohibit the use of the following additives in animal feedingstuffs:

- E 701 Tetracycline
- E 702 Chlortetracycline
- E 703 Oxytetracycline
- E 704 Oleandomycin
- E 705 Potassium penicillin G
- E 706 Sodium penicillin G
- E 707 Procaine penicillin G
- E 708 Benzathine penicillin G
- E 709 Streptomycin penicillin G
- E 710 Spiramycin
- E 711 Virginiamycin
- E 712 Flavophospholipol

After this date, the use of these additives will be permitted under the conditions laid down in the Directive, unless it is decided under the procedure provided for in Articles 43 and 100 of the EEC Treaty, to exclude these additives from the annexes to the Directive, in order to take into account scientific and technical developments.

This derogation shall have no other effect on the application of the Directive.

C. STRUCTURAL SURVEYS

Council Directive No. 68/161/EEC of 27 March 1968

OJ No. L 76/13, 28 March 1968

as corrected by:

—Corrigendum to Council Directive No. 68/161/EEC of 27 March 1968

OJ No. L 132/15, 14 June 1968

- (a) Until 1 December 1973 the United Kingdom may conduct swine herd surveys every three months.
- (b) Until 1 December 1973 Ireland may conduct swine surveys according to age.

D. MISCELLANEOUS

Council Regulation (EEC) No. 2513/69 of 9 December 1969

OJ No. L 318/6, 18 December 1969

Until the date of expiry of the system provided for in Article 115 of the Act of Accession, the United Kingdom has the right to retain those quantitative restrictions on grapefruit which it applied on 1 January 1972.

ANNEX VI

List of the countries referred to in Article 109 of the Act of Accession and in Protocol No. 22

Barbados

Botswana

Fiji

The Gambia

Ghana

Guyana

Jamaica

Kenya

Lesotho

Malawi

Mauritius

Nigeria

Sierra Leone

Swaziland

Tanzania

Tonga

Trinidad and Tobago

Uganda

Western Samoa

Zambia

ANNEX VII

List referred to in Article 133 of the Act of Accession

I. CUSTOMS LEGISLATION

1. *Council Directive No. 69/73/EEC* of 4 March 1969

OJ No. L 58/1, 8 March 1969

(a) The United Kingdom shall implement the measures necessary in order to comply, by 1 January 1975 at the latest, with the provisions of the Directive other than those laid down in Articles 5 and 15 to 18.

(b) However, if conditions governing competition are thereby affected, in particular as a result of differences in the rate of yield, appropriate measures shall be taken, within the framework of the procedure laid down in the Directive, to rectify the situation.

2. *Council Directive No. 69/76/EEC* of 4 March 1969

OJ No. L 58/14, 8 March 1969

Denmark shall have a right identical with that in Article 2(3) up to and including 31 December 1974.

3. *Council Directive No. 69/73/EEC* of 4 March 1969

OJ No. L 58/1, 8 March 1969

—*Council Directive No. 69/76/EEC* of 4 March 1969

OJ No. L 58/14, 8 March 1969

In the new Member States, these Directives shall not apply to customs duties of a fiscal nature until the date of the decision by the Commission provided for in Article 38(3) of the Act of Accession.

II. PHARMACEUTICAL PRODUCTS

Council Directive No. 65/65/EEC of 26 January 1965

OJ No. 22/369, 9 February 1965

The new Member States shall apply progressively and by 1 January 1978 at the latest the rules laid down in this Directive for specialities the marketing of which was authorized before accession.

III. TRANSPORT

1. *Council Regulation (EEC) No. 543/69* of 25 March 1969

OJ No. L 77/69, 29 March 1969

The application of this Regulation to national transport operations in the new Member States shall be postponed until :

1 January 1976 for Denmark

1 January 1976 for Ireland

1 January 1976 for the United Kingdom

2. *Council Regulation (EEC) No. 1191/69 of 26 June 1969*

OJ No. L 156/1, 28 June 1969

The right to compensation referred to in the second subparagraph of Article 6(3) and in the first subparagraph of Article 9(2) shall take effect in Ireland and in the United Kingdom from 1 January 1974.

3. *Council Regulation (EEC) No. 1107/70 of 4 June 1970*

OJ No. L 130/1, 15 June 1970

With regard to Ireland and the United Kingdom, the aids referred to in Article 5(2) shall be communicated to the Commission at the beginning of 1974.

4. *Council Regulation (EEC) No. 1463/70 of 20 July 1970*

OJ No. L 164/1, 27 July 1970

Provisions identical with those contained in Article 4(1) shall apply in respect of Denmark, of Ireland and of the United Kingdom from 1 January 1976.

5. *Council Decision No. 70/108/EEC of 27 January 1970*

OJ No. L 23/24, 30 January 1970

Provisions identical with those contained in Article 1(5) shall apply in respect of Denmark from 1 January 1974.

IV. COMPETITION

Council Regulation (EEC) No. 1017/68 of 19 July 1968

OJ No. L 175/1, 23 July 1968

With regard to the United Kingdom, the prohibition imposed by Article 2 of this Regulation shall apply from 1 July 1973 to agreements, decisions and concerted practices in existence at the date of accession which come within the field of application of the prohibition as a result of accession.

V. TAXATION

1. *Council Directive No. 69/169/EEC of 28 May 1969*

OJ No. L 133/6, 4 June 1969

- (a) Denmark shall have the right up to and including 31 December 1975 to exclude the following goods from exemption from turnover tax and excise duties.
- tobacco products;
 - alcoholic beverages: distilled beverages and spirits, of an alcoholic strength exceeding 22°;
 - beer, only for quantities exceeding 2 litres.
- (b) The rules which Denmark may, by virtue of this right, apply to travellers coming from third countries shall not be more favourable than the rules applied to travellers going from one Member State to another.
- (c) Before the end of the abovementioned period, the Council shall decide in accordance with the procedure laid down in Article 100 of the EEC Treaty whether and how far this derogation requires to

be prolonged, account being taken of the extent to which economic and monetary union, and particularly progress in tax harmonization, has been achieved.

- (d) The provisions referred to above shall not prejudice the application of Article 32(2)(c) of the Act of Accession.

2. *Council Directive No. 69/335/EEC* of 17 July 1969

OJ No. L 249/25, 3 October 1969

If the work concerning the extension of the field of application of Article 7(1)(b) has not been completed before accession, Ireland and the United Kingdom will implement the measures necessary in order to comply, by 1 January 1974 at the latest, with the provisions of Article 7(1).

VI. COMMERCIAL POLICY

1. *Council Regulation (EEC) No. 459/68* of 5 April 1968

OJ No. L 93/1, 17 April 1968

A provision identical with that contained in Article 26 shall apply in respect of Ireland, of the United Kingdom and of Norway up to and including 30 June 1977.

2. *Council Regulation (EEC) No. 2603/69* of 20 December 1969

OJ No. L 324/25, 27 December 1969

Subject to the agreements concluded or to be concluded by the Community, Ireland shall have the right to retain up to and including 30 June 1975 quantitative restrictions on Irish exports to third countries of the products listed below:

<i>CCT heading No.</i>	<i>Description</i>
44.01	Fuel wood, in logs, in billets, in twigs or in faggots; wood waste, including sawdust
44.03	Wood in the rough, whether or not stripped of its bark or merely roughed down
44.04	Wood, roughly squared or half-squared, but not further manufactured
44.05	Wood sawn lengthwise, sliced or peeled, but not further prepared, of a thickness exceeding 5 mm.

3. *Council Regulation (EEC) No. 109/70* of 19 December 1969

OJ No. L 19/1, 26 January 1970

as modified by:

—*Council Regulation (EEC) No. 1492/70* of 20 July 1970

OJ No. L 166/1, 29 July 1970

—*Council Regulation (EEC) No. 2172/70* of 27 October 1970

OJ No. L 239/1, 30 October 1970

—*Council Regulation (EEC) No. 2567/70* of 14 December 1970

OJ No. L 276/1, 21 December 1970

—*Council Regulation (EEC) No. 532/71* of 8 March 1971

OJ No. L 60/1, 13 March 1971

- Council Regulation (EEC) No. 725/71 of 30 March 1971
OJ No. L 80/4, 5 April 1971
- Council Regulation (EEC) No. 1073/71 of 25 May 1971
OJ No. L 119/1, 1 June 1971
- Council Regulation (EEC) No. 1074/71 of 25 May 1971
OJ No. L 119/35, 1 June 1971
- Council Regulation (EEC) No. 2385/71 of 8 November 1971
OJ No. L 249/3, 10 November 1971
- Council Regulation (EEC) No. 2386/71 of 8 November 1971
OJ No. L 249/12, 10 November 1971
- Council Regulation (EEC) No. 2406/71 of 9 November 1971
OJ No. L 250/1, 11 November 1971
- Council Regulation (EEC) No. 2407/71 of 9 November 1971
OJ No. L 250/7, 11 November 1971

(a) Subject to the Community system of generalized preferences, which the new Member States shall apply from 1 January 1974, and subject to agreements entered into or to be entered into by the Community, the United Kingdom shall have the right to retain quantitative restrictions on imports of the following products up to and including 31 December 1974:

<i>CCT heading No.</i>	<i>Description</i>
ex 52.01	Metallized yarn, being cotton yarn spun with metal or covered with metal by any process
ex 52.02	Woven fabrics of metal thread or of metallized yarn combined with cotton yarn, of a kind used in articles of apparel, as furnishing fabrics or the like
ex 59.09	Textile fabrics partly or wholly of cotton, coated or impregnated with oil or preparations with a basis of drying oil
ex 59.11	Rubberized textile fabrics, other than rubberized knitted or crocheted goods, of cotton
ex 59.14	Wicks, of woven, plaited or knitted cotton for lamps, stoves, lighters, candles and the like
ex 59.15	Hosepiping and similar tubing, partly or wholly of cotton
ex 59.17	Textile fabrics and textile articles of cotton, of a kind commonly used in machinery or plant
ex 61.08	Collars, tuckers, fallals, bodice-fronts, jabots, cuffs, flounces, yokes and similar accessories and trimmings for women's and girls' garments of cotton
ex 65.02	Hat-shapes, plaited or made from plaited or other strips of any material, neither blocked to shape nor with made brims, excluding hat-shapes for Panama hats
ex 65.04	Hats and other headgear, plaited or made from plaited or other strips of material, whether or not lined or trimmed, excluding hat-shapes for Panama hats
65.07	Head-bands, linings, covers, hat foundations, hat frames (including spring frames for opera hats), peaks and chinstraps, for headgear

(b) Subject to the Community system of generalized preferences, which the new Member States shall apply from 1 January 1974, and subject to agreements entered into or to be entered into by the Community, the United Kingdom shall have the right to retain quantitative restrictions on imports of the following products until 31 December 1977 at the latest:

<i>CCT heading No.</i>	<i>Description</i>
ex 39.07	Gloves of materials of the kinds described in headings Nos. 39.01 to 39.06
ex 40.13	Gloves of unhardened vulcanized rubber
ex 43.03	Gloves of furskin
ex 43.04	Gloves of artificial fur

However, annual consultations shall take place between the Commission and the United Kingdom in order to ascertain whether this time limit can be shortened.

- (c) Subject to the Community system of generalized preferences, which the new Member States shall apply from 1 January 1974, and subject to agreements entered into or to be entered into by the Community, Ireland and the United Kingdom shall have the right to retain quantitative restrictions on imports of the following products up to and including 31 December 1975 at the latest:

<i>CCT heading No.</i>	<i>Description</i>
54.03	Flax or ramie yarn, not put up for retail sale
54.04	Flax or ramie yarn, put up for retail sale

If necessary, this time limit may be extended by the Council acting by qualified majority, on a proposal from the Commission, up to and including 31 December 1977.

- (d) Subject to the Community system of generalized preferences, which the new Member States shall apply from 1 January 1974, and subject to agreements entered into and to be entered into by the Community, Ireland shall have the right to retain, in regard to:

Czechoslovakia
 Romania
 the People's Republic of China
 Hungary
 Bulgaria
 Poland
 the USSR

quantitative restrictions on imports of the following products up to and including 30 June 1977:

<i>CCT heading No.</i>	<i>Description</i>
ex 59.09	Textile fabrics coated or impregnated with oil or preparations with a basis of drying oil —Oilcloth and leather-cloth of a width exceeding 4 inches; —Other, woven
ex 59.11	Rubberized textile fabrics, other than rubberised knitted or crocheted goods: —Leather-cloth of a width exceeding 4 inches; —Printed, painted or embossed;

<i>CCT heading No.</i>	<i>Description</i>
	<p>--Other, woven, of a width not less than 30 cm (excluding fabrics containing 33½% or more rubber, by weight, other than fabrics of a kind used as packing cloths);</p> <p>--Other, woven, containing more than 60% cotton, by weight (excluding fabrics containing 33½% or more rubber, by weight, other than fabrics of a kind used as packing cloths)</p>
ex 61.08	Collars, tuckers, fallals, bodice-fronts, jabots, cuffs, flounces, yokes and similar accessories and trimmings for women's and girls' garments, of cotton
ex 62.01	Blankets, with the exception of travelling rugs

However, after 1 January 1975 at the latest this time limit will be considered at annual consultations between the Commission and Ireland and will be shortened if possible, account being taken in particular of negotiations between the Community and the countries which are the main suppliers of the products in question.

4. *Council Regulation (EEC) No. 1025/70 of 25 May 1970*

OJ No. L 124/6, 8 June 1971

as modified by:

--*Council Regulation (EEC) No. 1984/70 of 29 September 1970*

OJ No. L 218/1, 3 October 1970

--*Council Regulation (EEC) No. 724/71 of 30 March 1971*

OJ No. L 80/3, 5 April 1971

--*Council Regulation (EEC) No. 1080/71 of 25 May 1971*

OJ No. L 116/8, 28 May 1971

--*Council Regulation (EEC) No. 1429/71 of 2 July 1971*

OJ No. L 151/8, 7 July 1971

--*Council Regulation (EEC) No. 2384/71 of 8 November 1971*

OJ No. L 249/1, 10 November 1971

- (a) Until the expiry of the arrangements provided for in Article 115, the United Kingdom shall have the right to retain the quantitative restrictions on the following products which it applied on 1 January 1972:

<i>CCT heading No.</i>	<i>Description</i>
08.02	Citrus fruit, fresh or dried: D. Grapefruit
ex 20.03	Fruit preserved by freezing, containing added sugar: Grapefruit

- (b) Subject to the provisions of the Community system of generalized preferences, which the new Member States shall apply from 1 January 1974, and to agreements entered into and to be entered into by the Community, Ireland shall have the right to retain, in regard to:

Japan
 India
 Malaysia
 Macao
 Hong Kong

The Republic of China (Formosa)

Pakistan

Yugoslavia

quantitative restrictions on imports of the following products up to and including 30 June 1977 at the latest:

<i>CCT heading No.</i>	<i>Description</i>
ex 51.01	Yarn of man-made fibres (continuous), not put up for retail sale, excluding: —yarn wholly of viscose rayon, acetate fibres or cuprammonium rayon; —yarn which has not been subjected to any of the following processes: texturing, dyeing, doubling, twisting, dressing or like processes, and not rolled on cones or reels
54.05	Woven fabrics of flax or of ramie
55.05	Cotton yarn, not put up for retail sale
55.06	Cotton yarn, put up for retail sale
55.07	Cotton gauze
ex 56.06	Yarn of man-made fibres (discontinuous or waste) put up for retail sale: —containing wool, hair, cotton, flax or true hemp
ex 57.06	Yarn of jute or other Liberian fibres falling within heading 57.03: —yarn of jute
ex 59.07	Textile fabrics coated with gum or amylaceous substances, of a kind used for the outer covers of books and the like; tracing cloth; prepared painting canvas; buckram and similar fabrics for hat foundations and similar uses: —Woven textile fabrics, excluding dyed cloths for bindings
ex 59.08	Textile fabrics impregnated or coated with preparations of cellulose derivatives or of other artificial plastic materials and textile fabrics sandwiched with the same materials: —Tapes and bias-cut strips; —Other, of a width exceeding 4 inches;
ex 59.09	Textile fabrics coated or impregnated with oil or preparations with a basis of drying oil: —Oilcloth and leather-cloth of a width exceeding 4 inches; —Other, woven
ex 59.11	Rubberized textile fabrics, other than rubberized knitted or crocheted goods: —Leather-cloth of a width exceeding 4 inches; —Printed, painted or embossed; —Other, woven of a width not less than 30 cm (excluding fabrics containing 33¼% or more rubber, by weight, other than fabrics of a kind used as packing cloths); —Other, woven, containing more than 60% cotton, by weight (excluding fabrics containing 33¼% or more rubber, by weight, other than fabrics of a kind used as packing cloths);
ex 59.12	Textile fabrics otherwise impregnated or coated; painted canvas being theatrical scenery, studio back-cloths or the like: —Textile fabrics, printed, painted, or embossed (other than knitted or crocheted goods); —Linen tape, of a width not exceeding 2 inches, having two selvages; —Textile fabrics, knitted or crocheted; —Other, woven
ex 60.01	Knitted or crocheted fabric, not elastic or rubberized, other than crocheted by hand
60.03	Stockings, understockings, socks, ankle-socks, sockettes and the like, knitted or crocheted, not elastic or rubberized
ex 60.04	Under garments, knitted or crocheted, not elastic nor rubberized: —Tights
ex 60.06	Knitted or crocheted fabric and articles thereof, elastic or rubberized (including elastic knee-caps and elastic stockings) excluding: —Knitted or crocheted fabric of a width exceeding 1 inch; —Knitted or crocheted fabric, rubberized, crocheted; —Articles of knitted or crocheted fabric, elastic or rubberized;
61.07	Ties, bow-ties and cravats
61.08	Collars, tuckers, fallals, bodice-fronts, jabots, cuffs, flounces, yokes and similar accessories and trimmings for women's and girls' garments

<i>CCT heading No.</i>	<i>Description</i>
61.09	Corsets, corset-belts, suspender-belts, brassières, braces, suspenders, garters and the like (including such articles of knitted or crocheted fabric), whether or not elastic
61.10	Gloves, mittens, mitts, stockings, socks and sockettes, not being knitted or crocheted goods
ex 61.11	Made up accessories for articles of apparel (for example, dress shields, shoulder and other pads, belts, muffs, sleeve protectors, pockets), excluding badges, tabs, trimming motifs
62.01	Travelling rugs and blankets
ex 62.04	Tarpaulins, sails, awnings, sunblinds, tents and camping goods: —Sails —Tarpaulins —Groundsheets —Hammock bags —Awnings and sunblinds —Tents —Sleeping bags
ex 94.04	Mattress supports; mattresses, other than of rubber; pouffes; cushions of foam or sponge polyurethanes; quilts and eiderdowns; other articles of bedding

However, after 1 January 1975 at the latest, this time limit will be considered at annual consultations between the Commission and Ireland and will be shortened if possible, account being taken in particular of negotiations between the Community and the countries which are the main suppliers of the products in question.

VII. SOCIAL POLICY

1. *Council Regulation (EEC) No. 1612/68* of 15 October 1968
OJ No. L 257/2, 19 October 1968
2. *Council Decision No. 68/359/EEC* of 15 October 1968
OJ No. L 257/1, 19 October 1968
3. *Council Directive* of 5 March 1962
OJ No. 57/1650, 9 July 1962
4. *Council Directive No. 68/360/EEC* of 15 October 1968
OJ No. L 257/13, 19 October 1968

Ireland and the United Kingdom of Great Britain and Northern Ireland shall have the right to retain, up to and including 31 December 1977, their national provisions requiring a prior authorization for immigration into Ireland and Northern Ireland of nationals of the other Member States for the purposes of taking up employment and/or for access by such nationals to employment in Ireland and Northern Ireland.

5. *Council Regulation (EEC) No. 1408/71* of 14 June 1971
OJ No. L 149/2, 5 July 1971

For a maximum period of five years from the date of application of this Regulation in Ireland, Ireland may reserve unemployment benefits and benefits paid under non-contributory old-age pension schemes and widows', orphans' and blind pension schemes to persons resident in Irish territory only, provided that the aforementioned benefits fall under legislation relating to the

branches of social security referred to in Article 4(1) and that, during the said period, equal treatment is guaranteed in Ireland to nationals of the original Member States and of the other new Member States and to refugees and stateless persons.

VIII. TECHNICAL BARRIERS

Council Directive No. 71/307/EEC of 26 July 1971

OJ No. L 185/16, 16 August 1971

Denmark and Norway shall benefit from a transitional period ending on 31 December 1974 for the introduction of new names corresponding to the terms contained in Article 5(1) of this Directive.

IX. FOODSTUFFS

1. *Council Directive of 23 October 1962*

OJ No. 115/2645, 11 November 1962

as amended by:

—*Council Directive No. 65/469/EEC of 25 October 1965*

OJ No. 178/2793, 26 October 1965

—*Council Directive No. 67/653/EEC of 24 October 1967*

OJ No. 263/4, 30 October 1967

—*Council Directive No. 68/419/EEC of 20 December 1968*

OJ No. L 309/24, 24 December 1968

—*Council Directive No. 70/358/EEC of 13 July 1970*

OJ No. L 157/36, 18 July 1970

1. The new Member States may, up to and including 31 December 1977, maintain in force national laws existing on the date of accession which permit the use of the following:

- (a) the colours for foodstuffs listed under paragraph 2
- (b) the following products for diluting or dissolving colours:

Ethyl acetate

Diethyl ether

Glycerol monoacetate

Glycerol diacetate

Glycerol triacetate

Isopropyl alcohol

Propylene glycol

Acetic acid

Sodium hydroxide, ammonium hydroxide

Before 31 December 1977, the Council may act, in accordance with the procedure laid down in Article 100 of the EEC Treaty, on a proposal to add:

- (a) to the list in Annex I of the Directive in question, the substances referred to in the preceding subparagraph under (a),
- (b) to the list in Article 6 of the Directive in question, the substances listed in the preceding subparagraph under (b).

These substances may be included in the lists in Annex I or Article 6 only if, after scientific investigation, they are proved harmless to human health and if their use is necessary for economic reasons.

2. The colours used for colouring in depth or on the surface which are referred to in 1(a) are as follows:

<i>Common name</i>	<i>Schultz</i>	<i>CI</i>	<i>DFG</i>	<i>Chemical formula or description</i>
Violet 6 B	805	(697) 42,640	—	monosodium salt of the 4-[4-(N-ethyl-p sulphobenzylamino)-phenyl]-[4(N-ethyl-p sulphonium-benzylamine)-phenyl]-methylene]
Brown FK	—	—	—	(N, N-dimethyl-Δ 2,5-cyclohexadine-imine) a mixture consisting essentially of the disodium salt of 1,3-diamino-4-(p-sulphophenylazo) benzene and the sodium salt of 2,4-diamino-5-(p-sulphophenylazo) toluene
Chocolate brown FB	—	—	—	product obtained by the coupling of diazo naphthionic acid with a mixture of morin (CI 75660) and maclurin (CI 75240)
Chocolate brown HT	—	20,285	—	disodium salt of 4,4'-[[2,4-dihydroxy-5 (hydroxymethyl)-m-phenylene] bis (AZO)] di-1-naphthalene sulphonic acid
Orange G	39	(27) 16,230	—	disodium salt of phenylazo-1 naphthol-2 disulphonic-6,8 acid
Orange RN	36	15,970	—	monosodium salt of phenylazo naphthol-2 disulphonic-6,8 acid
Red 2 G	40	18,050	—	disodium salt of acetamino-5 hydroxy-4 (phenylazo)-3 naphthalene-2,7 disulphonic acid
Brilliant blue FCF	770	(671) 42,090	—	disodium salt of [4 4-(N-ethyl-p-sulphobenzyl-amino)-phenyl]-(2-sulphoniphenyl)-methylene]-[1-(N-ethyl-N-sulphobenzyl)- Δ 2,5-) cyclohexadieneimine]
Yellow 2 G	—	18,965	—	disodium salt of 1-(2,5-dichloro-4-sulphophenyl-5-hydroxy-3-methyl-4-p-sulphophenylazopyrazole)
Titanium dioxide (E 171)	1,418	(1,264) 77,891	—	
Iron oxides and hydro-oxides (E 172)	1,428 1,429 1,470	77,489 77,491 77,492	—	
Ultramarine	1,435	(1,290) 77,007	—	combination of aluminium, sodium, silica and sulphur
Alkanet alcannin	1,382	(1,240) 75,520 75,530	140	Extract of the root of tinctorial Alcanna
Solid Red E	210	(182) 16,045	—	disodium salt of (sulpho-4 naphthylazo-1)-1 naphthol-2 sulphonic-6 acid

3. The new Member States may maintain in force up to and including 31 December 1975 provisions of national law existing at the date of accession which prohibit the use of the following colours in food-stuffs intended for human consumption:

E 103 chrysoins S
E 105 fast yellow

- E 111 orange GGN
- E 120 cochineal
- E 121 orchil-orcein
- E 125 scarlet GN
- E 126 ponceau 6 R

After this date, the use of these substances will be permitted under the conditions laid down in the Directive, unless it is decided under the procedure provided for in Article 100 of the EEC Treaty to exclude these substances from Annex I to the Directive in order to take account of scientific and technical developments.

4. Without prejudice to the provisions referred to above, the laws of the new Member States, amended in accordance with the above-mentioned Directive, shall apply to products made available for sale in those Member States from 1 July 1974 at the latest.

2. Council Directive No. 64/54 of 5 November 1968

OJ No. 12/161, 27 January 1964
as amended by:

—Council Directive No. 67/427/EEC of 27 June 1967
OJ No. 148/1, 11 July 1967

—Council Directive No. 68/420/EEC of 20 December 1968
OJ No. L 309/25, 24 December 1968

—Council Directive No. 70/359/EEC of 13 July 1970
OJ No. L 157/38, 18 July 1970

—Council Directive No. 71/160/EEC of 30 March 1971
OJ No. L 87/12, 17 April 1971

1. The new Member States may, until 31 December 1977, maintain in force national laws existing on the date of accession relating to the use in foodstuffs of:

- formic acid
- potassium nitrite
- potassium propionate (potassium salt of propionic acid)
- sodium derivative of the methyl ester of p-hydroxybenzoic acid
- liquid smoke solutions

Before 31 December 1977, the Council may act, in accordance with the procedure laid down in Article 100 of the EEC Treaty, on a proposal to include these substances in Article 3 of the abovementioned Directive.

These substances may be included only if, after scientific investigation, they are proved harmless to human health and if their use is necessary for economic reasons.

2. Without prejudice to the provisions referred to above, the laws of the new Member States, amended in accordance with the above-mentioned Directive, shall apply to products made available for sale in those Member States from 1 July 1974 at the latest.

3. *Council Directive No. 70/357/EEC* of 13 July 1970

OJ No. L 157/31, 18 July 1970

1. The new Member States may, up to and including 31 December 1977, maintain in force national laws existing on the date of accession relating to the use in foodstuffs of ethoxyquin, sodium acid salt of pyrophosphoric acid, sodium pyrophosphate, potassium pyrophosphate, calcium pyrophosphate, sodium tripolyphosphate, potassium polymetaphosphate, sodium metaphosphate and propyl gallate.

Before 31 December 1977, the Council may act, in accordance with the procedure laid down in Article 100 of the EEC Treaty, on a proposal to add to the list in the Annex to the Directive in question, the substances referred to in the preceding subparagraph.

These substances may be included in the list in the Annex only if, after scientific investigation, they are proved harmless to human health and if their use is necessary for economic reasons.

2. Without prejudice to the provisions referred to above, the laws of the new Member States, amended in accordance with the above-mentioned Directive, shall apply to products made available for sale in those Member States from 1 July 1974 at the latest.

ANNEX VIII

List of Committees referred to in Article 148(1) of the Act of Accession

1. *European Social Fund Committee*
referred to in Article 124 of the EEC Treaty
2. *Advisory Committee on Freedom of Movement for Workers*
set up by Regulation No. 15 of 16 August 1961
OJ No. 57/1073, 26 August 1961

as modified by:
—Council Regulation No. 38/64/EEC of 25 March 1964
OJ No. 62/965, 17 April 1964
—Council Regulation (EEC) No. 1612/68 of 15 October 1968
OJ No. L 257/2, 19 October 1968
3. *Advisory Committee on Vocational Training*
set up by Council Decision No. 63/266/EEC of 2 April 1963
OJ No. 63/1338, 20 April 1963
4. *Advisory Committee on the Social Security for Migrant Workers*
set up by Council Regulation (EEC) No. 1408/71 of 14 June 1971
OJ No. L 149/2, 5 July 1971
5. *Advisory Committee of the Supply Agency*
set up by the Statute of the Agency (6 November 1958)
OJ No. 27/534, 6 December 1958

ANNEX IX

List of Committees referred to in Article 148(2) of the Act of Accession

1. *Joint Advisory Committee on Social Questions relating to Paid Agricultural Workers*

set up by Commission Decision No. 63/326/EEC of 17 May 1963
OJ No. 80/1534, 29 May 1963

2. *Joint Advisory Committee on Social Questions in the Sea-fishing Industry*

set up by Commission Decision No. 68/252/EEC of 7 June 1968
OJ No. L 132/9, 14 June 1968

3. *Transport Committee*

set up by Council Decision of 15 September 1958
OJ No. 25/509, 27 November 1958

as amended by:

—Council Decision of 22 June 1964
OJ No. 102/1602, 29 June 1964

4. *Joint Advisory Committee on Social Questions in Road Transport*

set up by Decision No. 65/362/EEC of 5 July 1965
OJ No. 130/2184, 16 July 1965

5. *Joint Advisory Committee on Social Questions in Inland Water Transport*

set up by Commission Decision No. 67/745/EEC of 28 November 1967
OJ No. 297/13, 7 December 1967

6. *Advisory Committee on Social Questions in the Railways*

set up by Commission Decision No. 71/122/EEC of 19 February 1971
OJ No. L 57/22, 10 March 1971

7. *Arbitration Committee*

provided for in Article 18 of the Euratom Treaty

8. *Advisory Committee on Milk and Milk Products*

set up by Commission Decision No. 64/435/EEC of 20 July 1964
OJ No. 122/2049, 29 July 1964

as amended by:

—Commission Decision No. 70/290/EEC of 15 May 1970
OJ No. L 121/24, 4 June 1970

9. *Advisory Committee on Pigmeat*

set up by the Decision of 18 July 1962

OJ No. 72/2028, 8 August 1962

as amended by:

—Commission Decision No. 70/283/EEC of 15 May 1970

OJ No. L 121/11, 4 June 1970

10. *Advisory Committee on Beef and Veal*

set up by Commission Decision No. 64/434/EEC of 20 July 1964

OJ No. 122/2047, 29 July 1964

as amended by:

—Commission Decision No. 70/288/EEC of 15 May 1970

OJ No. L 121/20, 4 June 1970

11. *Advisory Committee on Poultrymeat and Eggs*

set up by the Decision of 18 July 1962

OJ No. 72/2030, 8 August 1962

as amended by:

—Commission Decision No. 70/291/EEC of 15 May 1970

OJ No. L 121/26, 4 June 1970

12. *Advisory Committee on Cereals*

set up by the Decision of 18 July 1962

OJ No. 72/2026, 8 August 1962

as amended by:

—Commission Decision No. 70/286/EEC of 15 May 1970

OJ No. L 121/16, 4 June 1970

13. *Specialist Rice Section of the Advisory Committee on Cereals*

set up by Commission Decision No. 64/436/EEC of 20 July 1964

OJ No. 122/2051, 29 July 1964

as amended by:

—Commission Decision No. 70/285/EEC of 15 May 1970

OJ No. L 121/14, 4 June 1970

14. *Advisory Committee on Oils and Fats*

set up by Commission Decision No. 67/388/EEC of 9 June 1967
OJ No. 119/2343, 20 June 1967

replaced by:

—Commission Decision No. 71/90/EEC of 1 February 1971
OJ No. L 43/42, 22 February 1971

15. *Advisory Committee on Sugar*

set up by Commission Decision No. 69/146/EEC of 29 April 1969
OJ No. L 122/2, 22 May 1969

16. *Advisory Committee on Fruit and Vegetables*

set up by the Decision of 18 July 1962
OJ No. 72/2032, 8 August 1962

as amended by:

—Commission Decision No. 70/287/EEC of 15 May 1970
OJ No. L 121/18, 4 June 1970

17. *Advisory Committee on Wine-growing*

set up by the Decision of 18 July 1962
OJ No. 72/2034, 8 August 1962

as amended by:

—Commission Decision No. 70/292/EEC of 15 May 1970
OJ No. L 121/28, 4 June 1970

18. *Advisory Committee on Live Plants*

set up by Commission Decision No. 69/84/EEC of 25 February 1969
OJ No. L 68/8, 19 March 1969

as amended by:

—Commission Decision No. 70/289/EEC of 15 May 1970
OJ No. L 121/22, 4 June 1970

19. *Advisory Committee on Fishery Products*

set up by Commission Decision No. 71/128/EEC of 25 February 1971
OJ No. L 68/19, 22 March 1971

20. *Advisory Committee on Raw Tobacco*

set up by Commission Decision No. 71/31/EEC of 22 December 1970
OJ No. L 14/8, 18 January 1971

21. *Advisory Committee on Flax and Hemp*

set up by Commission Decision No. 71/32/EEC of 22 December 1970
OJ No. L 14/11, 18 January 1971

22. *Advisory Committee on Questions of Agricultural Structure Policy*

set up by Commission Decision No. 64/488/EEC of 29 July 1964
OJ No. 134/2256, 20 August 1964

as amended by:

—Commission Decision No. 65/371/EEC of 8 July 1965
OJ No. 132/2209, 20 July 1965

—Commission Decision No. 71/79/EEC of 26 January 1971
OJ No. L 32/15, 9 February 1971

23. *Advisory Committee on Social Questions Relating to Farmers*

set up by Commission Decision No. 64/18/EEC of 19 December 1963
OJ No. 2/25, 10 January 1964

as amended by:

—Commission Decision No. 70/284/EEC of 15 May 1970
OJ No. L 121/13, 4 June 1970

ANNEX X

List referred to in Article 150 of the Act of Accession

I. TRANSPORT

1. *Council Regulation No. 11 of 27 June 1960*
OJ No. 52/1121, 16 August 1960
Ireland : 1 October 1973
Norway : 1 April 1973
United Kingdom : 1 October 1973
2. *Council Regulation No. 141 of 26 November 1962*
OJ No. 124/2751, 28 November 1962
Norway : 1 April 1973
3. *Council Regulation No. 117/66/EEC of 28 July 1966*
OJ No. 147/2688, 9 August 1966
Ireland : 1 July 1973
Norway : 1 April 1973
United Kingdom : 1 July 1973
4. *Commission Regulation (EEC) No. 1016/68 of 9 July 1968*
OJ No. L 173/8, 22 July 1968
Ireland : 1 July 1973
Norway : 1 April 1973
United Kingdom : 1 July 1973
5. *Council Regulation (EEC) No. 543/69 of 25 March 1969*
OJ No. L 77/49, 29 March 1969
Ireland : 1 April 1973
Norway : 1 April 1973
United Kingdom : 1 April 1973
6. *Council Regulation (EEC) No. 1191/69 of 26 June 1969*
OJ No. L 156/1, 28 June 1969
Ireland : 1 January 1974
Norway : 1 April 1973
United Kingdom : 1 January 1974
7. *Council Regulation (EEC) No. 1192/69 of 26 June 1969*
OJ No. L 156/8, 28 June 1969
Ireland : 1 October 1973
Norway : 1 April 1973
United Kingdom : 1 October 1973
8. *Council Regulation (EEC) No. 1107/70 of 4 June 1970*
OJ No. L 130/1, 15 June 1970
Norway : 1 April 1973
9. *Council Regulation (EEC) No. 1108/70 of 4 June 1970*
OJ No. L 130/4, 15 June 1970
Denmark : 1 January 1974
Ireland : 1 January 1974
Norway : 1 April 1973
United Kingdom : 1 January 1974

10. *Council Regulation (EEC) No. 1463/70* of 20 July 1970
 OJ No. L 164/1, 27 July 1970
 Norway : 1 April 1973
11. *Commission Regulation (EEC) No. 2598/70* of 18 December 1970
 OJ No. L 278/1, 23 December 1970
 Denmark : 1 January 1974
 Ireland : 1 January 1974
 Norway : 1 April 1973
 United Kingdom : 1 January 1974
12. *Commission Regulation (EEC) No. 281/71* of 9 February 1971
 OJ No. L 33/11, 10 February 1971
 Denmark : 1 January 1974
 Norway : 1 April 1973
 United Kingdom : 1 January 1974

II. COMMERCIAL POLICY

1. *Council Regulation (EEC) No. 459/68* of 5 April 1968
 OJ No. L 93/1, 17 April 1968
 as corrected by:
 —*Corrigendum to Council Regulation (EEC) No. 459/68* of
 5 April 1968
 OJ No. L 103/38, 1 May 1968
 Norway : 1 April 1973
2. *Council Regulation (EEC) No. 2603/69* of 20 December 1969
 OJ No. L 324/25, 27 December 1969
 Norway : 1 April 1973
3. *Council Regulation (EEC) No. 109/70* of 19 December 1969
 OJ No. L 19/1, 26 January 1970
 as modified by:
 —*Council Regulation (EEC) No. 1492/70* of 20 July 1970
 OJ No. L 166/1, 29 July 1970
 —*Council Regulation (EEC) No. 2172/70* of 27 October 1970
 OJ No. L 239/1, 30 October 1970
 —*Council Regulation (EEC) No. 2567/70* of 14 December 1970
 OJ No. L 276/1, 21 December 1970
 —*Council Regulation (EEC) No. 532/71* of 8 March 1971
 OJ No. L 60/1, 13 March 1971
 —*Council Regulation (EEC) No. 725/71* of 30 March 1971
 OJ No. L 80/4, 5 April 1971
 —*Council Regulation (EEC) No. 1073/71* of 25 May 1971
 OJ No. L 119/1, 1 June 1971
 —*Council Regulation (EEC) No. 1074/71* of 25 May 1971
 OJ No. L 119/35, 1 June 1971
 —*Council Regulation (EEC) No. 2385/71* of 8 November 1971
 OJ No. L 249/3, 10 November 1971

- Council Regulation (EEC) No. 2386/71* of 8 November 1971
OJ No. L 249/12, 10 November 1971
 - Council Regulation (EEC) No. 2406/71* of 9 November 1971
OJ No. L 250/1, 11 November 1971
 - Council Regulation (EEC) No. 2407/71* of 9 November 1971
OJ No. L 250/7, 11 November 1971
 - Norway : 1 April 1973
 - United Kingdom : 1 April 1973
4. *Council Regulation (EEC) No. 1025/70* of 25 May 1970
OJ No. L 124/6, 8 June 1970
as modified by:
- Council Regulation (EEC) No. 1984/70* of 29 September 1970
OJ No. L 218/1, 3 October 1970
 - Council Regulation (EEC) No. 724/71* of 30 March 1971
OJ No. L 80/3, 5 April 1971
 - Council Regulation (EEC) No. 1080/71* of 25 May 1971
OJ No. L 116/8, 28 May 1971
 - Council Regulation (EEC) No. 1429/71* of 2 July 1971
OJ No. L 151/8, 7 July 1971
 - Council Regulation (EEC) No. 2384/71* of 8 November 1971
OJ No. L 249/1, 10 November 1971
 - Norway : 1 April 1973
 - United Kingdom : 1 April 1973
5. *Council Regulation (EEC) No. 1023/70* of 25 May 1970
OJ No. L 124/1, 8 June 1970
- Norway : 1 April 1973
 - United Kingdom : 1 April 1973
6. *Council Regulation (EEC) No. 1471/70* of 20 July 1970
OJ No. L 164/41, 27 July 1970
- Norway : 1 April 1973
7. *Decision of 6 March 1953* by the Representatives of Governments meeting in the Council, on the prohibition of scrap exports
unpublished
- Norway : 1 April 1973
 - United Kingdom : 1 April 1973
8. *Decision of 8 October 1957* by the Co-ordinating Committee of the Council of Ministers, on the rules governing exports of products for re-use
unpublished
- Norway : 1 April 1973
 - United Kingdom : 1 April 1973
9. *Decision of 18 December 1958* by the Co-ordinating Committee of the Council of Ministers, on rules governing exports of alloy steel scrap
unpublished
combined with

10. *Decision of 19 November 1962* by the Representatives of Governments meeting in the Council, on treatment similar to that for alloy steel scrap, to be accorded to waste or scrap of alloy steel in ingot form falling under heading 73.15 B I b 1 aa
unpublished
Norway : 1 April 1973
United Kingdom : 1 April 1973
11. *Decision of 2 March 1959* by the Representatives of Governments meeting in the Council, on exports of scrap from shipbreaking
unpublished
as modified by:
—*Decision of 15 January 1962* by the Co-ordinating Committee of the Council of Ministers
unpublished
Norway : 1 April 1973
United Kingdom : 1 April 1973
12. *Decision of 7 October 1959* by the Co-ordinating Committee of the Council of Ministers, on the common list of products to which the decision of 8 October 1957 by the Representatives of Governments meeting in the Council on rules governing exports of products for re-use is applicable
unpublished
Norway : 1 April 1973
United Kingdom : 1 April 1973
13. *Decision of 26 October 1961* by the Representatives of Governments meeting in the Council, on the rules to apply as from 1 January 1962 to exports of used rails
unpublished
Norway : 1 April 1973
United Kingdom : 1 April 1973

III. SOCIAL POLICY

Council Regulation (EEC) No. 1408/71 of 14 June 1971

OJ No. L 149/2, 5 July 1971

- Denmark : 1 April 1973
Ireland : 1 April 1973
Norway : 1 April 1973
United Kingdom : 1 April 1973

IV. EURATOM

1. *Council Decision of 9 September 1961* on the grant of advantages to the joint undertaking "Société d'énergie nucléaire franco-belge des Ardennes (SENA)" and on the communication of information by this undertaking
unpublished
United Kingdom : 1 April 1973

2. *Council Decision of 18 June 1963* on the grant of advantages to the joint undertaking "Kernkraftwerk RWE-Bayernwerk GmbH (KRB)" and on the communication of information by this undertaking
unpublished
United Kingdom : 1 April 1973
3. *Council Decision of 12 December 1964* on the grant of advantages to the joint undertaking "Kernkraftwerk Lingen GmbH"
unpublished
United Kingdom: 1 April 1973
4. *Council Decision of 28 July 1966* on the grant of advantages to the joint undertaking "Kernkraftwerk Obrigheim GmbH"
unpublished
United Kingdom : 1 April 1973

ANNEX XI

List referred to in Article 152 of the Act of Accession

I. CUSTOMS LEGISLATION

1. *Council Directive No. 68/312/EEC* of 30 July 1968
OJ No. L 194/13, 6 August 1968
Norway : 1 July 1973
2. *Council Directive No. 69/73/EEC* of 4 March 1969
OJ No. L 58/1, 8 March 1969
Norway : 1 July 1973
3. *Council Directive No. 69/74/EEC* of 4 March 1969
OJ No. L 58/7, 8 March 1969
Norway : 1 July 1973
4. *Council Directive No. 69/75/EEC* of 4 March 1969
OJ No. L 58/11, 8 March 1969
Norway : 1 July 1973
5. *Council Directive No. 69/76/EEC* of 4 March 1969
OJ No. L 58/44, 8 March 1969
Norway : 1 July 1973

II. AGRICULTURE

A. ANIMAL FEEDINGSTUFFS LEGISLATION

1. *Council Directive No. 70/373/EEC* of 20 July 1970
OJ No. L 170/2, 3 August 1970
Ireland : 1 July 1973
Norway : 1 July 1973
United Kingdom : 1 July 1973
2. *Council Directive No. 70/524/EEC* of 23 November 1970
OJ No. L 270/1, 14 December 1970
Norway : 1 July 1973
United Kingdom : 1 July 1973
3. *Commission Directive No. 71/250/EEC* of 15 June 1971
OJ No. L 155, 12 July 1971
Norway : 1 July 1973
United Kingdom : 1 July 1973

B. LEGISLATION ON SEEDS AND PLANTS

1. *Council Directive No. 66/400/EEC* of 14 June 1966
OJ No. 125/2290, 11 July 1966
as modified by:
—*Council Directive No. 69/61/EEC* of 18 February 1969
OJ No. L 48/4, 26 February 1969

- Council Directive No. 71/162/EEC* of 30 March 1971
 OJ No. L 87/24, 17 April 1971
- Denmark : 1 July 1973
 Ireland : 1 July 1973
 Norway : 1 July 1973
 United Kingdom : 1 July 1973
2. *Council Directive No. 66/401/EEC* of 14 June 1966
 OJ No. 125/2298, 11 July 1966
 as modified by:
- Council Directive No. 69/63/EEC* of 18 February 1969
 OJ No. L 48/8, 26 February 1969
- Council Directive No. 71/162/EEC* of 30 March 1971
 OJ No. L 87/24, 17 April 1971
- Denmark : 1 July 1973
 Ireland : 1 July 1973
 Norway : 1 July 1973
 United Kingdom : 1 July 1973
3. *Council Directive No. 66/402/EEC* of 14 June 1966
 OJ No. 125/2309, 11 July 1966
 as modified by:
- Council Directive No. 69/60/EEC* of 18 February 1969
 OJ No. L 48/1, 26 February 1969
- Council Directive No. 71/162/EEC* of 30 March 1971
 OJ No. L 87/24, 17 April 1971
- Denmark : 1 July 1973
 Ireland : 1 July 1973
 Norway : 1 July 1973
 United Kingdom : 1 July 1973
4. *Council Directive No. 66/403/EEC* of 14 June 1966
 OJ No. 125/2320, 11 July 1966
 as modified by:
- Council Directive No. 69/62/EEC* of 18 February 1969
 OJ No. L 48/7, 26 February 1969
- Council Directive No. 71/162/EEC* of 30 March 1971
 OJ No. L 87/24, 17 April 1971
- Denmark : 1 July 1973
 Ireland : 1 July 1973
 Norway : 1 July 1973
 United Kingdom : 1 July 1973
5. *Council Directive No. 68/193/EEC* of 9 April 1968
 OJ No. L 93/15, 17 April 1968
 as modified by:
- Council Directive No. 71/140/EEC* of 22 March 1971
 OJ No. L 71/16, 25 March 1971
 United Kingdom : 1 July 1973
6. *Council Directive No. 69/208/EEC* of 30 June 1969
 OJ No. L 169/3, 10 July 1969
 as modified by:

- Council Directive No. 71/162/EEC* of 30 March 1971
 OJ No. L 87/24, 17 April 1971
 Ireland : 1 July 1973
 Norway : 1 July 1973
 United Kingdom : 1 July 1973
7. *Council Directive No. 70/457/EEC* of 29 September 1970
 OJ No. L 225/1, 12 October 1970
 Denmark : 1 July 1973
 Ireland : 1 July 1973
 Norway : 1 July 1973
 United Kingdom : 1 July 1973
8. *Council Directive No. 70/458/EEC* of 29 September 1970
 OJ No. L 225/7, 12 October 1970
 as modified by:
 —*Council Directive No. 71/162/EEC* of 30 March 1971
 OJ No. L 87/24, 17 April 1971
 Denmark : 1 July 1973
 Ireland : 1 July 1973
 Norway : 1 July 1973
 United Kingdom : 1 July 1973

C. VETERINARY LEGISLATION

1. *Council Directive No. 64/432/EEC* of 26 June 1964
 OJ No. 121/1977, 29 July 1964
 as modified by:
 —*Council Directive No. 66/600/EEC* of 25 October 1966
 OJ No. 192/3294, 27 October 1966
 —*Council Directive No. 70/360/EEC* of 13 July 1970
 OJ No. L 157/40, 18 July 1970
 —*Council Directive No. 71/285/EEC* of 19 July 1971
 OJ No. L 179/1, 9 August 1971
 Denmark : 1 July 1973
 Norway : 1 July 1973
 United Kingdom : 1 July 1973
2. *Council Directive No. 64/433/EEC* of 26 June 1964
 OJ No. 121/2012, 29 July 1964
 as modified by:
 —*Council Directive No. 66/601/EEC* of 25 October 1966
 OJ No. 192/3302, 27 October 1966
 —*Council Directive No. 69/349/EEC* of 6 October 1969
 OJ No. L 256/5, 11 October 1969
 —*Council Directive No. 70/486/EEC* of 27 October 1970
 OJ No. L 239/42, 30 October 1970
 Denmark : 1 July 1973
 Norway : 1 July 1973
 United Kingdom : 1 July 1973

3. *Council Directive No. 65/276/EEC* of 13 May 1965
 OJ No. 93/1607, 29 May 1965
 Norway : 1 July 1973
 United Kingdom : 1 July 1973
4. *Commission Directive No. 65/277/EEC* of 13 May 1965
 OJ No. 93/1610, 29 May 1965
 Norway : 1 July 1973
 United Kingdom : 1 July 1973
5. *Council Directive No. 71/118/EEC* of 15 February 1971
 OJ No. L 55/23, 8 March 1971
 Denmark : 1 July 1973
 Ireland : 1 July 1973
 Norway : 1 July 1973
 United Kingdom : 1 July 1973

D. LEGISLATION ON PLANT HEALTH

1. *Council Directive No. 69/464/EEC* of 8 December 1969
 OJ No. L 323/1, 24 December 1969
 Ireland : 1 July 1973
 Norway : 1 July 1973
 United Kingdom : 1 July 1973
2. *Council Directive No. 69/465/EEC* of 8 December 1969
 OJ No. L 323/3, 24 December 1969
 Ireland : 1 July 1973
 Norway : 1 July 1973
 United Kingdom : 1 July 1973
3. *Council Directive No. 69/466/EEC* of 8 December 1969
 OJ No. L 323/5, 24 December 1969
 Ireland : 1 July 1973
 Norway : 1 July 1973
 United Kingdom : 1 July 1973

E. FORESTRY LEGISLATION

1. *Council Directive No. 66/404/EEC* of 14 June 1966
 OJ No. 125/2326, 11 July 1966
 as modified by:
 —*Council Directive No. 69/64/EEC* of 18 February 1969
 OJ No. L 48/12, 26 February 1969
 Denmark : 1 July 1973
 Ireland : 1 July 1973
 Norway : 1 July 1973
 United Kingdom : 1 July 1973
2. *Council Directive No. 68/89/EEC* of 23 January 1968
 OJ No. L 32/12, 6 February 1968
 Norway : 1 July 1973
 United Kingdom : 1 July 1973

3. *Council Directive No. 71/161/EEC* of 30 March 1971
OJ No. L 87/14, 17 April 1971
Norway : 1 July 1973
United Kingdom : 1 July 1973

F. STRUCTURAL SURVEYS

- Council Directive No. 68/161/EEC* of 27 March 1968
OJ No. L 76/13, 28 March 1968
Norway : 1 July 1973
United Kingdom : 1 July 1973

III. RIGHT OF ESTABLISHMENT AND FREEDOM TO PROVIDE SERVICES

1. *Council Directive No. 63/261/EEC* of 2 April 1963
OJ No. 62/1323, 20 April 1963
Denmark : 1 January 1978
2. *Council Directive No. 63/262/EEC* of 2 April 1963
OJ No. 62/1326, 20 April 1963
Denmark : 1 January 1978
3. *Council Directive No. 64/220/EEC* of 25 February 1964
OJ No. 56/845, 4 April 1964
Denmark : 1 July 1973
Norway : 1 July 1973
4. *Council Directive No. 64/221/EEC* of 25 February 1964
OJ No. 56/850, 4 April 1964
Denmark : 1 July 1973
Norway : 1 July 1973
5. *Council Directive No. 64/222/EEC* of 25 February 1964
OJ No. 56/857, 4 April 1964
Norway : 1 January 1976
United Kingdom : 1 July 1973
6. *Council Directive No. 64/223/EEC* of 25 February 1964
OJ No. 56/863, 4 April 1964
Norway : 1 January 1976
7. *Council Directive No. 64/224/EEC* of 25 February 1964
OJ No. 56/869, 4 April 1964
Norway : 1 January 1976
8. *Council Directive No. 64/427/EEC* of 7 July 1964
OJ No. 117/1863, 23 July 1964
Norway : 1 January 1976
United Kingdom : 1 July 1973
9. *Council Directive No. 64/428/EEC* of 7 July 1964
OJ No. 117/1871, 23 July 1964
Norway : 1 January 1976
United Kingdom : 1 July 1973
10. *Council Directive No. 64/429/EEC* of 7 July 1964
OJ No. 117/1880, 23 July 1964
Norway : 1 January 1976

11. *Council Directive No. 65/264/EEC* of 13 May 1965
 OJ No. 85/1437, 19 May 1965
 Norway : 1 July 1973
 United Kingdom : 1 July 1973
12. *Council Directive No. 67/530/EEC* of 25 July 1967
 OJ No. 190/1, 10 August 1967
 Denmark : 1 January 1978
13. *Council Directive No. 67/531/EEC* of 25 July 1967
 OJ No. 190/3, 10 August 1967
 Denmark : 1 January 1978
14. *Council Directive No. 67/654/EEC* of 24 October 1967
 OJ No. 263/6, 30 October 1967
 Denmark : 1 January 1978
15. *Council Directive No. 68/151/EEC* of 9 March 1968
 OJ No. L 65/8, 14 March 1968
 Denmark : 1 July 1973
 Ireland : 1 July 1973
 Norway : 1 July 1973
 United Kingdom : 1 July 1973
16. *Council Directive No. 68/363/EEC* of 15 October 1968
 OJ No. L 260/1, 22 October 1968
 Norway : 1 January 1976
17. *Council Directive No. 68/364/EEC* of 15 October 1968
 OJ No. L 260/6, 22 October 1968
 Norway : 1 January 1976
 United Kingdom : 1 July 1973
18. *Council Directive No. 68/365/EEC* of 15 October 1968
 OJ No. L 260/9, 22 October 1968
 Norway : 1 January 1976
19. *Council Directive No. 68/366/EEC* of 15 October 1968
 OJ No. L 260/12, 22 October 1968
 Norway : 1 January 1976
20. *Council Directive No. 68/368/EEC* of 15 October 1968
 OJ No. L 260/19, 22 October 1968
 Norway : 1 July 1973
 United Kingdom : 1 July 1973
21. *Council Directive No. 69/77/EEC* of 4 March 1969
 OJ No. L 59/8, 10 March 1969
 Norway : 1 July 1973
 United Kingdom : 1 July 1973
22. *Council Directive No. 69/82/EEC* of 13 March 1969
 OJ No. L 68/4, 19 March 1969
 Norway : 1 January 1976
 United Kingdom : 1 July 1973
23. *Council Directive No. 70/451/EEC* of 29 September 1970
 OJ No. L 218/37, 3 October 1970
 Norway : 1 July 1973
 United Kingdom : 1 July 1973

24. *Council Directive No. 70/523/EEC* of 30 November 1970
OJ No. L 267/18, 10 December 1970
Norway : 1 July 1973
United Kingdom : 1 July 1973

IV. PUBLIC WORKS CONTRACTS

- Council Directive No. 71/305/EEC* of 26 July 1971
OJ No. L 185/5, 16 August 1971
Denmark : 1 July 1973
Ireland : 1 July 1973
Norway : 1 July 1973
United Kingdom : 1 July 1973

V. TRANSPORT

1. *Council Directive* of 23 July 1962
OJ No. 70/2005, 6 August 1962
Ireland : 1 July 1973
Norway : 1 July 1973
United Kingdom : 1 July 1973
2. *Council Directive No. 65/269/EEC* of 13 May 1965
OJ No. 88/1469, 24 May 1965
Norway : 1 July 1973
United Kingdom : 1 July 1973
3. *Council Directive No. 68/297/EEC* of 19 July 1968
OJ No. L 175/15, 23 July 1968
Norway : 1 July 1973
4. *Recommendation No. 1/61* of the ECSC High Authority, of 1 March 1961, to the Governments of the Member States
OJ No. 18/469, 9 March 1961
Denmark : 1 July 1973
Ireland : 1 July 1973
Norway : 1 July 1973
United Kingdom : 1 July 1973

VI. TAXATION

1. *Council Directive No. 67/227/EEC* of 11 April 1967
OJ No. 71/1301, 14 April 1967
Ireland : 1 January 1974
Norway : 1 July 1973
United Kingdom : 1 July 1973
2. *Council Directive No. 67/228/EEC* of 11 April 1967
OJ No. 71/1303, 14 April 1967
Ireland : 1 January 1974
Norway : 1 July 1973
United Kingdom : 1 July 1973

3. *Council Directive No. 69/335/EEC* of 17 July 1969
 OJ No. L 249/25, 3 October 1969
 Denmark : 1 July 1973
 Norway : 1 July 1973
4. *Council Directive No. 69/463/EEC* of 9 December 1969
 OJ No. L 320/34, 20 December 1969
 United Kingdom : 1 July 1973

VII. COMMERCIAL POLICY

1. *Council Directive No. 70/509/EEC* of 27 October 1970
 OJ No. L 254/1, 23 November 1970
 Denmark : 1 July 1973
 Ireland : 1 January 1974
 Norway : 1 July 1973
 United Kingdom : 1 July 1973
2. *Council Directive No. 70/510/EEC* of 27 October 1970
 OJ No. L 254/26, 23 November 1970
 Denmark : 1 July 1973
 Ireland : 1 January 1974
 Norway : 1 July 1973
 United Kingdom : 1 July 1973
3. *Council Directive No. 71/86/EEC* of 1 February 1971
 OJ No. L 36/44, 13 February 1971
 Denmark : 1 July 1973
 Ireland : 1 January 1975
 Norway : 1 July 1973
 United Kingdom : 1 January 1975

VIII. SOCIAL POLICY

- Council Directive No. 68/360/EEC* of 15 October 1968
 OJ No. L 257/13, 19 October 1968
 Denmark : 1 July 1973
 Norway : 1 July 1973

IX. TECHNICAL BARRIERS

1. *Council Directive No. 67/548/EEC* of 27 June 1967
 OJ No. 196/1, 16 August 1967
 as modified by:
 - Council Directive No. 69/81/EEC* of 13 March 1969
 OJ No. L 68/1, 19 March 1969
 - Council Directive No. 71/144/EEC* of 22 March 1971
 OJ No. L 74/15, 29 March 1971
 Ireland : 1 January 1975
2. *Council Directive No. 69/493/EEC* of 15 December 1969
 OJ No. L 326/36, 29 December 1969
 United Kingdom : 1 July 1973

3. *Council Directive No. 70/156/EEC* of 6 February 1970
 OJ No. L 42/1, 23 February 1970
 Ireland : 1 July 1973
 Norway : 1 July 1973
 United Kingdom : 1 July 1973
4. *Council Directive No. 70/157/EEC* of 6 February 1970
 OJ No. L 42/16, 23 February 1970
 Ireland : 1 July 1973
 Norway : 1 July 1973
 United Kingdom : 1 July 1973
5. *Council Directive No. 70/220/EEC* of 20 March 1970
 OJ No. L 76/1, 6 April 1970
 Ireland : 1 July 1973
 Norway : 1 July 1973
 United Kingdom : 1 July 1973
6. *Council Directive No. 70/221/EEC* of 20 March 1970
 OJ No. L 76/23, 6 April 1970
 Ireland : 1 July 1973
 Norway : 1 July 1973
 United Kingdom : 1 July 1973
7. *Council Directive No. 70/222/EEC* of 20 March 1970
 OJ No. L 76/25, 6 April 1970
 Ireland : 1 July 1973
 Norway : 1 July 1973
 United Kingdom : 1 July 1973
8. *Council Directive No. 70/311/EEC* of 8 June 1970
 OJ No. L 133/10, 18 June 1970
 Ireland : 1 July 1973
 Norway : 1 July 1973
 United Kingdom : 1 July 1973
9. *Council Directive No. 70/387/EEC* of 27 July 1970
 OJ No. L 176/5, 10 August 1970
 Ireland : 1 July 1973
 Norway : 1 July 1973
 United Kingdom : 1 July 1973
10. *Council Directive No. 70/388/EEC* of 27 July 1970
 OJ No. L 176/12, 10 August 1970
 Ireland : 1 July 1973
 Norway : 1 July 1973
 United Kingdom : 1 July 1973
11. *Council Directive No. 71/127/EEC* of 1 March 1971
 OJ No. L 68/1, 22 March 1971
 Ireland : 1 July 1973
 United Kingdom : 1 July 1973
12. *Council Directive No. 71/307/EEC* of 26 July 1971
 OJ No. L 185/16, 16 August 1971
 United Kingdom : 1 July 1973

13. *Council Directive No. 71/316/EEC* of 26 July 1971
 OJ No. L 202/1, 6 September 1971
 Denmark : 1 July 1973
 United Kingdom : 1 July 1973
14. *Council Directive No. 71/317/EEC* of 26 July 1971
 OJ No. L 202/14, 6 September 1971
 United Kingdom : 1 July 1973
15. *Council Directive No. 71/318/EEC* of 26 July 1971
 OJ No. L 202/21, 6 September 1971
 United Kingdom : 1 July 1973
16. *Council Directive No. 71/319/EEC* of 26 July 1971
 OJ No. L 202/32, 6 September 1971
 United Kingdom : 1 July 1973
17. *Council Directive No. 71/320/EEC* of 26 July 1971
 OJ No. L 202/37, 6 September 1971
 Ireland : 1 July 1973
 Norway : 1 July 1973
 United Kingdom : 1 July 1973
18. *Council Directive No. 71/347/EEC* of 12 October 1971
 OJ No. L 239/1, 25 October 1971
 United Kingdom : 1 July 1973
19. *Council Directive No. 71/348/EEC* of 12 October 1971
 OJ No. L 239/9, 25 October 1971
 United Kingdom : 1 July 1973
20. *Council Directive No. 71/349/EEC* of 12 October 1971
 OJ No. L 239/15, 25 October 1971
 Denmark : 1 July 1973
 Norway : 1 July 1973
 United Kingdom : 1 July 1973
21. *Council Directive No. 71/354/EEC* of 18 October 1971
 OJ No. L 243/29, 29 October 1971
 Denmark : 1 July 1973

X. FOODSTUFFS

1. *Council Directive* of 23 October 1962
 OJ No. 115/2645, 11 November 1962
 as modified by:
 - Council Directive No. 65/469/EEC* of 25 October 1965
 OJ No. 178/2793, 26 October 1965
 - Council Directive No. 67/653/EEC* of 24 October 1967
 OJ No. 263/4, 30 October 1967
 - Council Directive No. 68/419/EEC* of 20 December 1968
 OJ No. L 309/24, 24 December 1968
 - Council Directive No. 70/358/EEC* of 13 July 1970
 OJ No. L 157/36, 18 July 1970

- | | | |
|----------------|---|-------------|
| Denmark | : | 1 July 1973 |
| Ireland | : | 1 July 1973 |
| Norway | : | 1 July 1973 |
| United Kingdom | : | 1 July 1973 |
2. *Council Directive No. 64/54/EEC* of 5 November 1963
 OJ No. 12/161, 27 January 1964
 as modified by:
- Council Directive No. 67/427/EEC* of 27 June 1967
 OJ No. 148/1, 11 July 1967
 - Council Directive No. 68/420/EEC* of 20 December 1968
 OJ No. L 309/25, 24 December 1968
 - Council Directive No. 70/359/EEC* of 13 July 1970
 OJ No. L 157/38, 18 July 1970
 - Council Directive No. 71/160/EEC* of 30 March 1971
 OJ No. L 87/12, 17 April 1971
- | | | |
|----------------|---|-------------|
| Denmark | : | 1 July 1973 |
| Ireland | : | 1 July 1973 |
| Norway | : | 1 July 1973 |
| United Kingdom | : | 1 July 1973 |
3. *Council Directive No. 65/66/EEC* of 26 January 1965
 OJ No. 22/22, 9 February 1965
 as modified by:
- Council Directive No. 67/428/EEC* of 27 June 1967
 OJ No. 148/10, 11 July 1967
- | | | |
|----------------|---|-------------|
| Denmark | : | 1 July 1973 |
| Ireland | : | 1 July 1973 |
| Norway | : | 1 July 1973 |
| United Kingdom | : | 1 July 1973 |
4. *Council Directive No. 67/427/EEC* of 27 June 1967
 OJ No. 148/1, 11 July 1967
- | | | |
|----------------|---|-------------|
| Denmark | : | 1 July 1973 |
| Ireland | : | 1 July 1973 |
| Norway | : | 1 July 1973 |
| United Kingdom | : | 1 July 1973 |
5. *Council Directive No. 70/357/EEC* of 13 July 1970
 OJ No. L 157/31, 18 July 1970
- | | | |
|----------------|---|-------------|
| Denmark | : | 1 July 1973 |
| Ireland | : | 1 July 1973 |
| Norway | : | 1 July 1973 |
| United Kingdom | : | 1 July 1973 |

XI. ENERGY POLICY

- Council Directive No. 68/414/EEC* of 20 December 1968
 OJ No. L 308/14, 23 December 1968
 United Kingdom : 1 July 1973

XII. STATISTICS

1. *Council Directive No. 64/457/EEC* of 30 July 1964
OJ No. 131/2193, 13 August 1964
United Kingdom : 1 July 1973
2. *Council Directive No. 69/467/EEC* of 8 December 1969
OJ No. L 323/7, 24 December 1969
Denmark : 1 July 1973
Ireland : 1 January 1974
Norway : 1 July 1973
United Kingdom : 1 January 1974

XIII. EURATOM

- Council Directive* of 2 February 1959
OJ No. 11/221, 20 February 1959
as modified by:
- Council Directive* of 5 March 1962
OJ No. 57/1633, 9 July 1962
 - Council Directive No. 66/45/EURATOM* of 27 October 1966
OJ No. 216/3693, 26 November 1966
- Ireland : 1 January 1974
United Kingdom : 1 July 1973

PROTOCOLS

PROTOCOL No. 1

ON THE STATUTE OF THE EUROPEAN INVESTMENT BANK

PART ONE

Adjustments to the Statute of the European Investment Bank

ARTICLE 1

The following shall be substituted for Article 3 of the Protocol on the Statute of the Bank:

“ARTICLE 3

In accordance with Article 129 of this Treaty, the following shall be members of the Bank:

- the Kingdom of Belgium ;
- the Kingdom of Denmark ;
- the Federal Republic of Germany ;
- the French Republic ;
- Ireland ;
- the Italian Republic ;
- the Grand Duchy of Luxembourg ;
- the Kingdom of the Netherlands ;
- the Kingdom of Norway ;
- the United Kingdom of Great Britain and Northern Ireland.”

ARTICLE 2

The following shall be substituted for the first subparagraph of Article 4(1) of the Protocol on the Statute of the Bank:

“1. The capital of the Bank shall be two thousand and seventy million units of account, subscribed by the Member States, as follows:

Germany	...	...	...	450	million
France	...	...	...	450	million
United Kingdom	...	...	...	450	million
Italy	...	...	...	360	million
Belgium	...	...	...	118.5	million
Netherlands	...	...	...	118.5	million
Denmark	...	...	...	60	million
Norway	...	...	...	45	million
Ireland	...	...	...	15	million
Luxembourg	...	...	...	3	million.”

ARTICLE 3

The following shall be substituted for Article 5 of the Protocol on the Statute of the Bank:

“ARTICLE 5

1. The subscribed capital shall be paid up by Member States to the extent of 20 per cent. of the amounts laid down in Article 4 (1).

2. In the event of an increase in the subscribed capital, the Board of Governors, acting unanimously, shall fix the percentage to be paid up and the arrangements for payment.

3. The Board of Directors may require payment of the balance of the subscribed capital, to such extent as may be required for the Bank to meet its obligations towards those who have made loans to it.

Each Member State shall make this payment in proportion to its share of the subscribed capital in the currencies required by the Bank to meet these obligations.”

ARTICLE 4

The following shall be substituted for subparagraphs (a) and (c) of Article 9 (3) of the Protocol on the Statute of the Bank:

“(a) decide whether to increase the subscribed capital in accordance with Article 4 (3) and Article 5 (2);

(c) exercise the powers provided in Articles 11 and 13 in respect of the appointment and the compulsory retirement of the members of the Board of Directors and of the Management Committee, and those powers provided in the second subparagraph of Article 13 (1).”

ARTICLE 5

The following shall be substituted for Article 10 of the Protocol on the Statute of the Bank:

“ARTICLE 10

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 6

The following shall be substituted for subparagraphs one to five of Article 11 (2) of the Protocol on the Statute of the Bank:

“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).”

ARTICLE 7

The following shall be substituted for Article 12(1) of the Protocol on the Statute of the Bank :

“ 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.”

ARTICLE 8

The following sentence shall be substituted for the second sentence of Article 12(2) of the Protocol on the Statute of the Bank :

“ A qualified majority shall require thirteen votes in favour.”

ARTICLE 9

The following shall be substituted for Article 13 (1) of the Protocol on the Statute of the Bank :

“ 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.”

PART TWO

Other Provisions

ARTICLE 10

1. The new Member States shall, not later than two months from the date of accession, make the payments laid down in paragraph 1 of the amended Article 5 of the Statute of the Bank set out in Article 3 of this Protocol. These payments shall be made in their respective national currencies. One-fifth of the payment shall be in cash and four-fifths in the form of non-interest-bearing government notes, maturing in four equal instalments, nine months, sixteen months, twenty-three months and thirty months respectively from the date of accession. Part or all of the government notes may be redeemed before their due date by agreement between the Bank and the new Member State concerned. The cash payments, and the proceeds of the government notes when repaid, shall be freely convertible.

2. Article 7 of the Statute of the Bank shall apply to all payments made by the new Member States in their respective national currencies under this Article. Any necessary adjustments relating to outstanding government notes shall be made at the date of maturity or advance redemption of these notes.

ARTICLE 11

1. The new Member States shall contribute towards the statutory reserve and those provisions equivalent to reserves, as at 31 December of the year prior to accession, as stated in the Bank's approved balance sheet, the amounts corresponding to the following percentages of these reserves:

United Kingdom	...	...	30 per cent.
Denmark	...	...	4 per cent.
Norway	...	...	3 per cent.
Ireland	...	...	1 per cent.

2. The amounts of the payments under this Article shall be calculated in units of account after the Bank's annual balance sheet for the years prior to accession has been approved.

3. These amounts shall be paid in five equal instalments not later than two months, nine months, sixteen months, twenty-three months and thirty months after accession. Each of these five instalments shall be paid in the freely convertible national currency of each new Member State.

ARTICLE 12

1. Upon accession, the Board of Governors shall increase the Board of Directors by appointing:

- 3 directors nominated by the United Kingdom of Great Britain and Northern Ireland ;
- 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 Norway ;
- 2 alternates nominated by the United Kingdom of Great Britain and Northern Ireland.

2. The terms of office of the directors and alternates thus appointed shall expire at the end of the annual meeting of the Board of Governors during which the annual report for the 1977 financial year is examined.

3. At the end of the annual meeting during which the annual report for the 1972 financial year is examined, the Board of Governors shall appoint for a term of office of five years :

- 3 directors nominated by the Federal Republic of Germany ;
 - 3 directors nominated by the French Republic ;
 - 3 directors nominated by the Italian Republic ;
 - 1 director nominated by the Kingdom of Belgium ;
 - 1 director nominated by the Kingdom of the Netherlands ;
 - 1 director nominated by the Commission ;
-
- 2 alternates nominated by the Federal Republic of Germany ;
 - 2 alternates nominated by the French Republic ;
 - 2 alternates nominated by the Italian Republic ;
 - 1 alternate nominated by common accord of the Benelux countries ;
 - 1 alternate nominated by the Commission.

ARTICLE 13

Upon accession, the membership of the Management Committee shall be increased by the appointment of an additional Vice-President. His term of office shall expire at the same time as those of the members of the Management Committee who hold office on the date of accession.

PROTOCOL No. 2

ON THE FAROE ISLANDS

ARTICLE 1

So long as the Danish Government has not made the declarations referred to in Articles 25, 26 and 27 of the Act of Accession and until 31 December 1975 at the latest, no alteration shall be required in the customs treatment applicable at the time of accession to imports of products originating in and coming from the Faroe Islands into the other regions of Denmark.

Products imported from the Faroe Islands into the other regions of Denmark under the abovementioned arrangement shall not be considered as being in free circulation in that State, within the meaning of Article 10 of the EEC Treaty, when they are re-exported to another Member State.

ARTICLE 2

If the Danish Government makes the declarations referred to in Article 1, the provisions of the Act of Accession shall apply to the Faroe Islands, taking into account the following provisions :

- imports into the Faroe Islands shall be subject to the customs duties which would have been applicable if the Treaty and Decision concerning the Accession had been applied from 1 January 1973 ;
- the institutions of the Community will seek, within the framework of the common organisation of the market in fishery products, adequate solutions to the specific problems of the Faroe Islands.
- the authorities of the Faroe Islands may, under Community supervision, retain appropriate measures with a view to ensuring supplies of milk at reasonable prices to the Faroese population.

ARTICLE 3

If, during the period referred to in Article 1, the Danish Government, following a resolution of the local Faroese Government, informs the Council that it cannot make the declarations referred to in Article 1, the Council shall, at the request of the Danish Government, examine the situation thus created. The Council shall, on a proposal from the Commission, decide the arrangements to be made for solving the problems which could arise out of this situation for the Community and especially for Denmark and the Faroe Islands.

ARTICLE 4

Danish nationals resident in the Faroe Islands shall be considered to be nationals of a Member State within the meaning of the original Treaties only from the date on which those original Treaties become applicable to those Islands.

ARTICLE 5

The declarations referred to in Article 1 must be made simultaneously and can only give rise to a simultaneous application of the original Treaties to the Faroe Islands.

PROTOCOL No. 3

ON THE CHANNEL ISLANDS AND THE ISLE OF MAN

ARTICLE 1

1. The Community rules on customs matters and quantitative restrictions, in particular those of the Act of Accession, shall apply to the Channel Islands and the Isle of Man under the same conditions as they apply to the United Kingdom. In particular customs duties and charges having equivalent effect between those territories and the Community as originally constituted and

between those territories and the new Member States shall be progressively reduced in accordance with the timetable laid down in Articles 32 and 36 of the Act of Accession. The Common Customs Tariff and the ECSC unified tariff shall be progressively applied in accordance with the timetable laid down in Articles 39 and 59 of the Act of Accession, and account being taken of Articles 109, 110 and 119 of that Act.

2. In respect of agricultural products and products processed therefrom which are the subject of a special trade regime, the levies and other import measures laid down in Community rules and applicable by the United Kingdom shall be applied to third countries.

Such provisions of Community rules, in particular those of the Act of Accession, as are necessary to allow free movement and observance of normal conditions of competition in trade in these products shall also be applicable.

The Council, acting by a qualified majority on a proposal from the Commission, shall determine the conditions under which the provisions referred to in the preceding subparagraphs shall be applicable to these territories.

ARTICLE 2

The rights enjoyed by Channel Islanders or Manxmen in the United Kingdom shall not be affected by the Act of Accession. However, such persons shall not benefit from Community provisions relating to the free movement of persons and services.

ARTICLE 3

The provision of the Euratom Treaty applicable to persons or undertakings within the meaning of Article 196 of that Treaty shall apply to those persons or undertakings when they are established in the aforementioned territories.

ARTICLE 4

The authorities of these territories shall apply the same treatment to all natural and legal persons of the Community.

ARTICLE 5

If, during the application of the arrangements defined in this Protocol, difficulties appear on either side in relations between the Community and these territories, the Commission shall without delay propose to the Council such safeguard measures as it believes necessary, specifying their terms and conditions of application.

The Council shall act by a qualified majority within one month.

ARTICLE 6

In this Protocol, Channel Islander or Manxman shall mean any citizen of the United Kingdom and Colonies who holds that citizenship by virtue of the fact that he, a parent or grandparent was born, adopted, naturalised or registered in the island in question; but such a person shall not for this purpose be regarded as a Channel Islander or Manxman if he, a parent or a

grandparent was born, adopted, naturalised or registered in the United Kingdom. Nor shall he be so regarded if he has at any time been ordinarily resident in the United Kingdom for five years.

The administrative arrangements necessary to identify these persons will be notified to the Commission.

PROTOCOL No. 4

ON GREENLAND

ARTICLE 1

Denmark may retain its national provisions whereby a six month period of residence in Greenland is required to obtain a licence for engaging in certain commercial activities in that territory.

The Council may, acting in accordance with the procedure laid down in Article 57 of the EEC Treaty, decide upon a liberalisation of this system.

ARTICLE 2

The institutions of the Community will seek, within the framework of the common organisation of the market in fishery products, adequate solutions to the specific problems of Greenland.

PROTOCOL No. 5

ON SVALBARD (SPITZBERGEN)

ARTICLE 1

The Kingdom of Norway shall have the right to ratify the Treaty concerning Accession to the European Economic Community and the European Atomic Energy Community and to deposit its instrument of accession to the European Coal and Steel Community for the territory of the Kingdom, with the exception of Svalbard.

ARTICLE 2

If Norway avails itself of this right, the following provisions shall apply :

- (a) no amendment of the customs treatment applicable to imports into Norway of goods originating in and coming from Svalbard shall be required;
- (b) present exports from Svalbard consist solely of coal and present no real problem. In so far as that situation might alter, particularly following decisions which could be taken within the framework of common policies, the institutions of the Community will re-examine the matter to take into account the consequences such an alteration could have with regard to the treatment applicable to imports from Svalbard ;

- (c) goods imported into Norway which receive the treatment referred to in (a) may not be considered as being in free circulation in that State within the meaning of Article 10 of the EEC Treaty when they are re-exported to another Member State.

PROTOCOL No. 6

ON CERTAIN QUANTITATIVE RESTRICTIONS RELATING TO IRELAND AND NORWAY

I. Ireland

1. The quantitative restrictions on imports in force in Ireland for the following products shall be progressively abolished by the opening of the following global quotas:

Period	Stockings ¹ CCT heading No. ex 60.03 and ex 60.04	Springs for vehicles ² CCT heading No. ex 73.35	Sparkling plugs and metal component parts CCT heading No. ex 85.08D	Brushes and brooms of a value of not less than £1.50 per dozen CCT heading No. ex 96.01 and ex 96.02	Brushes and brooms valued at less than £1.50 per dozen CCT heading No. ex 96.01 and ex 96.02
	pairs	£	items	items	items
1 January 1973 to 30 June 1973 ...	2,000,000	50,000	300,000	130,000	600,000
1 July 1973 to 30 June 1974 ...	5,000,000	150,000	900,000	460,000	1,600,000
1 July 1974 to 30 June 1975 ...	6,000,000	200,000	1,250,000	660,000	2,200,000

These restrictions shall be abolished on 1 July 1975.

¹ The quota is applicable to tights and stockings other than knee-length stockings entirely or mainly made of silk or man-made fibres, of a value of not more than £2.50 per dozen pairs.

² The quota is applicable to laminated springs of iron or steel, for use as parts of vehicles, and to leaves for these springs.

2. Ireland is authorised to retain for superphosphates (CCT heading No. 31.03 A I) an import quota for countries other than the United Kingdom. The volume of this quota shall be fixed with reference to Irish production recorded in 1970 at:

3% of this production volume in 1973,

6% of this production volume in 1974,

half of 8% of this production volume for the first half of 1975.

This quota shall be abolished on 1 July 1975.

3. Ireland is authorised to retain until 1 July 1975 quantitative restrictions on exports of the following products to other Member States:

CCT heading No.	Description of goods
ex 41.01	Raw hides and skins (fresh, salted, dried, pickled or limed), whether or not split, including sheepskins in the wool: Raw hides and skins of sheep (fresh, salted, dried, pickled or limed), whether or not split, including sheepskins in the wool
44.01	Fuel wood, in logs, in billets, in twigs, or in faggots; wood waste, including sawdust
44.03	Wood in the rough, whether or not stripped of its bark or merely roughed down
44.04	Wood, roughly squared or half-squared, but not further manufactured
44.05	Wood sawn lengthwise, sliced or peeled, but not further prepared of a thickness exceeding 5 mm
ex 74.01	Copper matte; unwrought copper (refined or not); copper waste and scrap: —Copper waste and scrap
ex 75.01	Nickel mattes, nickel speiss and other intermediate products of nickel metallurgy; unwrought nickel (excluding electro-plating anodes); nickel waste and scrap: —Nickel waste and scrap
76.01	Unwrought aluminium; aluminium waste and scrap: B. Waste and scrap
78.01	Unwrought lead (including argentiferous lead); lead waste and scrap: B. Waste and scrap
79.01	Unwrought zinc; zinc waste and scrap: B. Waste and scrap

II. Norway

Norway is authorised to retain until 31 December 1974 quantitative restrictions on exports of the following products to other Member States:

CCT heading No.	Description of goods
ex 74.01	Copper matte; unwrought copper (refined or not); copper waste and scrap: —Copper waste and scrap

PROTOCOL No. 7

ON IMPORTS OF MOTOR VEHICLES AND THE MOTOR VEHICLE ASSEMBLY INDUSTRY IN IRELAND

ARTICLE 1

Ireland is authorised to retain, until 1 January 1985, the system applicable to assembly and import of motor vehicles (hereinafter referred to as the "Scheme") applied in accordance with the provisions of the Motor Vehicles (Registration of Importers) Act, 1968 (hereinafter referred to as the "Act").

ARTICLE 2

1. From the date of accession, all the importers-assemblers of makes of vehicles manufactured in the Community who have been registered under the Act, and who continue to fulfil the conditions of registration, shall be authorised to import from other Member States and without restriction fully built-up vehicles of makes manufactured in other Member States.

2. From 1 January 1974, Ireland shall, within the framework of the tariff reductions which it is to carry out in accordance with the provisions of Article 32 of the Act of Accession, apply non-discriminatory tariff treatment to the vehicles imported by the importers-assemblers referred to in paragraph 1.

3. Ireland shall retain the right to replace the fiscal element contained in the customs duties applied to motor vehicles and parts thereof by internal taxes in accordance with Article 95 of the EEC Treaty and Article 38 of the Act of Accession. In particular, these taxes must not entail any discrimination between the rates applied to :

- parts manufactured in Ireland and parts imported from other Member States ;
- vehicles assembled in Ireland and fully built-up vehicles imported from other Member States ;
- parts manufactured in Ireland or imported from other Member States and vehicles assembled in Ireland or imported from other Member States.

ARTICLE 3

1. The tariff treatment referred to in Article 2(2) shall, from 1 January 1974, also apply to a global quota which Ireland shall open, from the date of accession, to the other Member States in respect of vehicles originating in the Community other than those covered by special treatment under the Scheme.

2. This quota shall be fixed annually on the basis of a percentage of the number of vehicles assembled in Ireland during the previous year. This percentage is to be 3 per cent. in 1973 and shall increase each year by one point to reach 14 per cent. in 1984.

Ireland may allocate the amount of this quota between the following categories of vehicles :

I. *Private vehicles*

(a) with a cylinder capacity less than or equal to 1,500 cc

(b) with a cylinder capacity greater than 1,500 cc

II. *Commercial vehicles*

(a) with a tare weight less than or equal to 3.5 tons

(b) with a tare weight greater than 3.5 tons.

The tare weight shall be established in accordance with the rules for the classification of vehicles for the purposes of the road tax in Ireland.

3. Within this allocation, Ireland may fix the quotas as follows :

Category I—Private vehicles . . . 85 per cent. of the global quota, allocated as follows :

I. (a) (up to 1,500 cc.) 75 per cent.

I. (b) (over 1,500 cc.) 25 per cent.

Category II—Commercial vehicles . . . 15 per cent. of the global quota, allocated as follows :

II. (a) (up to 3.5 tons) 75 per cent.

II. (b) (over 3.5 tons) 25 per cent.

4. If, during the period of application of the quota system, it becomes clear that this quota has not been used to the full, for reasons connected with its allocation, in the manner described above, the Commission may, after consulting the Irish Government, determine the appropriate measures to be taken by the Irish Government in order to facilitate the full use of the global quota.

ARTICLE 4

Where the application of this Protocol, and of Article 2(1) in particular, gives rise to distortions in competition between importers-assemblers established in Ireland likely to jeopardise a phased transition from the system applied at the time of accession to a system which is in accordance with the EEC Treaty, the Commission may authorise the Irish Government to take appropriate measures to redress the situation. These measures may not call into question the final date for the abolition of the "Scheme".

ARTICLE 5

Ireland shall carry out all additional adjustments to the Scheme with a view to facilitating the transition from the system applied at the time of accession to a system which is in accordance with the EEC Treaty.

PROTOCOL No. 8

ON PHOSPHORUS (CCT subheading No. 28.04 C IV)

1. From 1 January 1974 and until 31 December 1977, the United Kingdom is authorised to open an annual tariff quota for phosphorus (CCT subheading No. 28.04 C IV) of a volume corresponding to the needs of that country but not exceeding 40,000 metric tons per annum.

2. During 1974, 1975 and 1976, this quota shall carry a nil duty.

The Council may decide unanimously to alter the duty applicable to this tariff quota, taking account of the situation with regard to conditions of competition, supply and production on the phosphorus market.

3. For 1977, the Council shall by unanimous decision fix the duty to be applied to this quota. If no such decision is taken, the quota shall carry a duty equal to half the duty applicable under the Common Customs Tariff.

4. The Common Customs Tariff shall be applied by the United Kingdom from 1 January 1978.

5. The United Kingdom shall, from 1 April 1973, apply a nil duty on imports of phosphorus from the Community as originally constituted.

PROTOCOL No. 9

ON ALUMINIUM OXIDE AND HYDROXIDE (ALUMINA) (CCT subheading No. 28.20 A)

1. From 1 January 1975 at the latest, the autonomous duty in the Common Customs Tariff on aluminium oxide and hydroxide (CCT subheading No. 28.20 A) shall be suspended at a level of 5.5% for an indefinite period.

2. The new Member States shall carry out the first move towards aligning their duties on this product with the Common Customs Tariff on 1 January 1976, by reducing on that date by 50% the difference between the basic duty and the 5.5% duty.

3. The new Member States shall apply the 5.5% duty from 1 July 1977.

4. The Council shall re-examine the situation if a nil duty is not applied by the Community to imports of aluminium oxide and hydroxide from the independent developing Commonwealth countries, particularly from those in the Caribbean, or if the conditions peculiar to the aluminium industry so require.

PROTOCOL No. 10

TANNING EXTRACTS OF WATTLE (MIMOSA) (CCT subheading No. 32.01 A) AND TANNING EXTRACTS OF CHESTNUT (CCT subheading No. ex 32.01 C)

1. By 1 January 1974 at the latest, the autonomous duty in the Common Customs Tariff on tanning extracts of wattle (mimosa) (CCT subheading No. 32.01 A) shall be suspended at a level of 3% for an indefinite period.

2. Ireland and the United Kingdom shall apply from 1 July 1973 a nil duty on imports of tanning extracts of wattle (mimosa) (CCT subheading No. 32.01 A) and tanning extracts of chestnut (CCT subheading No. ex 32.01 C) from the Community as originally constituted.

PROTOCOL No. 11

ON PLYWOOD (CCT heading No. ex 44.15)

1. In respect of the following products :

- | | | | |
|----------|-----|-----|--|
| ex 44.15 | ... | ... | Plywood of coniferous species, without the addition of other substances, of a thickness greater than 9 mm, of which the faces are not further prepared than the peeling process. |
| ex 44.15 | .. | ... | Plywood of coniferous species, without the addition of other substances, sanded, and of a thickness greater than 18.5 mm, |

two autonomous nil duty Community tariff quotas shall be opened from 1 January 1974. The volume of these quotas shall be decided annually when it is established that all possibilities of supply on the internal market of the Community will be exhausted during the period for which the quotas are open.

2. The Council shall re-examine the situation in the event of a significant change occurring in nil duty imports of plywood into Ireland and the United Kingdom from Finland or in the system of tariff preferences applied by the Community to certain products originating in the developing countries.

3. Denmark, Ireland and the United Kingdom shall, from 1 April 1973, apply a nil duty to imports of plywood from the Community as originally constituted.

PROTOCOL No. 12

ON WOOD PULP

(CCT subheading No. 47.01 A II)

1. The autonomous duty in the Common Customs Tariff on wood pulp (CCT subheading No. 47.01 A II) shall be totally suspended according to a timetable to be determined.

2. Until the date of total suspension of the above-mentioned duty, the Member States are authorised to open nil duty tariff quotas in respect of products covered by paragraph 1. They shall inform the Commission thereof.

PROTOCOL No. 13

ON NEWSPRINT

(CCT subheading No. 48.01 A)

1. The definition of newsprint (CCT subheading No. 48.01 A) shall be amended in such a way as to reduce the lower weight limit from 48 to 40 grammes per square metre.

2. The nil duty tariff quota of 625,000 metric tons bound under the General Agreement on Tariffs and Trade will be reduced.

3. Each year an autonomous nil duty Community tariff quota shall be opened when it has been established that all possibilities of supply on the internal market of the Community will be exhausted during the period for which the quota is opened.

PROTOCOL No. 14

ON UNWROUGHT LEAD

(CCT subheading No. 78.01 A)

1. In respect of argentiferous lead defined as follows:

78.01 AI Unwrought lead containing not less than 0.02 per cent. silver, intended for refining (argentiferous lead)

a nil duty Community tariff quota shall be opened until the entry into force of a total suspension, for an indefinite period, of the duty on argentiferous lead. The new Member States shall participate in this tariff quota from 1 January 1974. Its annual volume shall be equal to the total of the applications made by the Member States concerned, plus a reserve.

This Community tariff quota shall be administered according to a system which makes it possible to ensure that the argentiferous lead thus imported is in fact refined by those to whom it is allocated.

2. Argentiferous lead shall be subject to an ad valorem duty of 4.5%.
3. The autonomous duty on argentiferous lead shall be suspended at a level of 2% from 1 January 1975.
4. The Council shall review annually the possibility of a total suspension, for an indefinite period, of the autonomous duty on argentiferous lead.
5. With regard to unwrought lead other than argentiferous lead the following measures shall be applied:

- (a) on 1 January 1974, the present duty of 1.32 ua/100 kg shall be altered to an ad valorem duty of 4.5% with a minimum charge of 1.1 ua/100 kg;
- (b) from 1 January 1974, the new Member States shall participate in the nil duty Community tariff quota of 55,000 metric tons for unwrought lead other than argentiferous lead. From 1975 onwards, the volume will decrease in order to achieve the abolition of the quota by 31 December 1977;
- (c) before the quota is abolished, the Council shall examine the situation with a view to deciding on a possible reduction of the autonomous duty on unwrought lead other than argentiferous lead, it being understood that the duty thus reduced must include a minimum charge of 1.1 ua/100 kg.

PROTOCOL No. 15

ON UNWROUGHT ZINC

(CCT subheading No. 79.01 A)

1. From 1 January 1974, unwrought zinc (CCT subheading No. 79.01 A) shall be subject to a duty of 4.5% with a minimum charge of 1.1 ua/100 kg.

2. From the same date, the new Member States shall participate in the decreasing annual nil duty Community tariff quota in respect of unwrought zinc, the initial volume of which was 30,000 metric tons for 1971. The tariff quota for 1974 shall be fixed at a volume equal to that for 1973. The progressive reduction of the volume shall be resumed in 1975 until the quota is abolished on 31 December 1977.

PROTOCOL No. 16

ON MARKETS AND TRADE IN AGRICULTURAL PRODUCTS

1. The application by the new Member States of the Community agricultural rules, combined with the transitional measures provided for in Title II of Part Four in the Act of Accession will, from the time of application of those provisions, result in the extension to the whole of the Community of Community preference for agricultural products.

2. The organisation of the markets has as its essential feature to enable intra-Community trade to develop in conditions comparable with those existing on an internal market.

3. The geographical extension of the Community may, however, give rise to problems which should be avoided concerning fluidity of trade, particularly in the cereals sector (wheat and rice).

The institutions of the Community shall, on application of the regulations on the common organisation of the markets, ensure that the free circulation of all products is guaranteed in accordance with the objectives set out in the EEC Treaty and in the regulations concerned.

4. Changes in the structure of international trade constitute a natural result of the enlargement of the Community.

5. While respecting the provisions of Articles 39 and 110 of the EEC Treaty, it should be possible during the period of application of the transitional measures to meet, when the time comes, problems which may arise for certain third countries and in certain specific cases⁽¹⁾.

If such problems do arise, the institutions will examine the specific cases in the light of all the factors relevant to the situation at the time, just as they have done hitherto in similar cases; and during the period of application of the transitional measures they will, in so far as is necessary, have to take measures likely to solve these problems, in accordance with the principles of the common agricultural policy and within the framework of its mechanisms.

6. In order to overcome difficulties which may arise on the Community markets from the application of the transitional mechanisms, the institutions of the Community have available and will, where necessary, make use of the various means of action stemming from the provisions of the EEC Treaty, from the acts taken in implementing that Treaty and from the provisions of this Act.

PROTOCOL No. 17

ON THE IMPORT OF SUGAR BY THE UNITED KINGDOM

FROM THE EXPORTING COUNTRIES AND TERRITORIES

REFERRED TO IN THE COMMONWEALTH SUGAR AGREEMENT

1. Until 28 February 1975, the United Kingdom is authorised to import from the exporting countries and territories referred to in the Commonwealth Sugar Agreement, on the following terms, quantities of sugar within the negotiated price quotas under that Agreement.

⁽¹⁾ The Conference between the European Communities and the States which applied for accession to these Communities noted, at its meetings with the United Kingdom on 11/12 May 1971, with Ireland on 7 June 1971, with Norway on 21 June 1971 and with Denmark on 12 July 1971, that these specific cases "in so far as can be foreseen at present will be confined to butter, sugar, bacon and certain fruit and vegetables".

2. The following shall be charged at the time of importation:

(a) a special levy, equal to the difference between the c.i.f. equivalent of the agreed purchase price and the price at which the sugar is marketed in the United Kingdom. Article 55 (1) (b) of the Act of Accession shall not apply;

(b) a charge based on the difference between the world c.i.f. price of raw sugar and the c.i.f. equivalent of the agreed purchase price; this charge will be used to finance the costs involved in the re-selling of the sugar by the United Kingdom Sugar Board.

However, if the world c.i.f. price of raw sugar exceeds the c.i.f. equivalent of the agreed purchase price, the Board shall pay the difference to the importer.

3. The price at which the sugar in question is marketed in the United Kingdom shall be fixed at a level such as to allow the quantities in question effectively to be marketed without prejudicing the marketing of Community sugar.

4. Notwithstanding the provisions of Article 15 (1) of Regulation (EEC) No. 766/68 laying down general rules for the grant of export refunds for sugar, the export refund applicable in the United Kingdom may be granted for white sugar produced from raw sugar imported under the terms of this Protocol.

5. The Council shall, acting by a qualified majority on a proposal from the Commission, adopt the measures necessary for implementing the provisions of this Protocol in such a way as to ensure the proper functioning of the common organisation of the market in sugar and in particular to ensure that, in the application of the provisions laid down in paragraph 2, the price at which the sugar is marketed in the United Kingdom is respected.

PROTOCOL No. 18

ON THE IMPORT OF NEW ZEALAND BUTTER AND CHEESE INTO THE UNITED KINGDOM

ARTICLE 1

1. The United Kingdom is authorised, as a transitional arrangement, to import from New Zealand certain quantities of butter and cheese, on the following terms.

2. The quantities referred to in paragraph 1 shall be:

(a) in respect of butter, for the first five years:

1973, 165,811 metric tons

1974, 158,902 metric tons

1975, 151,994 metric tons

1976, 145,085 metric tons

1977, 138,176 metric tons

(b) in respect of cheese :

1973, 68,580 metric tons
1974, 60,960 metric tons
1975, 45,720 metric tons
1976, 30,480 metric tons
1977, 15,240 metric tons

The Council, acting by a qualified majority on a proposal from the Commission, may make adjustments between those quantities of butter and cheese, provided that the tonnage expressed as milk equivalent corresponding to the total quantities laid down for those two products for the year in question remains unaltered.

3. The quantities of butter and cheese specified in paragraph 2 shall be imported into the United Kingdom at a price the observance of which must be guaranteed at the cif stage by New Zealand. That price shall be fixed at a level which enables New Zealand to realise a price representing the average price obtained by that country on the United Kingdom market during 1969, 1970, 1971 and 1972.

4. The products imported into the United Kingdom in accordance with the provisions of this Protocol may not become the subject of intra-Community trade or of re-exportation to third countries.

ARTICLE 2

1. Special levies shall be applied to imports into the United Kingdom of the quantities of butter and cheese specified in Article 1. Article 55 (1) (b) of the Act of Accession shall not be applicable.

2. The special levies shall be fixed on the basis of the cif price referred to in Article 1 (3) and of the market price of the products in question within the United Kingdom, at a level such as to allow the quantities of butter and cheese to be effectively marketed without prejudicing the marketing of Community butter and cheese.

ARTICLE 3

The Council, acting by a qualified majority on a proposal from the Commission, shall adopt the measures necessary for implementing Articles 1 and 2.

ARTICLE 4

The Community shall continue its efforts to promote the conclusion of an international agreement on milk products so that, as soon as possible, conditions on the world market may be improved.

ARTICLE 5

1. The Council shall, during 1975, review the situation as regards butter in the light of prevailing conditions and of supply and demand developments in the major producing and consuming countries of the world, particularly in the Community and in New Zealand. During that review, among the considerations to be taken into account shall be the following:

- (a) progress towards an effective world agreement on milk products, to which the Community and other important producing and consuming countries would be parties;
- (b) the extent of New Zealand's progress towards diversification of its economy and exports, it being understood that the Community will strive to pursue a commercial policy which does not run counter to this progress.

2. Appropriate measures to ensure the maintenance after 31 December 1977 of exceptional arrangements in respect of imports of butter from New Zealand, including the details of such arrangements, shall be determined by the Council, acting unanimously on a proposal from the Commission, in the light of that review.

3. After 31 December 1977, the exceptional arrangements laid down for imports of cheese may no longer be retained.

PROTOCOL No. 19

ON SPIRITUOUS BEVERAGES OBTAINED FROM CEREALS

1. The Council, acting in accordance with the procedure provided for in Article 43 (2) of the EEC Treaty, shall decide the necessary measures to facilitate the use of Community cereals in the manufacture of spirituous beverages obtained from cereals, and in particular of whisky, exported to third countries, so that these measures may be applied in due time.

2. These measures, which may be taken within the framework of the Regulation on the common organisation of the market in cereals or of the regulation to be adopted on the common organisation of the market in alcohol must fit into the framework of the general Community policy for alcohol, avoiding any discrimination between these products and other alcohol, account being taken of the particular situations peculiar to each case.

PROTOCOL No. 20

ON NORWEGIAN AGRICULTURE

THE HIGH CONTRACTING PARTIES,

DESIRING to solve the problems which the accession of Norway to the European Economic Community creates for the farmers of that country;

TAKING INTO CONSIDERATION the anxieties expressed by the Norwegian Government concerning the fact that Norway's agriculture is at a disadvantage as regards production owing to the country's geographical position and configuration; that the same factors determine the particular demographic problems of Norway and involve, for the agricultural holdings of that country, relatively high production costs, which have necessitated a general system of support measures for the purpose of maintaining a balanced social structure, and an equitable standard of living for the agricultural population;

RECOGNISE the particular problems which the accession of Norway to the European Economic Community creates for the farmers of that country.

particularly in view of the fact that a simple alignment of the prices received by Norwegian producers with the level of Community prices would cause a substantial loss in earnings, with unfavourable consequences from the demographic and social point of view ;

RECOGNISE in particular that the transitional period could not solve these problems and that it is therefore necessary to envisage specific arrangements—which should not be regarded as constituting a precedent—with the object of maintaining the standard of living of Norwegian farmers, in compliance with the rules governing the common agricultural policy ;

HAVE AGREED the following provisions :

1. Subject to the temporary derogations referred to in the following paragraphs, the system applied to Norwegian agriculture must be devised in such a way as not to compromise the functioning of the common agricultural policy, and particularly of the common organisation of markets, throughout the Community.

2. Norway shall apply the Community's agricultural rules in accordance with the relevant provisions of the Act of Accession.

3. The problem of Norwegian subsidies for transport costs, which are intended to compensate for the particularly unfavourable effects of the long distances between production areas and natural outlets and the fact that agricultural regions are widely dispersed, must be adequately resolved by applying the provisions of the EEC Treaty.

4. A support system shall be introduced in Norway which should permit the maintenance of the farmers' standard of living. Support shall be given in so far as is necessary for achieving this objective. The support may not be linked with the product sold, nor include subsidies in respect of producer prices, and this will require changes in the support measures currently in force in Norway. The support shall be varied according to the regions and the categories of farmers concerned. The measures to be taken shall be adapted to the various types of production.

5. Norway shall have the option of maintaining until 31 December 1975, by way of derogation, the subsidies granted at present. Producer price subsidies shall be reduced by amounts corresponding to the increases in market prices resulting from the alignment of these market prices with the level of the common prices.

6. In the horticultural sector and for potatoes, Norway is authorised until 31 December 1977, by way of derogation, to replace quantitative restrictions on imports by provisions making it possible to maintain, for certain products, a price level comparable to the price ruling on the Norwegian market before accession. These provisions shall constitute a system of minimum prices to be fixed on the Norwegian market below which countervailing charges may be applied to imports from any source ; as regards imports of these products intended for processing, the countervailing charge may be suspended, whereas for deliveries of home-grown products intended for processing a refund corresponding to the amount of this charge may be granted. The transitional provisions agreed for customs duties shall continue to apply.

The Council, acting by a qualified majority on a proposal from the Commission, shall adopt the measures necessary for implementing the provisions of this paragraph.

7. For products in the pigmeat, eggs and poultry sectors, the compensatory amount applicable to imports into Norway until the first reduction shall be calculated, notwithstanding Articles 75, 77 and 79 of the Act of Accession, on the basis of the difference between the prices for slaughtered pigs, eggs in shell and slaughtered poultry on the Norwegian market, on the one hand and on the market of the Community as originally constituted and of each of the other new Member States, on the other.

The compensatory amount referred to in the first subparagraph shall be reduced by a quarter on 1 November 1973, a quarter on 1 November 1974, a quarter on 1 November 1975 and abolished on 1 November 1976, without prejudice to the application after this date of Articles 75, 77 and 79 of the Act of Accession.

The Council shall, acting by a qualified majority on a proposal from the Commission, adopt the measures necessary for implementing the provisions of this paragraph.

8. By 30 June 1974 at the latest, and in respect of horticulture and potatoes by 30 June 1976 at the latest, the Commission shall make proposals to the Council including, if appropriate, proposals on expenditure eligible for Community financing in accordance with the provisions of the EEC Treaty with a view to putting into operation, upon expiry of the periods provided for in paragraphs 5 and 6, the support system in accordance with paragraph 4.

9. Under Community supervision, and without prejudice to the provisions of paragraphs 1 to 8, appropriate measures shall be taken in Norway to ensure a supply of milk which is sufficient regularly to meet the liquid milk consumption of the population, and in such a way that the present high level of milk consumption is not endangered. The Council shall, according to the procedure of Article 43 (2) of the EEC Treaty, adopt the provisions necessary to this end, which may include subsidies.

10. If any subsequent development of the common agricultural policy or of other Community policies should include Community measures enabling a total or a partial solution of the special problems of Norwegian agriculture, those Community measures, and any possible Community financing, would replace the specific measures taken in Norway.

11. The institutions of the Community shall periodically review the conditions and procedures for implementing the arrangements applied in Norway.

PROTOCOL No. 21

ON THE FISHERIES REGIME FOR NORWAY

THE HIGH CONTRACTING PARTIES,

RECOGNISING the very great importance of the fishing industry for Norway,

CONSIDERING that, because of the special geographical situation of Norway, fisheries and the industries connected therewith constitute an essential activity for the population of a large part of the coastal areas where other possibilities of employment are limited,

CONSCIOUS of the importance, both for Norway and for the Community as a whole, of maintaining a satisfactory demographic balance in the areas of this country which are essentially dependent on inshore fishing, and sharing the objectives of the Norwegian Government in this field,

CONFIRM that, within the framework of Article 101 of the Act of Accession, Norway is authorised to limit fishing in those waters which come under its sovereignty or jurisdiction, situated within a limit of twelve nautical miles, between Egersund and the frontier between Norway and the Union of Soviet Socialist Republics,

AGREE to recommend the institutions of the Community to take particular account, during the examination provided for in Article 103 of the Act of Accession, of the problems facing Norway in the field of fisheries, both in the context of its general economy and for reasons stemming from the particular demographic and social structures of the country, and so to act that any provisions which may then be made are drawn up accordingly; these provisions may include among other measures, an extension of the derogations beyond 31 December 1982, to an appropriate degree and in accordance with rules to be determined.

PROTOCOL No. 22

ON RELATIONS BETWEEN THE EUROPEAN ECONOMIC COMMUNITY AND THE ASSOCIATED AFRICAN AND MALAGASY STATES AND ALSO THE INDEPENDENT DEVELOPING COMMONWEALTH COUNTRIES SITUATED IN AFRICA, THE INDIAN OCEAN, THE PACIFIC OCEAN AND THE CARIBBEAN

I

1. The European Economic Community shall offer the independent Commonwealth countries listed in Annex VI to the Act of Accession the possibility of ordering their relations with the Community in the spirit of the Declaration of Intent adopted by the Council at its meeting held on 1/2 April 1963, according to one of the following formulae at their choice:

- participation in the Convention of Association which, upon the expiry of the Convention of Association signed on 29 July 1969, will govern relations between the Community and the Associated African and Malagasy States which signed the latter Convention;
- the conclusion of one or more special conventions of association on the basis of Article 238 of the EEC Treaty comprising reciprocal rights and obligations, particularly in the field of trade;

— the conclusion of trade agreements with a view to facilitating and developing trade between the Community and those countries.

2. For practical reasons, the Community desires that the independent Commonwealth countries to which its offer is addressed, should take up a position with respect to this offer as soon as possible after accession.

The Community proposes to the independent Commonwealth countries listed in Annex VI to the Act of Accession that the negotiations envisaged for the conclusion of agreements based on one of the formulae contained in the offer should begin as from 1 August 1973.

The Community accordingly invites the independent Commonwealth countries which choose to negotiate within the framework of the first formula to participate side by side with the Associated African and Malagasy States in negotiating the new Convention to follow the Convention signed on 29 July 1969.

3. In the event of Botswana, Lesotho or Swaziland choosing one of the first two formulae contained in the offer:

- appropriate solutions must be found for the specific problems arising from the special circumstances of these countries, which are in a customs union with a third country;
- the Community must, in the territory of those States, enjoy tariff treatment not less favourable than that applied by those States to the most-favoured third country;
- the provisions of the system applied, and particularly the rules of origin must be such as to avoid any risk of trade deflection to the detriment of the Community resulting from the participation of those States in a customs union with a third country.

II

1. As regards the association arrangements to be made on the expiry of the Convention of Association signed on 29 July 1969, the Community is ready to pursue its policy of association both with regard to the Associated African and Malagasy States and with regard to the independent developing Commonwealth countries which become parties to the same association.

2. The accession of the new Member States to the Community and the possible extension of the policy of association should not be the source of any weakening in the Community's relations with the Associated African and Malagasy States which are parties to the Convention of Association signed on 29 July 1969.

The Community's relations with the Associated African and Malagasy States ensure for those States a range of advantages and are based on structures which give the Association its distinctive character in the fields of trade relations, financial and technical cooperation and joint institutions.

3. The Community's objective in its policy of association shall remain the safeguarding of what has been achieved and of the fundamental principles referred to above.

4. The provisions of this association, which will be defined during the negotiations referred to in the third subparagraph in Part I (2) of this Protocol, must similarly take account of the special economic conditions common to the independent developing Commonwealth countries situated in Africa, the Indian Ocean, the Pacific Ocean and the Caribbean, and the Associated African and Malagasy States, the experience acquired within the framework of association, the wishes of the Associated States and the consequences for those States of the introduction of the generalised preference scheme.

III

The Community will have as its firm purpose the safeguarding of the interests of all the countries referred to in this Protocol whose economies depend to a considerable extent on the export of primary products, and particularly of sugar.

The question of sugar will be settled within this framework, bearing in mind with regard to exports of sugar the importance of this product for the economies of several of these countries and of the Commonwealth countries in particular.

PROTOCOL No. 23

ON THE APPLICATION BY THE NEW MEMBER STATES OF THE GENERALISED TARIFF PREFERENCE SCHEME APPLIED BY THE EUROPEAN ECONOMIC COMMUNITY

1. The new Member States are authorised to defer until 1 January 1974 the application of the generalised tariff preference scheme applied by the European Economic Community to products originating in the developing countries.

2. However, in respect of products falling under Regulations (EEC) Nos. 2796/71, 2797/71, 2798/71 and 2799/71, Ireland is authorised until 31 December 1975 to apply, vis-à-vis countries benefiting from generalised preferences, customs duties equal to the duties applied in respect of the same products vis-à-vis Member States other than the United Kingdom.

PROTOCOL No. 24

ON THE PARTICIPATION OF THE NEW MEMBER STATES IN THE FUNDS OF THE EUROPEAN COAL AND STEEL COMMUNITY

The contributions of the new Member States to the funds of the European Coal and Steel Community shall be fixed as follows:

United Kingdom	...	...	...	57,000,000 ua
Norway	...	...	...	1,162,500 ua
Denmark	...	...	...	635,500 ua
Ireland	...	...	...	77,500 ua

Payment of these contributions shall take place in three equal annual instalments beginning on accession.

Each instalment shall be paid in the freely convertible national currency of each new Member State.

PROTOCOL No. 25

ON THE EXCHANGE OF INFORMATION WITH DENMARK IN THE FIELD OF NUCLEAR ENERGY

ARTICLE 1

1. From the date of accession, such information as has been communicated to Member States, persons and undertakings, in accordance with Article 13 of the Euratom Treaty, shall be placed at the disposal of Denmark, which shall give it limited distribution within its territory under the conditions laid down in that Article.

2. From the date of accession, Denmark shall place at the disposal of the European Atomic Energy Community an equivalent volume of information in the sectors specified below. This information will be set forth in detail in a document transmitted to the Commission. The Commission shall communicate this information to Community undertakings under the conditions laid down in the above mentioned Article.

3. The sectors in which Denmark shall make information available to the Community are as follows:

- DOR heavy water moderated organic cooled reactor ;
- DT-350, DK-400 heavy water pressure vessel reactors ;
- high temperature gas loop ;
- instrumentation systems and special electronic equipment ;
- reliability ;
- reactor physics, reactor dynamics and heat exchange ;
- in-pile testing of materials and equipment.

4. Denmark shall undertake to supply the Community with any information complementary to the reports which it shall communicate, in particular during visits by Community personnel or personnel from the Member States to the Risø Centre, under conditions to be determined by mutual agreement in each case.

ARTICLE 2

1. In those sectors in which Denmark places information at the disposal of the Community, the competent authorities, at present the "Atomenergikommission," shall grant upon request, licenses on commercial terms to Member States, persons and undertakings of the Community where they possess exclusive rights to patents filed in Member States of the Community and

in so far as they have no obligation or commitment in respect of third parties to grant or offer to grant an exclusive or partially exclusive licence to the rights in these patents.

2. Where an exclusive or partially exclusive licence has been granted, Denmark shall encourage and facilitate the granting of sublicences on commercial terms to Member States, persons and undertakings of the Community by the holders of such licences.

Such exclusive or partially exclusive licences shall be granted on a normal commercial basis.

PROTOCOL No. 26

ON THE EXCHANGE OF INFORMATION WITH IRELAND IN THE FIELD OF NUCLEAR ENERGY

ARTICLE 1

1. From the date of accession, such information as has been communicated to Member States, persons and undertakings, in accordance with Article 13 of the Euratom Treaty, shall be placed at the disposal of Ireland, which shall give it limited distribution within its territory under the conditions laid down in that Article.

2. From the date of accession, Ireland shall place at the disposal of the European Atomic Energy Community information obtained in the nuclear field in Ireland, which is given limited distribution, in so far as strictly commercial applications are not involved. The Commission shall communicate this information to Community undertakings under the conditions laid down in the above mentioned Article.

3. This information shall mainly concern studies for the development of a power reactor and work on radioisotopes and their application in medicine, including the problems of radiation protection.

ARTICLE 2

1. In those sectors in which Ireland places information at the disposal of the Community, the competent authorities shall grant upon request licences on commercial terms to Member States, persons and undertakings of the Community where they possess exclusive rights to patents filed in Member States of the Community and in so far as they have no obligation or commitment in respect of third parties to grant or offer to grant an exclusive or partially exclusive licence to the rights in these patents.

2. Where an exclusive or partially exclusive licence has been granted, Ireland shall encourage and facilitate the granting of sub-licences on commercial terms to Member States, persons and undertakings of the Community by the holders of such licences.

Such exclusive or partially exclusive licences shall be granted on a normal commercial basis.

PROTOCOL No. 27

ON THE EXCHANGE OF INFORMATION WITH NORWAY IN THE FIELD OF NUCLEAR ENERGY

ARTICLE 1

1. From the date of accession, such information as has been communicated to Member States, persons and undertakings, in accordance with Article 13 of the Euratom Treaty, shall be placed at the disposal of Norway, which shall give it limited distribution within its territory under the conditions laid down in that Article.

2. From the date of accession, Norway shall place at the disposal of the European Atomic Energy Community an equivalent volume of information in the sectors specified below. This information will be set forth in detail in a document transmitted to the Commission. The Commission shall communicate this information to Community undertakings under the conditions laid down in the above mentioned Article.

3. The sectors in which Norway shall make information available to the Community are as follows:

- reactor technology ;
- fuel and materials technology ;
- reactor dynamics, control and instrumentation ;
- nuclear safety ;
- radioisotope technology ;
- reprocessing chemistry and methods of analysis ;
- fundamental physics research ;
- marine propulsion ;
- miscellaneous (reviews, activity reports, etc...).

4. Norway shall undertake to supply the Community with any information complementary to the reports which it shall communicate, in particular during visits by Community personnel or personnel from the Member States to the "*Institutt for Atomenergi*" (IFA), under conditions to be determined by mutual agreement in each case.

ARTICLE 2

1. In those sectors in which Norway places information at the disposal of the Community, the competent authorities, at present the *Institutt for Atomenergi*, shall grant upon request licences on commercial terms to Member States, persons and undertakings of the Community where they possess exclusive rights to patents filed in Member States of the Community and in so far as they have no obligation or commitment in respect of third parties to grant or offer to grant an exclusive or partially exclusive licence to the rights in these patents.

2. Where an exclusive or partially exclusive licence has been granted, Norway shall encourage and facilitate the granting of sublicences on commercial terms to Member States, persons and undertakings of the Community by the holders of such licences.

Such exclusive or partially exclusive licences shall be granted on a normal commercial basis.

PROTOCOL No. 28

ON THE EXCHANGE OF INFORMATION WITH THE UNITED KINGDOM IN THE FIELD OF NUCLEAR ENERGY

ARTICLE 1

1. From the date of accession, such information as has been communicated to Member States, persons and undertakings in accordance with Article 13 of the Euratom Treaty, shall be placed at the disposal of the United Kingdom, which shall give it limited distribution within its territory under the conditions laid down in that Article.

2. From the date of accession, the United Kingdom shall place at the disposal of the European Atomic Energy Community an equivalent volume of information in the sectors set out in the annexed list. This information will be set forth in detail in a document transmitted to the Commission. The Commission shall communicate this information to Community undertakings under the conditions laid down in the above-mentioned Article.

3. In view of the Community's greater interest in certain sectors, the United Kingdom shall lay special emphasis on the transmission of information in the following sectors:

- fast reactor research and development (including safety);
- fundamental research (applicable to reactor types);
- reactor safety (other than fast reactors);
- metallurgy, steel, zirconium alloys and concrete;
- compatibility of structural materials;
- experimental fuel fabrication;
- thermohydrodynamics;
- instrumentation.

ARTICLE 2

1. In those fields in which the United Kingdom places information at the disposal of the Community, the competent authorities, at present the United Kingdom Atomic Energy Authority and the United Kingdom Generating Boards, shall grant upon request licences on commercial terms to Member States, persons and undertakings of the Community where they possess exclusive rights to patents filed in the Member States of the Community and in so far as they have no obligation or commitment in respect of third parties to grant or offer to grant an exclusive or partially exclusive licence to the rights in these patents.

2. Where an exclusive or partially exclusive licence has been granted, the United Kingdom shall encourage and facilitate the granting of sub-licences on commercial terms to the Member States, persons and undertakings of the Community by the holders of such licences.

Such exclusive or partially exclusive licences shall be granted on a normal commercial basis.

List of sectors referred to in Article 1(2)

I. Basic science

- Reactor physics
- Basic work in metallurgy and chemistry
- Work on isotopes
- Chemical engineering

II. Reactors

- (a) Research and development on reactor systems
- (b) Operating experience with Magnox reactors (including research on reactor operations)
- (c) Reactor safety (except fast reactors)
- (d) Fast reactor research and development (including safety)
- (e) Operating experience with materials-testing reactors

III. Materials and components

- (a) Graphite and coolant chemistry
- (b) Compatibility of structural materials for reactors
- (c) Steel and concrete (including corrosion): welding and weld tests
- (d) Experimental fuel fabrication and evaluation of fuel design and performance
- (e) Heat exchange
- (f) Metallurgy

IV. Instrumentation (including health physics instrumentation)

V. Radiobiology

VI. Marine propulsion

PROTOCOL No. 29

**ON THE AGREEMENT WITH THE INTERNATIONAL
ATOMIC ENERGY AGENCY**

The Kingdom of Denmark, Ireland and the Kingdom of Norway undertake to accede, under conditions to be established therein, to the Agreement between certain original Member States jointly with the European Atomic Energy Community, on the one hand, and the International Atomic Energy Agency, on the other hand, on the application in the territories of certain Member States of the Community of the guarantees provided for in the Treaty on the Non-Proliferation of Nuclear Weapons.

PROTOCOL No. 30

ON IRELAND

THE HIGH CONTRACTING PARTIES,

DESIRING to settle certain special problems of concern to Ireland, and

HAVING AGREED the following provisions,

RECALL that the fundamental objectives of the European Economic Community include the steady improvement of the living standards and working conditions of the peoples of the Member States and the harmonious development of their economies by reducing the differences existing between the various regions and the backwardness of the less-favoured regions;

TAKE NOTE of the fact that the Irish Government has embarked upon the implementation of a policy of industrialisation and economic development designed to align the standards of living in Ireland with those of the other European nations and to eliminate underemployment while progressively evening out regional differences in levels of development;

RECOGNISE it to be in their common interest that the objectives of this policy be so attained;

AGREE to recommend to this end that the Community institutions implement all the means and procedures laid down by the EEC Treaty, particularly by making adequate use of the Community resources intended for the realisation of the Community's above-mentioned objectives;

RECOGNISE in particular that, in the application of Articles 92 and 93 of the EEC Treaty, it will be necessary to take into account the objectives of economic expansion and the raising of the standard of living of the population.

EXCHANGE OF LETTERS ON MONETARY QUESTIONS

Brussels, 22 January 1972

Your Excellency,

1. At the Ministerial Meeting of the Conference on 7 June 1971, it was agreed that the declaration on monetary questions which I made at the Meeting should form the subject of an exchange of letters annexed to the Act concerning the Conditions of Accession and the Adjustments to the Treaties. I therefore now have the honour to confirm that at that Meeting I made the following declaration:

“(a) We are prepared to envisage an orderly and gradual run-down of official sterling balances after our accession.

(b) We shall be ready to discuss after our entry into the Communities what measures might be appropriate to achieve a progressive alignment of the external characteristics and practices in relation to sterling with those of other currencies in the Community in the context of progress towards economic and monetary union in the enlarged Community, and we are confident that official sterling (*) can be handled in a way which will enable us to take our full part in that progress.

(c) In the meantime we shall manage our policies with a view to stabilising the official sterling balances in a way which would be consistent with these longer term objectives.

(d) I hope that the Community will regard this statement as disposing satisfactorily of the question of sterling and associated matters, leaving only the arrangements for U.K. compliance with the Directives relating to capital movements under the Treaty of Rome to be settled in the course of the negotiations.”

2. At the same meeting on 7 June, the above declaration was agreed by the Community delegation.

3. I understand that the delegations of the Kingdom of Denmark, Ireland and the Kingdom of Norway have also signified their agreement to the above-mentioned declaration as confirmed by the present letter.

4. I would be grateful if you would kindly acknowledge receipt of this letter and confirm the agreement of the Governments of the Member States of the Community and of the Governments of the Kingdom of Denmark, Ireland and the Kingdom of Norway to the above-mentioned declaration.

Please accept, Your Excellency, the assurances of my highest consideration.

GEOFFREY RIPPON

Mr. G. Rippon,

Chancellor of the Duchy of Lancaster.

Monsieur G. Thorn,

Ministre des Affaires Etrangères

du Grand-Duché du Luxembourg.

(*) “Official sterling” means “official sterling balances”.

Your Excellency,

You were good enough to make the following communication to me in your letter of today's date :

'1. At the Ministerial Meeting of the Conference on 7 June 1971, it was agreed that the declaration on monetary questions which I made at the Meeting should form the subject of an exchange of letters annexed to the Act concerning the Conditions of Accession and the Adjustments to the Treaties. I therefore now have the honour to confirm that at that Meeting I made the following declaration :

- “(a) We are prepared to envisage an orderly and gradual run-down of official sterling balances after our accession.
- (b) We shall be ready to discuss after our entry into the Communities what measures might be appropriate to achieve a progressive alignment of the external characteristics and practices in relation to sterling with those of other currencies in the Community in the context of progress towards economic and monetary union in the enlarged Community, and we are confident that official sterling (*) can be handled in a way which will enable us to take our full part in that progress.
- (c) In the meantime we shall manage our policies with a view to stabilising the official sterling balances in a way which would be consistent with these longer term objectives.
- (d) I hope that the Community will regard this statement as disposing satisfactorily of the question of sterling and associated matters, leaving only the arrangements for U.K. compliance with the Directives relating to capital movements under the Treaty of Rome to be settled in the course of the negotiations.”

2. At the same meeting on 7 June, the above declaration was agreed by the Community delegation.

3. I understand that the delegations of the Kingdom of Denmark, Ireland and the Kingdom of Norway have also signified their agreement to the above-mentioned declaration as confirmed by the present letter.

4. I would be grateful if you would kindly acknowledge receipt of this letter and confirm the agreement of the Governments of the Member States of the Community and of the Governments of the Kingdom of Denmark, Ireland and the Kingdom of Norway to the above-mentioned declaration.'

(*) "Official sterling" means "official sterling balances".

I have the honour to acknowledge receipt of this communication and to confirm the agreement of the Governments of the Member States of the Community and of the Governments of the Kingdom of Denmark, Ireland and the Kingdom of Norway to the declaration contained in paragraph 1 of your letter.

Please accept, Your Excellency, the assurance of my highest consideration.

GASTON THORN

G. Thorn

*Ministre des Affaires Etrangères
du Grand-Duché du Luxembourg.*

P. HARMEL

Ministre des Affaires Etrangères
du Royaume de Belgique
Minister van Buitenlandse Zaken
van het Koninkrijk België

IVOR NØRGAARD

Kongeriget Danmarks
udenrigsøkonomiminister

WALTER SCHEEL

Bundesminister des Auswärtigen
der Bundesrepublik Deutschland

MAURICE SCHUMANN

Ministre des Affaires Etrangères
de la République française

PADRAIG OH IRIGHILE

Aire Gnóthaí Eachtracha
na hÉireann

ALDO MORO

Ministro per gli Affari Esteri
della Repubblica Italiana

N. SCHMELTZER

Minister van Buitenlandse Zaken
van het Koninkrijk der Nederlanden

ANDREAS CAPPELEN

Kongeriket Norges utenriksminister

The Right Honourable Geoffrey Rippon, Q.C., M.P.,
Chancellor of the Duchy of Lancaster

FINAL ACT

The Plenipotentiaries of HIS MAJESTY THE KING OF THE BELGIANS, HER MAJESTY THE QUEEN OF DENMARK, THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY, THE PRESIDENT OF THE FRENCH REPUBLIC, THE PRESIDENT OF IRELAND, THE PRESIDENT OF THE ITALIAN REPUBLIC, HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG, HER MAJESTY THE QUEEN OF THE NETHERLANDS, HIS MAJESTY THE KING OF NORWAY, HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE COUNCIL OF THE EUROPEAN COMMUNITIES represented by its President,

Assembled at Brussels on the twenty-second day of January one thousand nine hundred and seventy-two on the occasion of the signature of the Treaty relating to the accession of the Kingdom of Denmark, Ireland, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland to the European Economic Community and the European Atomic Energy Community,

Have placed on record the fact that the following texts have been drawn up and adopted within the Conference between the European Communities and the States which have applied for accession to those Communities:

- I. the Treaty concerning the accession of the Kingdom of Denmark, Ireland, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland to the European Economic Community and to the European Atomic Energy Community;
- II. the Act concerning the Conditions of Accession and the Adjustments to the Treaties;
- III. the texts listed below which are annexed to the Act concerning the Conditions of Accession and the Adjustments to the Treaties:
 - A. ANNEX I List referred to in Article 29 of the Act of Accession,
 - ANNEX II List referred to in Article 30 of the Act of Accession,
 - ANNEX III List of products referred to in Articles 32, 36 and 39 of the Act of Accession (Euratom),
 - ANNEX IV List of products referred to in Article 32 of the Act of Accession (Commonwealth products which are subject to contractual margins of preference in the United Kingdom),
 - ANNEX V List referred to in Article 107 of the Act of Accession,
 - ANNEX VI List of countries referred to in Article 109 of the Act of Accession and in Protocol No. 22,
 - ANNEX VII List referred to in Article 133 of the Act of Accession,
 - ANNEX VIII List referred to in Article 148(1) of the Act of Accession,

- ANNEX IX List referred to in Article 148(2) of the Act of Accession,
- ANNEX X List referred to in Article 150 of the Act of Accession.
- ANNEX XI List referred to in Article 152 of the Act of Accession,

- B. PROTOCOL No. 1 on the Statute of the European Investment Bank,
- PROTOCOL No. 2 on the Faroe Islands,
- PROTOCOL No. 3 on the Channel Islands and the Isle of Man,
- PROTOCOL No. 4 on Greenland,
- PROTOCOL No. 5 on Svalbard (Spitzbergen),
- PROTOCOL No. 6 on certain quantitative restrictions relating to Ireland and Norway,
- PROTOCOL No. 7 on imports of motor vehicles and the motor vehicle assembly industry in Ireland,
- PROTOCOL No. 8 on phosphorus (CCT subheading No. 28.04 C IV),
- PROTOCOL No. 9 on aluminium oxide and hydroxide (alumina) (CCT subheading No. 28.20 A),
- PROTOCOL No. 10 on tanning extracts of wattle (mimosa) (CCT subheading No. 32.01 A) and tanning extracts of chestnut (CCT subheading No. 32.01 C),
- PROTOCOL No. 11 on plywood (CCT heading No. 44.15),
- PROTOCOL No. 12 on wood pulp (CCT subheading No. 47.01 A II),
- PROTOCOL No. 13 on newsprint (CCT subheading No. 48.01 A),
- PROTOCOL No. 14 on unwrought lead (CCT subheading No. 78.01 A),
- PROTOCOL No. 15 on unwrought zinc (CCT subheading No. 79.01 A),
- PROTOCOL No. 16 on markets and trade in agricultural products,

- PROTOCOL NO. 17 on the import of sugar by the United Kingdom from the exporting countries and territories referred to in the Commonwealth Sugar Agreement,
- PROTOCOL NO. 18 on the import of New Zealand butter and cheese into the United Kingdom,
- PROTOCOL NO. 19 on spirituous beverages obtained from cereals,
- PROTOCOL NO. 20 on Norwegian agriculture,
- PROTOCOL NO. 21 on the fisheries regime for Norway,
- PROTOCOL NO. 22 on relations between the European Economic Community and the Associated African and Malagasy States and also the independent developing Commonwealth countries situated in Africa, the Indian Ocean, the Pacific Ocean and the Caribbean,
- PROTOCOL NO. 23 on the application by the new Member States of the generalised tariff preference scheme applied by the European Economic Community,
- PROTOCOL NO. 24 on the participation of the new Member States in the funds of the European Coal and Steel Community,
- PROTOCOL NO. 25 on the exchange of information with Denmark in the field of nuclear energy,
- PROTOCOL NO. 26 on the exchange of information with Ireland in the field of nuclear energy,
- PROTOCOL NO. 27 on the exchange of information with Norway in the field of nuclear energy,
- PROTOCOL NO. 28 on the exchange of information with the United Kingdom in the field of nuclear energy,
- PROTOCOL NO. 29 on the Agreement with the International Atomic Energy Agency,
- PROTOCOL NO. 30 on Ireland ;

C. Exchange of Letters on Monetary Questions ;

- D. The texts of the Treaty establishing the European Economic Community and of the Treaty establishing the European Atomic Energy Community, together with the Treaties amending or supplementing them, in the Danish, English, Irish and Norwegian languages.

The Plenipotentiaries have taken note of the Decision of the Council of the European Communities of 22 January 1972 concerning the accession of the Kingdom of Denmark, Ireland, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland to the European Coal and Steel Community.

Furthermore, the Plenipotentiaries and the Council have adopted the Declarations listed below and annexed to this Final Act:

1. Joint Declaration on the Court of Justice,
2. Joint Declaration on the Sovereign Base Areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus,
3. Joint Declaration on the fisheries sector,
4. Joint Declaration of Intent on the development of trade relations with Ceylon, India, Malaysia, Pakistan and Singapore,
5. Joint Declaration on the free movement of workers.

The Plenipotentiaries and the Council have also taken note of the following Declaration to this Final Act:

Declaration by the Government of the Federal Republic of Germany on the application to Berlin of the Decision concerning Accession to the European Coal and Steel Community and of the Treaty of Accession to the European Economic Community and to the European Atomic Energy Community.

The Plenipotentiaries and the Council have also taken note of the arrangement regarding the procedure for adopting certain decisions and other measures to be taken during the period preceding accession which has been reached within the Conference between the European Communities and the States which have applied for accession to those Communities and which is annexed to this Final Act.

Finally, the following declarations have been made and are annexed to this Final Act:

1. Declaration by the Government of the United Kingdom of Great Britain and Northern Ireland on the definition of the term "nationals",
2. Declarations on the economic and industrial development of Ireland,
3. Declarations on liquid milk, pigmeat and eggs.
4. Declaration on the system for fixing Community farm prices,
5. Declarations on hill farming.

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

DONE at Brussels this twenty-second day of January in the year one thousand nine hundred and seventy-two.

[For signatures see page 295]

JOINT DECLARATION

on the Court of Justice

Such additional measures as may prove necessary following the accession of the new Member States should be taken by the Council which, at the request of the Court, may increase the number of Advocates-General to four and adjust the provisions of the third paragraph of Article 32 of the ECSC Treaty, the third paragraph of Article 165 of the EEC Treaty and the third paragraph of Article 137 of the Euratom Treaty accordingly.

JOINT DECLARATION

on the Sovereign Base Areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus

The arrangements applicable to relations between the European Economic Community and the Sovereign Base Areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus will be defined within the context of any agreement between that Community and the Republic of Cyprus.

JOINT DECLARATION

on the Fisheries Sector

1. The institutions of the European Economic Community will examine the problems of the fish meal and fish oils sector with a view to adopting measures which might prove necessary in that sector in respect to the raw material used. These measures should meet the need for protection and rational use of the sea's biological resources while avoiding the creation or retention of insufficiently profitable production units.

2. The application of common marketing standards for certain fresh or chilled fish must not have the effect of excluding any marketing method and, conversely, no marketing method should hinder the application of the said standards; it is in this spirit that the problems which could arise may be settled when the time comes by the institutions of the European Economic Community.

3. The European Economic Community is aware of the importance of Norwegian exports of fish products to third countries, which are subject like other Community exports to Regulation (EEC) No 2142/70.

4. It is understood that the Norwegian law on "the marketing of fish coming from processing industries" of 18 December 1970 will be the subject, as soon as possible, of a detailed study with a view to examining the conditions under which it might be applied, having regard to the provisions of Community law.

JOINT DECLARATION OF INTENT

on the Development of Trade Relations with Ceylon, India, Malaysia, Pakistan and Singapore

Inspired by the will to extend and strengthen the trade relations with the developing independent Commonwealth countries in Asia (Ceylon, India, Malaysia, Pakistan and Singapore), the European Economic Community is ready, from the date of accession, to examine with these countries such problems as may arise in the field of trade with a view to seeking appropriate solutions, taking into account the effect of the generalised tariff preference scheme and the situation of the other developing countries in the same geographical area.

The question of exports of sugar from India to the Community after the expiry of the Commonwealth Sugar Agreement on 31 December 1974 must be settled by the Community in the light of this Declaration of Intent, taking account of the provisions which may be adopted as regards imports of sugar from the independent Commonwealth countries listed in Protocol No. 22 on relations between the European Economic Community and the Associated African and Malagasy States and also the independent developing Commonwealth countries situated in Africa, the Indian Ocean, the Pacific Ocean and the Caribbean.

JOINT DECLARATION

on the Free Movement of Workers

The enlargement of the Community could give rise to certain difficulties for the social situation in one or more Member States as regards the application of the provisions relating to the free movement of workers.

The Member States declare that they reserve the right, should difficulties of that nature arise, to bring the matter before the institutions of the Community in order to obtain a solution to this problem in accordance with the provisions of the Treaties establishing the European Communities and the provisions adopted in application thereof.

DECLARATION

by the Government of the Federal Republic of Germany on the Application to Berlin of the Decision concerning Accession to the European Coal and Steel Community and of the Treaty of Accession to the European Economic Community and to the European Atomic Energy Community

The Government of the Federal Republic of Germany reserve the right to declare, when the accession of the Kingdom of Denmark, Ireland, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland to the European Coal and Steel Community takes effect and upon depositing its instrument of ratification of the Treaty concerning the accession of the abovementioned countries to the European Economic Community and to the European Atomic Energy Community, that the Decision of the Council of 22 January 1972 concerning accession to the European Coal and Steel Community and the Treaty referred to above shall equally apply to Land Berlin.

DECLARATION

by the Government of the United Kingdom of Great Britain and Northern Ireland on the Definition of the Term "Nationals"

At the time of signature of the Treaty of Accession, the Government of the United Kingdom of Great Britain and Northern Ireland make the following Declaration :

"As to the United Kingdom of Great Britain and Northern Ireland, the terms "nationals", "nationals of Member States" or "nationals of Member States and overseas countries and territories" wherever used in the Treaty establishing the European Economic Community, the Treaty establishing the European Atomic Energy Community or the Treaty establishing the European Coal and Steel Community or in any of the Community acts deriving from those Treaties, are to be understood to refer to :

(a) persons who are citizens of the United Kingdom and Colonies or British subjects not possessing that citizenship or the citizenship of any other Commonwealth country or territory, who, in either case, have the right of abode in the United Kingdom, and are therefore exempt from United Kingdom immigration control ;

(b) persons who are citizens of the United Kingdom and Colonies by birth or by registration or naturalisation in Gibraltar, or whose father was so born, registered or naturalised."

DECLARATIONS

on the Economic and Industrial Development of Ireland

At the 6th Ministerial Meeting in the negotiations between the Community and Ireland, held on 19 October 1971, Mr. A. MORO, Minister for Foreign Affairs of the Italian Republic, made, on behalf of the Community delegation, the declaration appearing under I hereinafter.

Mr. P. J. HILLERY, Minister for Foreign Affairs of Ireland, replied, on behalf of the Irish delegation, with the declaration appearing under II hereinafter.

I. *Declaration made by Mr. A. MORO, Minister of Foreign Affairs of the Italian Republic on behalf of the Community delegation*

I.

1. The Irish delegation has stressed that the Irish Government is faced with serious economic and social imbalances of a regional and structural nature. This delegation has stated that these imbalances should be remedied in order to achieve a degree of harmonisation consistent with the objectives of the Community and particularly with the realisation of economic and monetary union. The Irish delegation has asked the Community to undertake to employ its means to support the Irish Government's programmes aimed at eliminating these imbalances and to take full account of Ireland's special problems in this field in the development of a major Community regional policy at a later date.

2. The Irish delegation has submitted documents to the Community delegation indicating the general direction and the instruments of the Irish regional programmes. The Irish delegation has also explained how the Irish exporting industries are supported by tax relief. In this respect it is also a question of measures the aim of which is to do away with economic and social imbalances by the development of industry.

II.

1. The Community delegation emphasises in this connection that—as follows from the Preamble to the Treaty of Rome—the essential objectives of the Community consist in the constant improvement of the living and working conditions of the peoples of the Member States, and the harmonious development of the economies of these States by reducing the differences existing between the various regions and the backwardness of the less-favoured regions.

2. The common policies and the various instruments created by the Community in the economic and social sectors are a positive realization of the abovementioned objectives and are furthermore likely to develop. The European Social Fund has been directed along new lines. The European

Investment Bank is constantly expanding the field of its activities. At the present time, the institutions of the Community are engaged in discussions to decide the Community instruments, which it is possible to introduce, and according to what procedure, in order to achieve the objectives of the regional policy.

The aids granted by the States, including those granted by way of tax exemptions, are subject to the rules laid down in Articles 92 to 94 of the EEC Treaty. With regard to State aids for regional purposes it should be stressed that, under the terms of Article 92(3)(a) "aid to promote the economic development of areas where the standard of living is abnormally low or where there is serious under-employment" may be considered to be compatible with the common market. Experience shows that this provision is flexible enough for the Community authorities to be able to take into consideration the special requirements of the under-developed regions.

Tax exemptions—in common with all other aids existing in Ireland at the time of accession—will be studied by the Commission in the normal framework of the permanent examination of existing aids. If this examination were to reveal that it would not be possible to retain any particular aid in its existing form, it will fall to the Commission under the rules of the Treaty to establish the appropriate time limits and transitional procedures.

3. Having regard to the abovementioned special problems with which Ireland is confronted, the Community delegation proposes to annex to the Act of Accession a protocol on the economic and industrial development of Ireland.

II. *Declaration made by Mr P. J. HILLERY, Minister for Foreign Affairs of Ireland, on behalf of the Irish delegation*

I am pleased to record the Irish delegation's acceptance of the text of the proposed Protocol concerning Ireland which has been the subject of discussions between our two delegations and the background to which has been so clearly set out in your introductory statement. The text adopted will enable the Irish Government to proceed with their plans for economic and social development in the knowledge that the Community, through its institutions and agencies, will be ready to co-operate with us in the pursuit of the objectives which we have set ourselves.

I have on a number of occasions in the course of the negotiations, drawn attention to the problems posed by differences in the level of economic development in an entity such as the enlarged Community. I have endeavoured also to explain to you the difficulties which a country such as Ireland, situated on the periphery of the enlarged Community, must overcome in order to approximate its level of economic development to that of the other Member States. I am fully aware of the Community's will and purpose to achieve the aims set out in the EEC Treaty of ensuring the constant improvement of the living and working conditions of the peoples of the Member States and the harmonious development of their economies. The Protocol on which we have reached agreement today is a convincing demonstration of the Community's determination to give real content to these fundamental aims. This Protocol will be an instrument

of practical value in enabling my country to play a full part within the enlarged Community in achieving these aims. Its effectiveness for this purpose will be greatly enhanced by the development of a comprehensive Community regional policy. In this connection may I say that I am heartened by the efforts being made to deal with this important issue as part of the evolution of the Community.

In Irish circumstances, the effectiveness of development measures, whether at the national or at Community level, must be judged by progress in the reduction of unemployment and emigration and the raising of living standards. This is essentially a matter of providing for our growing work force the necessary job opportunities without which a substantial proportion of our most valuable economic resource will remain unused or be lost through emigration and the pace of economic development will be retarded.

My Government will be gratified that our discussions today have shown that Ireland's accession to the Community will enable them to maintain the drive towards the realisation of their aims as recited in the Protocol. I have particularly in mind here the continuing growth of industry which is central to our general aim of economic expansion. It is of vital importance to us that progress in this area be maintained through the application of effective measures of industrial promotion. I understand that, like any other incentive scheme, our industrial incentives will come up for examination under Community rules after accession. I note with satisfaction that you recognise the necessity for an incentive policy in Ireland but that questions may arise about the particular forms our scheme of incentives has taken while we have been outside the Community.

I would like to draw your attention to the fact that the question would arise in this connection of the commitments which we had previously entered into. We shall, of course, have to honour these commitments but we shall be ready to discuss in all its aspects the change-over to whatever new incentive system is devised and we shall collaborate in solving these problems in an appropriate way.

I am fully satisfied from what you have said about the flexible nature of the relevant Treaty provisions that in the examination of our incentives the Community institutions will take full account of our special problems. I am also satisfied in the light of the identity of aims of both the Irish government and the Community that if adjustment of these incentives is called for, the Irish government will be able to maintain the growth of Irish industry, and achieve a continuous improvement in the level of employment and living standards.

Finally, may I say in conclusion that I appreciate the sympathy and understanding which the Community has shown in its approach to and examination of the questions of our regional problems and industrial incentives which are of the greatest importance to my country. The agreement which we have reached augurs well for our future co-operation within the enlarged Community in pursuit of the fundamental aims of the Treaty. I see in this future co-operation the means by which we in Ireland can best achieve our national economic objectives.

DECLARATIONS

on Liquid Milk, Pigmeat and Eggs

At the 2nd Ministerial Meeting in the negotiations between the Community and the United Kingdom held on 27 October 1970, Mr. G. RIPPON, Chancellor of the Duchy of Lancaster, speaking on behalf of the United Kingdom delegation and Mr. W. SCHEEL, Minister of Foreign Affairs of the Federal Republic of Germany, speaking on behalf of the Community delegation, made the two following statements.

In conclusion, the two delegations noted that agreement had been reached on the basis of these two statements.

I. Statement made by Mr. G. RIPPON, Chancellor of the Duchy of Lancaster, on behalf of the United Kingdom delegation.

1. At the 1st Ministerial meeting on 21 July my predecessor said that the United Kingdom was ready to adopt the common agricultural policy within an enlarged Community. He added, however, that we should need to consider carefully a number of points, including the production, marketing and consumption implications for the United Kingdom of the Community's regimes for milk, pigmeat and eggs.

2. There has been a considerable amount of exploration and discussion since then, both with the Commission at a technical level and more generally at meetings of the Deputies. On our side the aim has been to see whether any serious problems were likely to arise and, if so, how they might best be avoided. I am pleased to be able to say that we have had a good deal of elucidation and understanding from the Community, which has helped to clarify matters considerably and leads me to hope that we may be successful in reaching agreement on these matters and thus removing them from our future agenda.

Milk

We consider it important in the interests of the Community as well as the United Kingdom that we should be able to provide adequate supplies of liquid milk to meet consumer demand throughout the country and throughout the year. We believe this will be possible in the light of the confirmation we have received from the Community about our understanding of the scope and nature of the current and proposed arrangements. It is, therefore, important that I should record the main heads of that understanding, namely:

- (i) it is one of the objectives of the common policy to use as much milk as possible for liquid consumption throughout the Community, and the policy should not be applied so as to impede this aim;
- (ii) the price differential between milk sent for processing and milk for liquid consumption contained in Council Resolution of 24

July 1966 has no legally binding effect ; it will in due time be superseded by a Community milk regulation ; and, under the existing regulations, Member States are free to fix retail prices for milk for liquid consumption, but are not obliged to do so ;

- (iii) Regulation (EEC) No 804/68 refers only to measures by national governments permitting price equalisation, and accordingly a non-governmental producer organisation, provided it acts within the provisions of the EEC Treaty and of secondary legislation deriving from it, is free by its own decisions to consign milk wherever it chooses in order to get the best return for its members, to pool its financial returns and to remunerate its members as it wishes.

Pigmeat

We consider it also in the interest of an enlarged Community, expected to be more than self-sufficient in pigmeat, to ensure adequate market stability, including stability on the United Kingdom bacon market. The Community's present system, naturally enough, took no account of this important market—absorbing annually some 640,000 tons of bacon worth over 1,000 million units of account. But it could make a great contribution to stability, not only for the United Kingdom and other bacon producers who are directly affected, but to all pig producers in the enlarged Community.

We have not concluded from our discussions that the Community's existing arrangements for pigmeat will necessarily be inadequate or unsuited for the new situation emerging from enlargement.

We do consider it essential, however, to secure your recognition of the intrinsic importance of the bacon market in an enlarged Community ; of the benefits that its continued stability under conditions of fair competition would bring to pig production throughout the whole Community ; and of the need, therefore, to keep this situation under careful review during the transitional period and thereafter.

Eggs

The enlarged Community will be self-sufficient in eggs so that prices are likely to be determined by internal market forces rather than by the operation of measures at the frontiers. Since that is already true both of the existing Community and of the United Kingdom, the market of the enlarged Community may be subject to price fluctuation no different in kind, although possibly a little greater in degree, than obtains in the individual markets today. On the other hand, the trend towards the concentration of production in the hands of specialist producers and parallel developments in marketing should reduce instability in the longer term. I therefore believe that we shall be able to adapt to the Community's arrangements.

3. If you are now able formally to confirm that our understanding of the possibilities open to us for milk is correct ; that you can accept the views I have expressed on the importance and characteristics of the bacon market in an enlarged Community and recognise the desirability of stability for

pigmeat and eggs, we for our part can agree that we need raise no further points on these items during the negotiations, except in the general context of transitional arrangements.

II. *Statement made by Mr. W. SCHEEL, Minister of Foreign Affairs of the Federal Republic of Germany, on behalf of the Community delegation*

The Community delegation subscribes to your analysis of the objectives of the common policy in the milk sector, and of existing possibilities as regards retail price fixing for liquid milk and the activities of non-governmental producer organisations. It recalls, in so far as it may be necessary, that the prohibition of national measures permitting an equalisation of prices for the various milk products stipulated in Regulation (EEC) No 804/68 applies equally to all national legislation aimed at achieving such equalisation.

The Community delegation can accept your statement on the importance and characteristics of the bacon market in an enlarged Community. In the light of the objectives pursued by the common policy in the pigmeat and eggs sectors it shares your concern for stability in these sectors.

Noting the statement by the United Kingdom delegation, the Community delegation notes with satisfaction that the existing regulations concerning the three abovementioned sectors will not have to be amended to take into account the anxieties expressed by the United Kingdom delegation.

DECLARATION

on the System for Fixing Community Farm Prices

At the 2nd Ministerial Meeting in the negotiations between the Community and the United Kingdom, held on 27 October 1970, Mr. W. SCHEEL, Minister of Foreign Affairs of the Federal Republic of Germany, on behalf of the Community delegation, made a statement on the system for fixing Community farm prices.

Mr. G. RIPPON, Chancellor of the Duchy of Lancaster, on behalf of the United Kingdom delegation, recorded his agreement to this statement. He added that he had no doubt as to the importance to all concerned of these agricultural reviews and of the intention to have effective and meaningful contacts in particular with producer organisations operating at Community level.

In conclusion, the two delegations noted that an agreement had been reached in the terms contained in the following statement made by Mr. W. SCHEEL:

"1. Since the discussions held on this subject in 1962, an annual review of the condition of agriculture and agricultural markets has been established within the Community. This comes under the procedure for fixing Community prices.

This procedure may be described as follows:

As a general rule, the various agricultural regulations stipulate that the Council, on a proposal from the Commission, shall fix for the Community each year, before 1 August, for the marketing year starting the following year, all the agricultural prices which, under the common organisation of the markets, must be fixed.

When submitting its proposals, the Commission at the same time submits an annual report on the condition of agriculture and agricultural markets. This report is submitted in accordance with the legal obligations of and the undertakings made by the Commission.

The Commission draws up this report on the basis of the relevant statistical and accounting data from all available national and Community sources.

The analysis made in the report comprises the following:

- examination of the economic condition of agriculture and of its overall development, both at national and at Community level, as well as in the general economic context ;
- examination of the market by products or groups of products, in order to provide an outline of the situation and of its characteristic trends.

The review of the data undertaken by the Commission includes, in particular, information about trends in prices and costs, employment, productivity and farm incomes.

Agricultural prices are fixed in accordance with the procedure laid down in Article 43(2) of the EEC Treaty, which means that the Assembly must be consulted.

To this end, the Commission's proposals, together with the annual report, are referred to the Assembly, where a general debate is held on the common agricultural policy.

In addition, the Economic and Social Committee, composed of representatives of the various economic and social sectors, is regularly consulted on the proposals and the report. As regards the duties of this Committee, Article 47 of the EEC Treaty lays down that its Agricultural section shall have as its task that of holding itself at the service of the Commission for the purpose of preparing the discussions of the Committee, in accordance with the provisions of Articles 197 and 198 of the EEC Treaty.

Before, during and after the drawing up by the Commission of the annual report and the price proposals, contacts take place with the professional agricultural organisations organised at Community level. These contacts include a discussion of the statistical and other data bearing on the economic conditions and prospects of agriculture, which the Commission takes into account in its report to the Council.

Because of the nature of the prices fixed under the common agricultural policy, the Commission has decided not to limit these contacts to the

agricultural sectors alone, but to maintain them also with industrial, commercial and trade union circles and with consumers.

These contacts provide an opportunity for all the interested parties to make known their views or claims. They also allow the Commission to draw up its annual report on the condition of agriculture and its proposals with regard to prices in full knowledge of the position of the interested parties.

The consultations of the Assembly and the Economic and Social Committee, during the policy-making process leading towards a final decision of the Council, combined with continual and direct contacts between the institution responsible for drawing up the report and the proposals and the organisations of the interested parties, are a sufficient guarantee that the interests of all those concerned by the decisions in question are given fair consideration.

2. It is understood that, notwithstanding this procedure, the Member States may themselves carry out annual reviews of their own agriculture, in contact with the professional organisations concerned and in accordance with their national procedures.

3. The Community delegation proposes that the Conference take formal note of the following:

- the procedures and practices within the Community, as well as in the Member States, will provide for appropriate contacts with the professional organisations concerned;
- the institutions of the Community intend to extend the practices and procedures described in paragraph 1 above to the enlarged Community;
- the application of the two preceding subparagraphs will ensure a system within the enlarged Community whereby it will be possible to review the economic conditions and prospects of agriculture and to maintain appropriate contacts with the professional producer organisations and with other interested organisations and parties.”

DECLARATIONS

on Hill Farming

At the 8th Ministerial Meeting in the negotiations between the Community and the United Kingdom, held on 21, 22 and 23 June 1971, Mr. G. RIPPON, Chancellor of the Duchy of Lancaster, on behalf of the United Kingdom delegation, made the statement appearing under I below.

Mr. M. SCHUMANN, Minister of Foreign Affairs of the French Republic, on behalf of the Community delegation, replied with the statement appearing under II below.

I. *Statement made by Mr G. RIPPON, Chancellor of the Duchy of Lancaster, on behalf of the United Kingdom delegation*

In his opening statement to the Conference of 30 June 1970 Mr. BARBER referred, amongst other agricultural issues, to the problems of hill farming areas. Parts of Scotland, Wales, Northern Ireland and of the North and South-West of England consist of hill regions, which because of climate, soil structure and geography are suitable only for extensive livestock rearing.

Farming enterprises in these areas are limited in scope and are bound to be particularly vulnerable to market conditions, so that high end-prices alone will not enable them to remain viable. Under our present system, they receive assistance, therefore, both as a part of our general economic and social policies and as part of our agricultural policies. Many of the existing members of the Community certainly have areas with similar problems and we shall of course deal with them, as you yourselves already do, in conformity with the Treaty and the common agricultural policy. I should be grateful for the Community's confirmation of my understanding that it is necessary for all members of the enlarged Community who face situations of this kind to deal with the problem of maintaining reasonable incomes of farmers in such areas.

II. *Statement made by Mr M. SCHUMANN, Minister of Foreign Affairs of the French Republic, on behalf of the Community delegation*

The Community delegation has taken careful note of the United Kingdom delegation's statement on hill farming in the United Kingdom and measures taken to support it.

In reply to this statement, the Community delegation is in a position to make the following communication:

The Community is aware of the special conditions obtaining to hill farming areas as compared with other areas of the United Kingdom, as it is, moreover, of the differences, at times very marked, between areas in the Member States of the present Community.

The special conditions obtaining in certain areas of the enlarged Community may indeed require action with a view to attempting to resolve the problems raised by these special conditions and, in particular to preserve reasonable incomes for farmers in such areas.

Such action must, of course, as you have just said, be in conformity with the provisions of the Treaty and the common agricultural policy.

PROCEDURE FOR THE ADOPTION OF CERTAIN DECISIONS AND
OTHER MEASURES TO BE TAKEN DURING THE PERIOD
PRECEDING ACCESSION

I.

INFORMATION AND CONSULTATION PROCEDURE FOR THE ADOPTION
OF CERTAIN DECISIONS

1. In order to ensure that the Kingdom of Denmark, Ireland, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland, hereinafter referred to as the "acceding States" are kept adequately informed, any proposal or communication from the Commission of the European Communities which might lead to decisions by the Council of these Communities shall be brought to the knowledge of the acceding States after being transmitted to the Council.

2. Consultations shall take place pursuant to a reasoned request by an acceding State, which shall set out expressly therein its interests as a future member of the Communities and its observations.

3. Administrative decisions shall not, as a general rule, give rise to consultations.

4. Consultations shall take place within an Interim Committee composed of representatives of the Communities and of the acceding States.

5. On the Community side, the members of the Interim Committee shall be the members of the Committee of Permanent Representatives or persons designated by them for this purpose, who shall, as a general rule, be their deputies. The Commission shall be invited to be represented in this work.

6. The Interim Committee shall be assisted by a Secretariat which shall be that of the Conference, continued for this purpose.

7. Consultations shall normally take place as soon as the preparatory work carried out at Community level with a view to the adoption of decisions by the Council has produced common guidelines enabling such consultations to be usefully arranged.

8. If serious difficulties remain after consultations, the matter may be raised at Ministerial level at the request of an acceding State.

9. The procedure laid down in the above paragraphs shall also apply to any decision to be taken by the acceding States which might affect the commitments resulting from their position as future members of the Communities.

II.

The Kingdom of Denmark, Ireland, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland shall take the necessary measures to ensure that their accession to the agreements or conventions referred to in Articles 3 (2) and 4 (2) of the Act concerning

the Conditions of Accession and the Adjustments to the Treaties coincides so far as possible, and under the conditions laid down in that Act, with the entry into force of the Treaty of Accession.

In so far as the agreements or conventions between the Member States, referred to in the second sentence of Article 3(1) and in Article 3(2), exist only in draft, have not yet been signed, and probably cannot be signed in the period before accession, the acceding States will be invited to be associated, after the signature of the Treaty of Accession and in accordance with appropriate procedures, in the preparation of those drafts in a positive spirit and in such manner as to facilitate their conclusion.

III.

With regard to the negotiation of the agreements envisaged with the EFTA States which have not applied for membership of the European Communities, and the negotiation of certain adjustments to the preferential agreements concluded under the Treaties establishing the European Communities, the representatives of the acceding States shall be associated with the work as observers, side by side with the representatives of the original Member States.

Certain non-preferential agreements concluded by the Community which remain in force after 1 January 1973 may be the subject of adaptations or adjustments in order to take account of the enlargement of the Community. These adaptations or adjustments will be negotiated by the Community in association with the representatives of the acceding States in accordance with the procedure under the preceding paragraph.

IV.

With regard to the Treaty on the Non-Proliferation of Nuclear Weapons, the Kingdom of Denmark, Ireland and the Kingdom of Norway shall coordinate their positions with that of the European Atomic Energy Community when negotiating a verification agreement with the International Atomic Energy Agency. With regard to the control agreements which they might conclude with the Agency, they shall ask for the inclusion in these agreements of a clause allowing them to replace these agreements as soon as possible after accession by the verification agreement which the Community may conclude with the Agency.

In the period preceding accession the United Kingdom and the Community shall enter into consultations occasioned by the fact that the control and inspection system applicable under the agreement between several Member States and the European Atomic Energy Community on the one hand and the International Atomic Energy Agency on the other hand will be accepted by the United Kingdom.

V.

The consultations between the acceding States and the Commission provided for in Article 120(2) of the Act concerning the Conditions of Accession and the Adjustments to the Treaties, shall take place before accession.

VI.

The acceding States undertake that the granting of the licences referred to in Article 2 of Protocols Nos 25 to 28 on the exchange of information in the field of nuclear energy shall not be deliberately accelerated before accession with a view to reducing the scope of the commitments contained in those Protocols.

VII.

The institutions of the Community shall, in due course, draw up the texts referred to in Article 153 of the Act concerning the Conditions of Accession and the Adjustments to the Treaties.

VIII.

The Community shall adopt the necessary provisions to ensure that the measures provided for in Protocol No 19 on spirituous beverages obtained from cereals shall enter into force on accession.

SIGNATURES TO TREATY AND FINAL ACT

Belgium
Denmark
France
Germany, Federal Republic of
Italy
Ireland, Republic of
Luxembourg
Netherlands
Norway
United Kingdom

RATIFICATIONS

Belgium	20 December 1972
Denmark	18 October 1972
France	19 December 1972
Germany, Federal Republic of	22 December 1972
Italy	29 December 1972
Ireland, Republic of	16 December 1972
Luxembourg	28 December 1972
Netherland	28 December 1972
United Kingdom	18 October 1972

2. *Commission Regulation (EEC) No. 1027/68* of 22 July 1968
OJ No. L 174/14, 23 July 1968

as amended by:

- Commission Regulation (EEC) No. 705/71* of 31 March 1971
OJ No. L 77/79, 1 April 1971
Article 8, concerning trade with Denmark, is deleted.

The text of Article 9 is replaced by the following:

“ Subject to the provisions of Article 6 of Commission Regulation (EEC) No. 1026/68 of 22 July 1968, on the calculation of a special import price for calves and adult bovine animals, the levies referred to in Article 10 (1) of Regulation (EEC) No. 805/68 shall be fixed once weekly and shall be valid from the Monday following the fixing.”

3. *Commission Regulation (EEC) No. 1097/68* of 27 July 1968
OJ No. L 184/5, 29 July 1968

as amended by:

- Commission Regulation (EEC) No. 1261/68* of 20 August 1968
OJ No. L 208/7, 21 August 1968
- Commission Regulation (EEC) No. 1556/68* of 4 October 1968
OJ No. L 244/15, 5 October 1968
- Commission Regulation (EEC) No. 1585/68* of 10 October 1968
OJ No. L 248/16, 11 October 1968
- Commission Regulation (EEC) No. 1809/69* of 12 September 1969
OJ No. L 232/6, 13 September 1969
- Commission Regulation (EEC) No. 1795/71* of 17 August 1971
OJ No. L 187/5 19 August 1971

The following are inserted at the end of Article 9 (1):

“ this copy of the contract entitles to the special import arrangements provided for in Article 14 (3), subparagraph (b) (aa) of Regulation (EEC) No. 805/68 ”

“ Dette kontrakteksemplar berettiger til at nyde godt af den særlige importordning, der er omhandlet i artikel 14, stk. 3, litra b, underlitra aa, i forordning (EØF) nr. 805/68 ”

“ Dette kontrakteksemplar berettiger til å nyte godt av den særlige importordning som er omhandlet i artikkel 14 nr. 3 b) aa, i forordning (EØF) nr. 805/68 ”

(k) TOBACCO

- Commission Regulation (EEC) No. 1726/70* of 25 August 1970
OJ No. L 191/1, 27 August 1970

as amended by:

- Commission Regulation (EEC) No. 2596/70* of 21 December 1970

The following are inserted at the end of Article 4 (1) (a):
“ leaf tobacco harvested in the Community ”
“ tobaksblade høstet i Fællesskabet ”
“ bladtabakk innhøstet innen Fellesskapet ”

The following are inserted at the end of Article 4 (1) (b):
“ leaf tobacco imported from third countries ”
“ tobaksblade importeret fra tredjelande ”
“ bladtabakk importert fra tredjeland ”

The following are inserted at the end of the third paragraph of Article 5:
“ tobacco imported from third countries ”
“ tobak importeret fra tredjelande ”
“ tobakk importert fra tredjeland ”

(i) FISHERIES

1. *Council Regulation (EEC) No. 2142/70* of 20 October 1970
OJ No. L 236/5, 27 October 1970

In Article 6, paragraph 3 is replaced by the following:

“ 3. The original Member States may continue to make available the aid granted to producers' organizations established prior to the entry into force of this Regulation and new Member States may continue to make available the aid granted to producers' organizations established prior to the date of accession, in order to facilitate their adaptation and operation within the framework of the measures referred to in Article 5 (1), provided that the amount and duration of such aid does not exceed any aid which may be granted under paragraph 1.”

After Article 7, a new article is inserted:

“ Article 7a

Where the producers' organization is considered to be representative of production and of the market in a given economic area, exclusive recognition may be granted by Member States to that one producers' organization in fishery products.

Producers who are not members of the producers' organization which has been granted such recognition, and who unload their products within the region concerned, may be required by the Member States to comply with:

- (a) the common production and marketing rules referred to in the second indent of the second subparagraph of Article 5 (1);
- (b) rules adopted by the organization concerned and relating to the withdrawal price, where the latter is equal to or higher than the price fixed in application of Article 10 (5), but not exceeding the guide price, and where it is in accordance with the provisions made in applica-

tion of the third subparagraph of Article 7 (1).”

In Article 10 (4), the second subparagraph is replaced by the following:

“In order to ensure that producers in landing areas which are very distant from the main centres of consumption in the Community have access to markets under satisfactory conditions, the price referred to in the preceding subparagraph may be multiplied by conversion factors for these areas; these factors shall be determined in such a way that the differences between the prices thus converted correspond to the price disparities expected in the case of normal production on the basis of natural conditions of price formation on the market.

The Council, acting in accordance with the voting procedure laid down in Article 43 (2) of the EEC Treaty on a proposal from the Commission, shall adopt general rules for determining the percentage of the guide price to be used in calculating the withdrawal price, and for determining the landing areas referred to in the preceding subparagraph.

On the basis of a report by the Commission, the Council shall examine the possible consequences of applying the conversion factors to the calculation of financial compensation made taking into account the position of fishermen in very distant areas. The Council, acting in accordance with the voting procedure referred to in the preceding subparagraph on a proposal from the Commission, shall adopt the necessary decisions.”

After Article 25, a new Article is inserted:

“Article 25a

For frozen products, the Council, acting in accordance with the procedure laid down in Article 43 (2) of the EEC Treaty, shall, to the fullest extent necessary, adopt appropriate provisions to avoid unstable prices and unequal conditions of competition between fish frozen on board and fish frozen on land. The Council, acting in accordance with the same procedure, shall also adopt appropriate measures to remedy the difficulties which could arise with regard to the stability of supply.”

2. *Council Regulation (EEC) No. 166/71 of 26 January 1971*
OJ No. L 23/3, 29 January 1971

The following are inserted at the end of Article 10 (1) b:

- “shrimps”
- “grå rejer”
- “strandreker”

(m) HOPS

- Council Regulation (EEC) No. 1696/71 of 26 July 1971*
OJ No. L 175/1, 4 August 1971

In Article 17 (5), the amount:

“ 1.6 million units of account ”

is replaced by:

“ 2.4 million units of account.”

C. ACTS OF A GENERAL NATURE

1. *Commission Regulation (EEC) No. 1373/70* of 10 July 1970
OJ No. L 158/1, 20 July 1970

as amended by:

—*Commission Regulation (EEC) No. 2638/70* of 23 December 1970
OJ No. L 283/34, 29 December 1970

In Article 6, paragraph 3 is replaced by the following:

“ 3. The time limits fixed in this Article shall be:

- (a) later by one hour in Italy during the period when Summer Time is in force in that Member State,
- (b) earlier by one hour in Ireland and in the United Kingdom during the period when Summer Time is not in force in those Member States.”

In the second subparagraph Article 12 (4) the second sentence is replaced by the following:

“ The number shall be preceded by the following letters according to the country issuing the document: B for Belgium, DK for Denmark, D for Germany, F for France, IR for Ireland, I for Italy, L for Luxembourg, NL for the Netherlands, N for Norway and UK for the United Kingdom. ”

2. *Commission Regulation (EEC) No. 2637/70* of 23 December 1970
OJ No. L 283/15, 29 December 1970

as amended by:

—*Commission Regulation (EEC) No. 434/71* of 26 February 1971
OJ No. L 48/71, 27 February 1971

—*Commission Regulation (EEC) No. 435/71* of 26 February 1971
OJ No. L 48/72, 27 February 1971

—*Commission Regulation (EEC) No. 589/71* of 19 March 1971
OJ No. L 67/15, 20 March 1971

—*Commission Regulation (EEC) No. 952/71* of 7 May 1971
OJ No. L 103/11, 8 May 1971

—*Commission Regulation (EEC) No. 1391/71* of 30 June 1971
OJ No. L 145/44, 1 July 1971

—*Commission Regulation (EEC) No. 1605/71* of 26 July 1971
OJ No. L 168/13, 27 July 1971

—*Commission Regulation (EEC) No. 1607/71* of 26 July 1971
OJ No. L 168/16, 27 July 1971

—*Commission Regulation (EEC) No. 1614/71* of 26 July 1971
OJ No. L 168/34, 27 July 1971

—*Commission Regulation (EEC) No. 2128/71* of 4 October 1971
OJ No. L 224/16, 5 October 1971

—*Commission Regulation (EEC) No. 2195/71* of 13 October 1971

The following are inserted at the end of the second subparagraph of Article 8(2):

- “ without cash refund ”
- “ uden kontant restitution ”
- “ uten restitusjon i kontanter ”

The following are inserted at the end of the fourth subparagraph of Article 8(3):

- “ exempt from levies ”
- “ fritagelse for importafgift ”
- “ fritakelse for importavgift ”

The following are inserted at the end of the first paragraph of Article 10:

- “ the quantity relates to the standard quality ”
- “ mængden refererer til standardkvaliteten ”
- “ mengden refererer seg til standardkvaliteten ”

In Article 11(2) (b), the following words are deleted:

- “ Denmark ” and “ Great Britain ”

The following are inserted at the end of the second subparagraph of Article 16(1):

- “ valid for . . . (quantity given in figures and in letters) ”
- “ gyldig for . . . (mængde i tal og bogstaver) ”
- “ gyldig for . . . (mengden i tall og bokstaver) ”

The following are inserted at the end of the first subparagraph of Article 18:

- “ the abbreviations AAMS/OCT ”
- “ forkortelserne A.A.S.M./O.L.T. ”
- “ forkortelsene A.A.S.M./O.L.T. ”

The following are inserted at the end of the second paragraph of Article 18:

- “ levy applied for in accordance with Article 3(2) of Regulation No. 540/70 ”
- “ importafgift begæres i overensstemmelse med artikel 3, stk. 2, i forordning nr. 540/70 ”
- “ importavgift begjært i samsvar med artikkel 3 nr. 2 i forordning nr. 540/70 ”

The following are inserted at the end of the first paragraph of Article 19:

- “ food aid ”
- “ fødevarerhjælp ”
- “ matvarerhjælp ”

The following are inserted at the end of Article 30(2):

- “ Tender Regulation No..... (OJ No.....;.....) ”
- “ final date for the submission of tenders expiring on..... ”
- “ licitationsforordning nr..... (EFT nr.....) ”
- “ af.....) tilbudsfristen udløber..... ”

“forordning om anbudsudskrivning nr..... (O.K. nr..... av.....) fristen for å presentere tilbudene utløper den.....”

The following are inserted at the end of the first paragraph of Article 31:
“for export in pursuance of Article 25 of Regulation No. 1009/67/EEC”

“til eksport i medfør af artikel 25 i forordning nr. 1009/67/EØF”

“til eksport i henhold til artikkel 25 i forordning nr. 1009/67/EØF”

The following are inserted at the end of the second paragraph of Article 31:
Article 31:

“for export without refund”

“til eksport uden restitution”

“til eksport uten restitusjon”

In Article 35(2)(b), the heading:

“ex 04.04 EI(b) 1 Cheddar and Chester for export to Area E” is deleted.

In Article 35, paragraph 4 is deleted.

The following are inserted at the end of the first subparagraph of Article 36(1):

“target quantity”

“anslået mængde”

“anslått mengde”

The following are inserted at the end of the second subparagraph of Article 36(3):

“additional licence”

“ekstra licens”

“utfyllende lisens”

The following are inserted at the end of Article 41(1):

“meat intended for processing—system (bb) . . .”

“kød bestemt til forarbejdning—ordning bb . . .”

“kjøtt bestemt til foredling—bb reglene . . .”

The following are inserted at the end of Article 41(2):

“suspension of the levy at . . . % in respect of . . .
(quantity in figures and in letters) kg”

“nedsættelse af importafgiften til . . . % for . . .
(kvantum i tal og bogstaver) kg”

“suspensjon av importavgiften til et beløp på . . . % for . . .
(mengde i tall og bokstaver) kg”

The following are inserted at the end of the second subparagraph of Article 47(1):

“density tolerance of 0.03”

“tolerance for vægtfylde på 0,03”

“tillatt avvik i romvekt på 0,03”

The following are inserted at the end of the second subparagraph of Article 49(2):

“tolerance of 0.4 degree”

“tolerance 0,4 grader”

“tillatt avvik på 0,4 grader”

D. LEGISLATION ON SEEDS AND PLANTS

1. Council Directive No 66/401/EEC of 14 June 1966

OJ No. 125/2298, 11 July 1966

as amended by :

—*Council Directive No 69/63/EEC* of 18 February 1969

OJ No. L 48/8, 26 February 1969

—*Council Directive No 71/162/EEC* of 30 March 1971

OJ No. L 87/24, 17 April 1971

In Article 14, a new paragraph is inserted, worded as follows :

“ 1a. The Commission, in accordance with the procedure provided for in Article 21, shall for the marketing of forage crop seeds authorize, in respect of the whole or parts of the territory of one or more Member States, provisions which are more strict than those laid down in Annex II concerning the presence of *Avena fatua* in those seeds, if similar provisions are applied to the home production of those seeds and if there is a campaign to eradicate *Avena fatua* from forage crops grown in the region in question.”

2. Council Directive No 66/402/EEC of 14 June 1966

OJ No. 125/2309, 11 July 1966

as amended by :

—*Council Directive No 69/60/EEC* of 18 February 1969

OJ No. L 48/1, 26 February 1969

—*Council Directive No 71/162/EEC* of 30 March 1971

OJ No. L 87/24, 17 April 1971

In Article 14, a new paragraph is inserted, worded as follows :

“ 1a. The Commission, in accordance with the procedure provided for in Article 21, shall for the marketing of cereal seeds authorize, in respect of the whole or parts of the territory of one or more Member States, provisions which are more strict than those laid down in Annex II concerning the presence of *Avena fatua* in those seeds, if similar provisions are applied to the home production of those seeds and if there is a campaign to eradicate *Avena fatua* from cereals grown in the region in question.”

3. Council Directive No 70/457/EEC of 29 September 1970

OJ No. L 225/1, 12 October 1970

The following subparagraph is inserted at the end of Article 3(3):

“ With regard to the new Member States, the date 1 July 1970 referred to above shall be replaced by the date 1 January 1973.”

The following subparagraph is inserted at the end of Article 15(1):

“ With regard to the new Member States, the date 1 July 1972 referred to above shall be replaced by the date 1 July 1973.”

The following subparagraph is inserted at the end of Article 16(1):

“ With regard to the new Member States, the date 1 July 1972 referred to above shall be replaced by the date 1 July 1973.”

The following paragraph is inserted at the end of Article 17:

“ With regard to the new Member States, the date 1 July 1972

referred to above shall be replaced by the date 1 July 1973.”

4. *Council Directive No. 70/458/EEC* of 29 September 1970

OJ No. L 225/7, 12 October 1970

as amended by :

—*Council Directive No. 71/162/EEC* of 30 March 1971

OJ No. L 87/24, 17 April 1971

The following subparagraph is inserted at the end of Article 9(1):

“With regard to the new Member States, the dates 1 July 1970 and 30 June 1975 referred to above shall be replaced respectively by the dates 1 January 1973 and 31 December 1977.”

The following subparagraph is inserted at the end of Article 9(2):

“With regard to the new Member States, the date 1 July 1970 referred to above shall be replaced by the date 1 January 1973.”

The following subparagraph is inserted at the end of Article 12(1):

“With regard to the new Member States, the date 1 July 1970 referred to above shall be replaced by the date 1 January 1973.”

The following subparagraph is inserted at the end of Article 16(4):

“With regard to the new Member States, the date 1 July 1972 referred to above shall be replaced by the date 1 July 1973.”

The following subparagraph is inserted at the end of Article 26(2):

“With regard to the new Member States, the date 1 July 1970 referred to above shall be replaced by the date 1 January 1973.”

The following are inserted at the end of Annex II 3(a):

(a) after the line concerning *Asparagus officinalis*, are inserted: the following species is inserted: “*Beta vulgaris* (Cheltenham beet variety)”, and in the columns relating to minimum specific purity, the maximum amount of seeds of other plant varieties and the minimum germinating factor, the following percentages respectively are inserted:

“97-0.5-50 (glomerules)”

(b) “*Beta vulgaris* (all varieties)” is replaced by :

“*Beta vulgaris* (other varieties)”

E. AGRICULTURAL STATISTICS

1. *Council Directive No. 68/161/EEC* of 27 March 1968

OJ No. L 76/13, 28 March 1968

as corrected by :

Corrigendum to *Council Directive No. 68/161/EEC* of 27 March 1968

OJ No. L 132/15, 14 June 1968

The following sentence is inserted at the end of Article 1(1)(b):

“The new Member States shall carry out this study during 1973”.

2. *Council Directive No. 69/400/EEC* of 28 October 1969

OJ No. L 288/1, 17 November 1969

The following subparagraph is inserted at the end of Article 6(2):

“In the case of the new Member States, the information at their disposal shall be forwarded as early as possible following accession”.

F. VETERINARY LEGISLATION

1. *Council Directive No. 64/432/EEC* of 26 June 1964

OJ No. 121/1977, 29 July 1964

as amended by:

—*Council Directive No. 66/600/EEC* of 25 October 1966

OJ No. 192/3294, 27 October 1966

—*Council Directive No. 70/360/EEC* of 13 July 1970

OJ No. L 157/40, 18 July 1970

—*Council Directive No. 71/285/EEC* of 19 July 1971

OJ No. L 179/1, 9 August 1971

The date given in the second subparagraph of Article 7(1), point C, is replaced by the date 31 December 1977.

In Annex F:

- (a) —the reference (3) is inserted in point IV, in the fifth line of the certificate at Specimen I, after the word “boat”
- the reference (4) is inserted in point IV, in the fifth line of the certificate at Specimen II, after the word “boat”
- the reference (3) is inserted in point IV, in the fifth line of the certificate at Specimen III, after the word “boat”
- the reference (4) is inserted in point IV, in the fifth line of the certificate at Specimen IV’ after the word “boat”.
- (b) —footnote (3) of the certificate at Specimen I
- footnote (4) of the certificate at Specimen II
- footnote (3) of the certificate at Specimen III
- footnote (4) of the certificate at Specimen IV

are replaced by the following sentence :

“In the case of trucks and lorries, state the registration number, in the case of aircraft, the flight number, and in the case of boats, the name.”

2. *Council Directive No. 64/433/EEC* of 26 June 1964

OJ No. 121/2012, 29 July 1964

as amended by :

—*Council Directive No. 66/601/EEC* of 25 October 1966

OJ No. 192/3302, 27 October 1966

—*Council Directive No. 69/349/EEC* of 6 October 1969

OJ No. L 256/5, 11 October 1969

—*Council Directive No. 70/486/EEC* of 27 October 1970

OJ No. L 239/42, 30 October 1970

In Annex I, Chapter IX, point 40, the third indent of subparagraph 1, and point 43, the third indent of subparagraph 3 are replaced by the phrase :

“—in the lower part, one of the initials CEE—EEG—EWG—EØF—EEC.”

In Annex II, footnote 3 of the specimen certificate of health is replaced by the sentence :

“In the case of trucks and lorries, state the registration number, in the case of aircraft, the flight number, and in the case of boats, the name.”

3. *Council Directive No. 71/118/EEC* of 15 February 1971
OJ No. L 55/23, 8 March 1971

The following sentence is added to the first subparagraph of Annex I, Chapter II, point 2(b):

“However, within those Member States which have laid down that pigeons must be slaughtered in accordance with the provisions of this Directive, fresh meat from such pigeons may be stored in the same premises as fresh meat from domestic animals belonging to the species referred to in Article 1(1).”

The following sentence is added to the text of No. 16 in Annex I, Chapter IV :

“However, stunning may be omitted if it is forbidden by a religious rite.”

In Annex I, Chapter VII, point 31, the third indent of subparagraph 2(a) and the third indent of subparagraph 2(c) are replaced by the phrase :

“—in the lower part, one of the initials CEE—EEG—EWG—EØF—EEC.”

The following sentence is added to the text of point 1(a) in Annex II:

“When such a certificate has not been issued in a Member State, it may be replaced by a statement under oath or solemn affirmation made by the person concerned in the presence of a legal or administrative authority, a notary or a qualified professional body of that Member State.”

In Annex IV, footnote 3 of the specimen certificate of health is replaced by the sentence :

“In the case of trucks and lorries, state the registration number, in the case of aircraft, the flight number, and in the case of boats, the name.”

III. RIGHT OF ESTABLISHMENT, FREEDOM TO PROVIDE SERVICES, COORDINATION OF PROCEDURES IN THE FIELD OF PUBLIC WORKS CONTRACTS AND APPROXIMATION OF LEGISLATION

A. AGRICULTURE, FORESTRY, HORTICULTURE, FISHERIES

1. *Council Directive No. 65/1/EEC* of 14 December 1964
OJ No. 1/65, 8 January 1965

The following is inserted at the end of Article 5(2):

“(d) In Denmark:

- the requirement that persons not resident in Denmark and companies and firms not registered there wishing to acquire immovable property obtain prior authorization from the Ministry of Justice (Law of 23 December 1959 on the acquisition of immovable property) ”.

Article 6(2) is replaced by the following:

“ 2. Where the country of origin or the country whence the beneficiary comes does not issue such documentary proof of good repute or documentary proof of no previous bankruptcy, such proof may be replaced by a declaration on oath—or, in States where there is no provision for declaration on oath, by a solemn declaration—made by the person concerned before a competent judicial or administrative authority, or where appropriate a notary, in the country of origin or in the country whence that person comes; such authority or notary will issue a certificate attesting the authenticity of the declaration on oath or solemn declaration. A declaration in respect of no previous bankruptcy may also be made before a competent professional or trade body in the said country.”

2. *Council Directive No. 67/530/EEC* of 25 July 1967
OJ No. 190/1, 10 August 1967

The following is inserted at the end of Article 3(2):

“ in Denmark:

— the requirement that persons not resident in Denmark and companies and firms not registered there wishing to acquire immovable property obtain prior authorization from the Ministry of Justice (Law of 23 December 1959 on the acquisition of immovable property);

in Norway:

— the requirement that persons breeding reindeer be of Norwegian nationality (Law of 12 May 1933).”

3. *Council Directive No. 67/531/EEC* of 25 July 1967
OJ No. 190/3, 10 August 1967

The following is inserted at the end of Article 3(2):

“ in Denmark:

— the requirement that persons not resident in Denmark and companies and firms not registered there wishing to acquire immovable property obtain prior authorization from the Ministry of Justice (Law of 23 December 1959 on the acquisition of immovable property) ”.

4. *Council Directive No. 67/532/EEC* of 25 July 1967
OJ No. 190/5, 10 August 1967

The following is inserted at the end of Article 2(1)(b):

“ in the United Kingdom:

“ Cooperative association ” (Finance Act 1965, section 70(9));

in Ireland:

“ Cooperative society ” (Industrial and Provident Societies Acts, 1893-1966);

in Denmark:

“ Andelsselskab ”;

in Norway:

“ Kooperativer ”.

5. *Council Directive No. 67/654/EEC* of 24 October 1967
OJ No. 263/6, 30 October 1967

The following is inserted at the end of Article 3(2)

“(d) in Denmark:

- the requirement that persons not resident in Denmark and companies and firms not registered there wishing to acquire immovable property obtain prior authorization from the Ministry of Justice (Law of 23 December 1959 on the acquisition of immovable property);

(e) in Norway:

- the rule restricting acquisition of forest land to Norwegian nationals (Law of 18 September 1909).”

Article 6(2) is replaced by the following:

“Where the country of origin or the country whence the beneficiary comes does not issue such documentary proof of good repute or documentary proof of no previous bankruptcy, such proof may be replaced by a declaration on oath—or, in States where there is no provision for declaration on oath, by a solemn declaration—made by the person concerned before a competent judicial or administrative authority, or where appropriate a notary, in the country of origin or in the country whence that person comes; such authority or notary will issue a certificate attesting the authenticity of the declaration on oath or solemn declaration. A declaration in respect of no previous bankruptcy may also be made before a competent professional or trade body in the said country.”

6. *Council Directive No. 68/192/EEC* of 5 April 1968
OJ No. L 93/13, 17 April 1968

The following is inserted at the end of Article 3(2):

“in Denmark:

- the rule restricting the granting and extension of loans guaranteed on certain favourable terms for small farmers to Danish nationals (§ 5(1) of Law No. 117 of 10 April 1967 on small farmers).”

7. *Council Directive No. 71/18/EEC* of 16 December 1970
OJ No. L 8/24, 11 January 1971

The following is inserted at the end of Article 3(2):

“(c) in Denmark:

- the requirement that persons not resident in Denmark and companies and firms not registered there wishing to acquire immovable property obtain prior authorization from the Ministry of Justice (Law of 23 December 1959 on the acquisition of immovable property).”

Article 7(2) is replaced by the following:

“Where the country of origin or the country whence the beneficiary comes does not issue such documentary proof of good repute

or documentary proof of no previous bankruptcy, such proof may be replaced by a declaration on oath—or, in States where there is no provision for declaration on oath, by a solemn declaration—made by the person concerned before a competent judicial or administrative authority, or where appropriate a notary, in the country of origin or in the country whence that person comes; such authority or notary will issue a certificate attesting the authenticity of the declaration on oath or solemn declaration. A declaration in respect of no previous bankruptcy may also be made before a competent professional or trade body in the said country.”

B. MINING AND QUARRYING, ELECTRICITY, GAS AND WATER

1. *Council Directive No. 64/428/EEC* of 7 July 1964 OJ No. 117/1871, 23 July 1964

The following is inserted at the end of Article 4(2):

“(e) in the United Kingdom:

—limiting issue of licences for oil and natural gas exploration or production to persons who are citizens of the United Kingdom and Colonies and are resident in the United Kingdom or who are bodies corporate incorporated in the United Kingdom (Regulation No. 4 of the Petroleum (Production) Regulations 1966);

(f) in Denmark:

—the requirement that persons not resident in Denmark and companies and firms not registered there wishing to acquire immovable property obtain prior authorization from the Ministry of Justice (Law of 23 December 1959 on the acquisition of immovable property);

(g) in Norway:

—the rule prohibiting foreign citizens, and companies or firms, associations (korporasjoner) and foundations (stiftelser) not having their registered office in Norway and their managing body composed entirely of Norwegian citizens, from engaging in exploration activities or submitting declarations and applications for licences (Law of 14 July 1842, § 66);

—the rule exempting Norwegian citizens from the obligation to obtain a licence upon the acquisition of licensable deposits or mines through inheritance or through transfer within the family, etc. (Law No. 16 of 14 December 1917, § 11(1));

—the like provisions in respect of the acquisition of deposits of limestone (Law No. 5 of 3 July 1914, § 2(a));

—the like provisions in respect of the acquisition of deposits of quartz (Law No. 3 of 17 June 1949, § 2(a));

—the general rule that any company or firm, association (korporasjon) or foundation (stiftelse) to whom a licence is granted to acquire or work licensable deposits or mines should have its

- registered office in Norway and a board the majority of whose members, including the chairman, are Norwegian nationals (Law No. 16 of 14 December 1917, § 13(1));
- the like provisions in respect of the acquisition of deposits of limestone (Law No. 5 of 3 July 1914, § 4);
- the like provisions in respect of the acquisition of deposits of quartz (Law No. 3 of 17 June 1949, § 4).”

Article 6(2) is replaced by the following:

“Where the country of origin or the country whence the beneficiary comes does not issue such documentary proof of good repute or documentary proof of no previous bankruptcy, such proof may be replaced by a declaration on oath—or, in States where there is no provision for declaration on oath, by a solemn declaration—made by the person concerned before a competent judicial or administrative authority, or where appropriate a notary, in the country of origin or in the country whence that person comes; such authority or notary will issue a certificate attesting the authenticity of the declaration on oath or solemn declaration. A declaration in respect of no previous bankruptcy may also be made before a competent professional or trade body in the said country.”

2. *Council Directive No. 66/162/EEC* of 28 February 1966

OJ No. 42/584, 8 March 1966

The following is inserted at the end of Article 4(2):

“(e) in Denmark:

- the requirement that persons not resident in Denmark and companies and firms not registered there wishing to acquire immovable property obtain prior authorization from the Ministry of Justice (Law of 23 December 1959 on the acquisition of immovable property);

(f) in Norway:

- the rule restricting the granting of licences to acquire falls of water to companies or firms, associations (korporasjoner) and foundations (stiftelser) which have their registered office in Norway and a board the majority of whose members, including the chairman, are Norwegian nationals (Law No. 16 of 14 December 1917, § 2);
- the rule restricting the granting of licences to acquire a right of use over falls of water belonging to the State or to Norwegian local authorities to the companies or firms mentioned above or to Norwegian citizens (§ 5 of the said Law);
- the rule exempting Norwegian citizens from the obligation to obtain a licence upon the acquisition of falls of water through inheritance or through transfer within the family, etc. (§ 1(2) of the said Law);
- the special rights enjoyed by Norwegian citizens as regards

certain methods of acquiring falls of water (§ 3 of the said Law).”

Article 7(2) is replaced by the following:

“ Where the country of origin or the country whence the beneficiary comes does not issue such documentary proof of good repute or documentary proof of no previous bankruptcy, such proof may be replaced by a declaration on oath—or, in States where there is no provision for declaration on oath, by a solemn declaration—made by the person concerned before a competent judicial or administrative authority, or where appropriate a notary, in the country of origin or in the country whence that person comes; such authority or notary will issue a certificate attesting the authenticity of the declaration on oath or solemn declaration. A declaration in respect of no previous bankruptcy may also be made before a competent professional or trade body in the said country.”

3. *Council Directive No. 69/82/EEC* of 13 March 1969
OJ No. L 68/4, 19 March 1969

The following is inserted at the end of Article 3(2) :

“(d) in the United Kingdom :

—limiting issue of licences for oil and natural gas exploration to persons who are citizens of the United Kingdom and Colonies and are resident in the United Kingdom or who are bodies corporate incorporated in the United Kingdom (Regulation No. 4 of the Petroleum (Production) Regulations 1966);

(e) in Denmark :

—making it obligatory for persons not resident in Denmark and companies and firms not registered there wishing to acquire immovable property to obtain prior authorization from the Ministry of Justice (Law of 23 December 1959 on the acquisition of immovable property);

(f) in Norway :

—prohibiting the acquisition of rights of ownership or rights of user in immovable property by any natural or legal person other than the Norwegian State, Norwegian local authorities, Norwegian citizens and companies, firms, associations (korporasjoner) and foundations (stiftelser) registered in Norway, having a board of directors who are exclusively Norwegian and, as regards companies, having a registered capital which is at least eight-tenths Norwegian (Law No. 16 of 14 December 1917, Chapter III);

—restricting the rights of foreign nationals to acquire shares in companies having rights of property or user in immovable property (§ § 37 and 37a(2) of the same law).”

Article 5(2) is replaced by the following :

“ Where the country of origin or the country whence the beneficiary comes does not issue such documentary proof of good repute or documentary proof of no previous bankruptcy, such proof may be replaced by a declaration on oath—or, in States where there is no provision for declaration on oath, by a solemn declaration—made by the person concerned before a competent judicial or administrative authority, or where appropriate a notary, in the country of origin or in the country whence that person comes; such authority or notary will issue a certificate attesting the authenticity of the declaration on oath or solemn declaration. A declaration in respect of no previous bankruptcy may also be made before a competent professional or trade body in the said country.”

C. MANUFACTURING INDUSTRIES

1. *Council Directive No. 68/365/EEC* of 15 October 1968

OJ No. L 260/9, 22 October 1968

The following is inserted at the end of Article 3(2):

“(d) in Denmark :

- the requirement that members of the board of directors of companies or firms authorized to produce alcohol and yeast be of Danish nationality (§ 3(1) of Law No. 74 of 15 March 1934 on alcohol and yeast);
- the requirement that persons not resident in Denmark and companies and firms not registered there wishing to acquire immovable property obtain prior authorization from the Ministry of Justice (Law of 23 December 1959 on the acquisition of immovable property);

(e) in Norway :

- the rule prohibiting the acquisition of rights of ownership or use in respect of immovable property by any natural or legal person other than the Norwegian State, Norwegian local authorities, Norwegian citizens and companies or firms, associations (korporasjoner) and foundations (stiftelser) registered in Norway, having a board of directors consisting solely of Norwegian citizens and, as regards companies or firms, having a capital which is at least eight-tenths Norwegian-owned (Law No. 16 of 14 December 1917, Chapter III);
- the restrictions on the right of foreign nationals to acquire shares in companies or firms having rights of ownership or use in respect of immovable property (§§ 37 and 37a(2) of the said Law);
- the rule restricting the granting of licences to acquire the means of generating electricity in excess of a specified amount to companies or firms, associations (korporasjoner) and foundations (stiftelser) having their registered office in

Norway and having a board of directors of whom a majority, including the chairman, are Norwegian citizens (§ 23(1) of the said Law);

—the power to attach to such licences a right on the part of the State subsequently to buy out the holder where such holder is a foreign national or a foreign company or firm (§ 23(7) of the said Law);

—the rule making the issue of a licence to practise as a craftsman (håndverksbrev) conditional on prior residence in Norway (Law of 19 June 1970 on small craft activities (håndverk), § 7).”

The second subparagraph of Article 6(1) is replaced by the following:

“Where the country of origin or the country whence the beneficiary comes does not issue such documentary proof of good repute or documentary proof of no previous bankruptcy, such proof may be replaced by a declaration on oath—or, in States where there is no provision for declaration on oath, by a solemn declaration—made by the person concerned before a competent judicial or administrative authority, or where appropriate a notary, in the country of origin or in the country whence that person comes; such authority or notary will issue a certificate attesting the authenticity of the declaration on oath or solemn declaration. A declaration in respect of no previous bankruptcy may also be made before a competent professional or trade body in the said country”.

2. *Council Directive No. 64/429/EEC of 7 July 1964*

OJ No. 117/1880, 23 July 1964

The following is inserted at the end of Article 4(2):

“(f) in Denmark:

—the requirement that persons not resident in Denmark and companies and firms not registered there wishing to acquire immovable property obtain prior authorization from the Ministry of Justice (Law of 23 December 1959 on the acquisition of immovable property);

(g) in Norway:

—prohibiting the acquisition of rights of ownership or rights of user in immovable property by any natural or legal person other than the Norwegian State, Norwegian local authorities, Norwegian citizens and companies, firms, associations (korporasjoner) and foundations (stiftelser) registered in Norway, having a board of directors who are exclusively Norwegian and, as regards companies, having a registered capital which is at least eight-tenths Norwegian (Law No. 16 of 14 December 1917, Chapter III);

—restricting the rights of foreign nationals to acquire shares in companies having rights of ownership or rights of user in immovable property (§§ 37 and 37a(2) of the said Law);

—granting concessions to acquire electrical energy, above a certain

- amount, only to companies, firms, associations (korporasjoner) and foundations (stiftelser) registered in Norway and having a board of directors of whom a majority, including the chairman, are Norwegian citizens (§ 23(1) of the said Law);
- the possibility of stipulating in such concessions for a right of repurchase by the State when the holder of the concession is a foreign national or a foreign company (§ 23(7) of the said Law);
 - the rule making the issue of a licence to practise as a craftsman (håndverksbrev) conditional on prior residence in Norway (Law of 19 June 1970 on small craft activities (håndverk), § 7);
 - the rule making recognition as an approved contractor conditional on prior residence in Norway (Law of 24 October 1952 on the approval of contractors).”

Article 7(2) is replaced by the following:

“Where the country of origin or the country whence the beneficiary comes does not issue such documentary proof of good repute or documentary proof of no previous bankruptcy, such proof may be replaced by a declaration on oath—or, in States where there is no provision for declaration on oath, by a solemn declaration—made by the person concerned before a competent judicial or administrative authority, or where appropriate a notary, in the country of origin or in the country whence that person comes; such authority or notary will issue a certificate attesting the authenticity of the declaration on oath or solemn declaration. A declaration in respect of no previous bankruptcy may also be made before a competent professional or trade body in the said country.”

D. COMMERCIAL ACTIVITIES, INCLUDING THOSE OF INTERMEDIARIES

1. Council Directive No. 64/223/EEC of 25 February 1964

OJ No. 56/863, 4 April 1964

The following is inserted at the end of Article 3(2):

“(e) in Denmark:

- the requirement that persons not resident in Denmark and companies and firms not registered there wishing to acquire immovable property obtain prior authorization from the Ministry of Justice (Law of 23 December 1959 on the acquisition of immovable property);

(f) in Norway:

- the requirement of two years' residence as a condition for being regarded as resident within the Kingdom (Law of 8 March 1935, § 1);
- the requirement that persons not resident within the Kingdom shall hold a *handelspass* (Law of 8 March 1935, § 47).”

Article 6(2) is replaced by the following:

“Where the country of origin or the country whence the beneficiary comes does not issue such documentary proof of good repute or documentary proof of no previous bankruptcy, such proof may be replaced by a declaration on oath—or, in States where there is no provision for declaration on oath, by a solemn declaration—made by the person concerned before a competent judicial or administrative authority, or where appropriate a notary, in the country of origin or in the country whence that person comes; such authority or notary will issue a certificate attesting the authenticity of the declaration on oath or solemn declaration. A declaration in respect of no previous bankruptcy may also be made before a competent professional or trade body in the said country.”

2. *Council Directive No. 64/224/EEC of 25 February 1964*

OJ No. 56/869, 4 April 1964

The following is inserted at the end of Article 3:

“in the United Kingdom:

<i>Self-employed persons</i>	<i>Paid employees</i>
Agent	Commercial traveller
Commission agent	Commission salesman
Broker	Representative
Factor	
Representative	
Wholesale auctioneer	
in Ireland:	
Agent	Commercial traveller
Broker	Sales representative
Commercial (or Commission) agent	
in Denmark:	
Handelsagent	Handelsreisende
Varemægler	Repræsentant
Kommissionær	
in Norway:	
Handelsagent	
Kommisjonær	
Handelsreisende	Handelsreisende
Byselger	Byselger ”

The following is inserted at the end of Article 4(2):

“in the United Kingdom:

—the sale of goods in execution of a court order (a) in England and Wales by sheriffs, under-sheriffs or sheriffs' officers or (b) in Scotland by messengers-at-arms, sheriffs' officers or any person authorized by a sheriff to act as such;

in Ireland:

—the sale of goods in execution of a court order by sheriffs, under-sheriffs or court messengers;

in Denmark :

—the sale by auction of goods by auctioneers.”

The following is inserted at the end of Article 5(2) :

“(f) in Denmark :

—the requirement that a person to whom an authorization to organize sales of fish and shellfish by public auction is issued shall be of Danish nationality (Article 3(1) of Law No. 72 of 13 March 1969 on the sale of fish by public auction);

—the requirement that persons pursuing the occupation of authorized broker or authorized assistant broker shall be of Danish nationality (§§ 1(2) and 7(4) of Law No. 69 of 15 March 1967 on brokers and shipbrokers);

—the requirement that persons not resident in Denmark and companies and firms not registered there wishing to acquire immovable property obtain prior authorization from the Ministry of Justice (Law of 23 December 1959 on the acquisition of immovable property);

(g) in Norway :

—the requirement of two years' residence as a condition for being regarded as resident within the Kingdom (Law of 8 March 1935, § 1);

—the requirement that persons not resident within the Kingdom shall hold a *handelspass* (Law of 8 March 1935, § 47);

—the requirement that persons pursuing the occupation of auctioneer shall be of Norwegian nationality (Law of 1 February 1936).”

Article 8(2) is replaced by the following :

“Where the country of origin or the country whence the beneficiary comes does not issue such documentary proof of good repute or documentary proof of no previous bankruptcy, such proof may be replaced by a declaration on oath—or, in States where there is no provision for declaration on oath, by a solemn declaration—made by the person concerned before a competent judicial or administrative authority, or where appropriate a notary, in the country of origin or in the country whence that person comes; such authority or notary will issue a certificate attesting the authenticity of the declaration on oath or solemn declaration. A declaration in respect of no previous bankruptcy may also be made before a competent professional or trade body in the said country.”

3. Council Directive No. 68/363/EEC of 15 October 1968

OJ No. L 260/1, 22 October 1968

The following is inserted at the end of Article 4 :

“ in the United Kingdom :

—the sale of goods in execution of a court order (a) in England and Wales by sheriffs, under-sheriffs or sheriffs' officers or (b) in Scotland by messengers-at-arms, sheriffs' officers or any person authorized by a sheriff to act as such;

in Ireland :

—the sale of goods in execution of a court order by sheriffs, under-sheriffs or court messengers;

in Denmark :

—the sale by auction of goods by auctioneers.”

The following is inserted at the end of Article 5(2) :

“ (f) in Denmark :

—the requirement that persons not resident in Denmark and companies and firms not registered there wishing to acquire immovable property obtain prior authorization from the Ministry of Justice (Law of 23 December 1959 on the acquisition of immovable property);

(g) in Norway :

—the requirement of two years' residence as a condition for being regarded as resident within the Kingdom (Law of 8 March 1935, § 1);

—the requirement that persons not resident within the Kingdom shall hold a *handelspass* (Law of 8 March 1935, § 47);

—the requirement that persons pursuing the occupation of auctioneer shall be of Norwegian nationality (Law of 1 February 1936).”

The second subparagraph of Article 8(1) is replaced by the following :

“ Where the country of origin or the country whence the beneficiary comes does not issue such documentary proof of good repute or documentary proof of no previous bankruptcy, such proof may be replaced by a declaration on oath—or, in States where there is no provision for declaration on oath, by a solemn declaration—made by the person concerned before a competent judicial or administrative authority, or where appropriate a notary, in the country of origin or in the country whence that person comes; such authority or notary will issue a certificate attesting the authenticity of the declaration on oath or solemn declaration. A declaration in respect of no previous bankruptcy may also be made before a competent professional or trade body in the said country.”

4. Council Directive No. 70/522/EEC of 30 November 1970

OJ No. L 267/14, 10 December 1970

The following is inserted at the end of Article 4(2) :

“(d) in Denmark :

—the requirement that persons not resident in Denmark and companies and firms not registered there wishing to acquire immovable property obtain prior authorization from the Ministry of Justice (Law of 23 December 1959 on the acquisition of immovable property);

(e) in Norway :

—the requirement of two years' residence as a condition for being regarded as resident within the Kingdom (Law of 8 March 1935, § 1);

—the requirement that persons not resident within the Kingdom shall hold a *handelspass* (Law of 8 March 1935, § 47).”

Article 7(2) is replaced by the following :

“ Where the country of origin or the country whence the beneficiary comes does not issue such documentary proof of good repute or documentary proof of no previous bankruptcy, such proof may be replaced by a declaration on oath—or, in States where there is no provision for declaration on oath, by a solemn declaration—made by the person concerned before a competent judicial or administrative authority, or where appropriate a notary, in the country of origin or in the country whence that person comes; such authority or notary will issue a certificate attesting the authenticity of the declaration on oath or solemn declaration. A declaration in respect of no previous bankruptcy may also be made before a competent professional or trade body in the said country.”

E. SERVICE UNDERTAKINGS (including personal and business services)

1. Council Directive No. 67/43/EEC of 12 January 1967

OJ No. 10/140, 19 January 1967

The following is inserted at the end of Article 2(3):

“ in the United Kingdom :

—estate agents, including accommodation and house agents;

—estate or property developers;

—estate, house or property factors;

—estate or property managers;

- property investment or development companies;
- property consultants;
- property valuers;

in Ireland :

- auctioneers;
- estate agents;
- house agents;
- property developers;
- estate consultants;
- estate managers;
- estate valuers.

in Denmark :

- ejendomsmæglere;
- ejendomshandlere;
- ejendomsudlejningsbureauer.

in Norway :

- eiendomsmeglere.”

The following is inserted at the end of Article 4 :

“(c) in the United Kingdom :

- verderers of the New Forest and the Forest of Dean.”

The following is inserted at the end of Article 5(2) :

“(e) in Denmark :

- the condition of possession of Danish nationality for admission to the profession of estate agent (ejendomsmægler) (§ 1(2) of Law No. 218 of 8 June 1966 on estate agents);
- the condition of possession of Danish nationality for admission to the professions of translator and interpreter (§ 1(2) of Law No. 213 of 8 June 1966 on translators and interpreters);
- the requirement that persons not resident in Denmark and companies and firms not registered there wishing to acquire

immovable property obtain prior authorization from the Ministry of Justice (Law of 23 December 1959 on the acquisition of immovable property);

(f) in Norway :

—the requirement that a person to whom a licence to practise as an estate agent (eiendomsmegler) is issued shall be of Norwegian nationality (Law No. 13 of 24 June 1938, § 4).”

Article 8(3) is replaced by the following:

“ Where the country of origin or the country whence the beneficiary comes does not issue such documentary proof of good repute or documentary proof of no previous bankruptcy, such proof may be replaced by a declaration on oath—or, in States where there is no provision for declaration on oath, by a solemn declaration—made by the person concerned before a competent judicial or administrative authority, or where appropriate a notary, in the country of origin or in the country whence that person comes; such authority or notary will issue a certificate attesting the authenticity of the declaration on oath or solemn declaration. A declaration in respect of no previous bankruptcy may also be made before a competent professional or trade body in the said country.”

2. *Council Directive No. 68/367/EEC* of 15 October 1968

OJ No. L 260/16, 22 October 1968

The following is inserted at the end of Article 3(2):

“(f) in Denmark :

—the requirement that persons not resident in Denmark and companies and firms not registered there wishing to acquire immovable property obtain prior authorization from the Ministry of Justice (Law of 23 December 1959 on the acquisition of immovable property);

(g) in Norway :

—the rule restricting the issue of innkeeper’s licences (hotellbrevar) to persons having Norwegian nationality or having lived in Norway for the preceding five years (Law No. 3 of 5 April 1957, § 18);

—the rule restricting the issue of licences to run a restaurant (restaurantbrevar) to persons having Norwegian nationality or having lived in Norway for the preceding five years (Law No. 3 of 5 April 1957, § 19).”

The second subparagraph of Article 6(1) is replaced by the following :

“ Where the country of origin or the country whence the beneficiary comes does not issue such documentary proof of good repute or documentary proof of no previous bankruptcy, such proof may be replaced by a declaration on oath—or, in States where there is no provision for declaration on oath, by a solemn declaration—made by the person concerned before a competent judicial or administrative authority, or where appropriate a notary, in the country of origin or in the country whence that person comes; such authority or notary will issue a certificate attesting the authenticity of the declaration on oath or solemn declaration. A declaration in respect of no previous bankruptcy may also be made before a competent professional or trade body in the said country.”

F. CINEMA

1. *Council Directive No. 68/369/EEC* of 15 October 1968

OJ No. L 260/22, 22 October 1968

The following is inserted at the end of Article 3(2) :

“(d) in Denmark :

—the requirement that persons not resident in Denmark and companies and firms not registered there wishing to acquire immovable property obtain prior authorization from the Ministry of Justice (Law of 23 December 1959 on the acquisition of immovable property).”

The second subparagraph of Article 4(1) is replaced by the following :

“ Where the country of origin or the country whence the beneficiary comes does not issue such documentary proof of good repute or documentary proof of no previous bankruptcy, such proof may be replaced by a declaration on oath—or, in States where there is no provision for declaration on oath, by a solemn declaration—made by the person concerned before a competent judicial or administrative authority, or where appropriate a notary, in the country of origin or in the country whence that person comes; such authority or notary will issue a certificate attesting the authenticity of the declaration on oath or solemn declaration. A declaration in respect of no previous bankruptcy may also be made before a competent professional or trade body in the said country.”

2. *Council Directive No. 70/451/EEC* of 29 September 1970

OJ No. L 218/37, 3 October 1970

The following is inserted at the end of Article 3(2) :

“(e) in the United Kingdom :

—the rule that only a company registered in, and the central management and control of whose business is exercised in, the United Kingdom shall be eligible for a payment from the British Film Fund (§ 3(1)(ii) of SI 1970 No. 1146);

(f) in Denmark :

—the rule restricting the granting of aids for film production from the Danish Film Fund to persons having Danish nationality (§ 33 of Law No. 155 of 27 May 1964 on films and cinemas);

—the requirement that persons not resident in Denmark and companies and firms not registered there wishing to acquire immovable property obtain prior authorization from the Ministry of Justice (Law of 23 December 1959 on the acquisition of immovable property).”

The second subparagraph of Article 6(1) is replaced by the following text :

“Where the country of origin or the country whence the beneficiary comes does not issue such documentary proof of good repute or documentary proof of no previous bankruptcy, such proof may be replaced by a declaration on oath—or, in States where there is no provision for declaration on oath, by a solemn declaration—made by the person concerned before a competent judicial or administrative authority, or where appropriate a notary, in the country of origin or in the country whence that person comes; such authority or notary will issue a certificate attesting the authenticity of the declaration on oath or solemn declaration. A declaration in respect of no previous bankruptcy may also be made before a competent professional or trade body in the said country.”

G. BANKS AND FINANCIAL ESTABLISHMENTS, INSURANCE

1. *Council Directive No. 64/225/EEC* of 25 February 1964

OJ No. 56/878, 4 April 1964

The following is inserted at the end of subparagraph (a) of Article 3(1) :

“in the Kingdom of Denmark :

Law of 23 December 1959 on the acquisition of immovable property.”

The following is inserted at the end of subparagraph (b) of Article 3(1):

“ in the Kingdom of Denmark :

Law of 23 December 1959 on the acquisition of immovable property.”

H. COMPANY LAW

1. *Council Directive No. 68/151/EEC* of 9 March 1968

OJ No. L 65/8, 14 March 1968

The following is inserted at the end of Article 1:

“ In the United Kingdom :

—Companies incorporated with limited liability;

In Ireland :

—Companies incorporated with limited liability;

In Denmark :

—Aktieselskab; Kommandit-Aktieselskab;

In Norway :

—Aksjeselskap; Kommandittaksjeselskap.”

Article 2(1)(f) is replaced by the following:

“(f) The balance sheet and the profit and loss account for each financial year. The document containing the balance sheet must give details of the persons who are required by law to certify it. However, in respect of the *Gesellschaft mit beschränkter Haftung*, *société de personnes à responsabilité limitée*, *personenvennootschap met beperkte aansprakelijkheid*, *société à responsabilité limitée* and *società a responsabilità limitata* under German, Belgian, French, Italian or Luxembourg law referred to in Article 1, the *besloten naamloze vennootschap* under Netherlands law, the private company under the law of Ireland and the private company under the law of Northern Ireland, the compulsory application of this provision shall be postponed until the date of implementation of a Directive concerning coordination of the contents of balance sheets and of profit and loss accounts and concerning exemption of such of those companies whose balance sheet total is less than that specified in the Directive from the obligation to make disclosure in full or in part of the said documents. The Council will adopt such a Directive within two years following adoption of the present Directive.”

I. PUBLIC WORKS CONTRACTS

1. Council Directive No. 71/305/EEC of 26 July 1971

OJ No. L 185/5, 16 August 1971

The following is inserted in Article 1(b) after the words " public law ":

" (or, in Member States where this concept is unknown, equivalent bodies) "

The following is inserted in Article 23 after the words " on oath " :

" (or, in Member States where there is no provision for declarations on oath, by a solemn declaration.) "

The following is inserted at the end of Article 24 :

" in Denmark, " Aktieselskabsregistret, foreningsregistret og handelsregistret "; in Norway, " Register over autoriserte entreprenører ".

As regards the United Kingdom and Ireland, proof of entry in a trade register for registered companies is replaced by a certificate issued by the Registrar of Companies showing that the company is incorporated.

In Annex I to the Directive:

a. The title is replaced by:

" List of legal persons governed by public law (or, in Member States where this concept is unknown, equivalent bodies) covered by Article 1(b). "

b. The following is inserted at the end of the list :

" VIII. In the United Kingdom :

- local authorities;
- new towns' corporations;
- Commission for the New Towns;
- Scottish Special Housing Association;
- Northern Ireland Housing Executive.

IX. In Denmark :

- andre forvaltningssubjekter

X. In Norway :

- andre offentlige forvaltningsorganer

XI. In Ireland :

—other public authorities whose public works contracts are subject to control by the State.”

IV. TRANSPORT

1. *Council Regulation (EEC) No. 1191/69 of 26 June 1969*

OJ No. L 156/1, 28 June 1969

Article 19 (1) is replaced by the following:

“ 1. As regards railway undertakings, this Regulation shall, in respect of their rail transport operations, apply to the following undertakings:

- Société nationale des chemins de fer belges (SNCB)/
Nationale Maatschappij der Belgische Spoorwegen (NMBS)
- Danske Statsbaner (DSB)
- Deutsche Bundesbahn (DB)
- Société nationale des chemins de fer français (SNCF)
- Córas Iompair Eireann (CIE)
- Azienda autonoma delle Ferrovie dello Stato (FS)
- Société nationale des chemins de fer luxembourgeois (CFL)
- Naamloze Vennootschap Nederlandse Spoorwegen (NS)
- Norges Statsbaner (NSB)
- British Railways Board (BRB)
- Northern Ireland Railways Company Ltd (NIR) ”

2. *Council Regulation (EEC) No. 1192/69 of 26 June 1969*

OJ No. L 156/8, 28 June 1969

Article 3 (1) is replaced by the following:

“ 1. This regulation shall apply to the following railway undertakings:

- Société Nationale des chemins de fer belges (SNCB)/
Nationale Maatschappij der Belgische Spoorwegen (NMBS)
- Danske Statsbaner (DSB)
- Deutsche Bundesbahn (DB)
- Société nationale des chemins de fer français (SNCF)

- Córas Iompair Eireann (CIE)
- Azienda autonoma delle Ferrovie dello Stato (FS)
- Société nationale des chemins de fer luxembourgeois (CFL)
- Naamloze Vennootschap Nederlandse Spoorwegen (NS)
- Norges Statsbaner (NSB)
- British Railways Board (BRB)
- Northern Ireland Railways Company Ltd (NIR) ”.

3. *Council Regulation (EEC) No. 1108/70 of 4 June 1970*

OJ No. L 1304, 15 June 1970

Points A and B in Annex II are replaced by the following:

“ A. RAIL

Kingdom of Belgium

- Société nationale des chemins de fer belges (SNCB)/Nationale Maatschappij der Belgische Spoorwegen (NMBS)

Kingdom of Denmark

- Danske Statsbaner (DSB)

Federal Republic of Germany

- Deutsche Bundesbahn (DB)

French Republic

- Société nationale des chemins de fer français (SNCF)

Ireland

- Córas Iompair Eireann (CIE)

Italian Republic

- Azienda autonoma delle Ferrovie dello Stato (FS)

Grand Duchy of Luxembourg

- Société nationale des chemins de fer luxembourgeois (CFL)

Kingdom of the Netherlands

- NV Nederlandse Spoorwegen (NS)

Kingdom of Norway

—Norges Statsbaner (NSB)

United Kingdom of Great Britain and Northern Ireland

—British Railways Board (BRB)

—Northern Ireland Railways Company Ltd. (NIR)

B. ROAD

Kingdom of Belgium

1. Autoroutes/Autosnelwegen
2. Autres routes de l'Etat/Andere rijkswegen
3. Routes provinciales/Provinciale wegen
4. Routes communales/Gemeentewegen

Kingdom of Denmark

1. Motorveje
2. Hovedlandeveje
3. Landeveje
4. Biveje

Federal Republic of Germany

1. Bundesautobahnen
2. Bundesstrassen
3. Land-(Staats-)strassen
4. Kreisstrassen
5. Gemeindestrassen

French Republic

1. Autoroutes
2. Routes nationales
3. Chemins départementaux
4. Voies communales

Ireland

1. National primary roads
2. Main roads
3. County roads
4. County borough roads
5. Urban roads

Italian Republic

1. Autostrade
2. Strade statali
3. Strade regionali e provinciali
4. Strade comunali

Grand Duchy of Luxembourg

1. Routes d'Etat
2. Chemins repris
3. Chemins vicinaux

Kingdom of the Netherlands

1. Autosnelwegen van het Rijkswegenplan
 2. Overige wegen van het Rijkswegenplan
 3. Wegen van de secundaire wegenplannen
 4. Wegen van de tertiaire wegenplannen
 5. Overige verharde wegen
- } (primaire wegen)

Kingdom of Norway

1. Riksveger
2. Fylkesveger
3. Kommunale veger

United Kingdom of Great Britain and Northern Ireland

1. Motorways and trunk roads
2. Principal roads
3. Non-principal and other roads."

4. *Council Regulation (EEC) No. 1463/70 of 20 July 1970*

OJ No. L 164/1, 27 July 1970

In Annex II, point I (1), the words in brackets are replaced by the following:

“(1 for Germany, 2 for France, 3 for Italy, 4 for the Netherlands, 6 for Belgium, 11 for the United Kingdom, the letters DK for Denmark, the letters IRL for Ireland, the letter L for Luxembourg and the letter N for Norway).”

5. *Commission Regulation No. 281/71/EEC of 9 February 1971*

OJ No. L 33/11, 10 February 1971

The following is inserted in the Annex below the words “Ghent-Terneuzen Canal”:

“*United Kingdom of Great Britain and Northern Ireland*

—Weaver Navigation (Northwich to the junction with the Manchester Ship Canal)

—Gloucester and Sharpness Canal.”

6. *Council Directive No. 65/269/EEC of 13 May 1965*

OJ No. 88/1469, 24 May 1965

In the third line of the Annex the word “four” is replaced by the word “seven”.

7. *Council Directive No. 68/297/EEC of 19 July 1968*

OJ No. L 175/15, 23 July 1968

After Article 1, the following article is inserted:

“Article 1a

Commercial motor vehicles registered in a Member State which cross the sea on board some form of sea transport from a port on the territory of one Member State to a port on the territory of another Member State shall for the purposes of this Directive be regarded as travelling across a common frontier between Member States.”

At the end of Article 5 (1), a sentence is inserted:

“For transport operations to which Article 1a applies, the boundaries of such zone shall be measured from the point of debarcation.”

V. COMPETITION

1. *Council Regulation No. 17 of 6 February 1962*

OJ No. 13/204, 21 February 1962

as amended by:

—*Council Regulation No. 59 of 3 July 1962*

OJ No. 58/1655, 10 July 1962

—*Council Regulation No. 118/63/EEC of 5 November 1963*

OJ No. 162/2696, 7 November 1963

After Article 24, a new Article is inserted, worded as follows:

“ ARTICLE 25

1. As regards agreements, decisions and concerted practices to which Article 85 of the Treaty applies by virtue of accession, the date of accession shall be substituted for the date of entry into force of this Regulation in every place where reference is made in this Regulation to this latter date.
2. Agreements, decisions and concerted practices existing at the date of accession to which Article 85 of the Treaty applies by virtue of accession shall be notified pursuant to Article 5(1) or Article 7 (1) and (2) within six months from the date of accession.
3. Fines under Article 15(2)(a) shall not be imposed in respect of any act prior to notification of the agreements, decisions and practices to which paragraph 2 applies and which have been notified within the period therein specified.
4. New Member States shall take the measures referred to in Article 14(6) within six months from the date of accession after consulting the Commission”.

2. *Council Regulation No. 19/65/EEC of 2 March 1965*

OJ No. 36/533, 6 March 1965

The following is inserted at the end of the first subparagraph of Article 4(1):

“ A regulation pursuant to Article 1 may stipulate that the prohibition contained in Article 85(1) of the Treaty shall not apply, for such period as shall be fixed by that regulation, to agreements and concerted practices already in existence at the date of accession to which Article 85 applies by virtue of accession and which do not satisfy the conditions of Article 85(3), where:”

The following is inserted at the end of Article 4(2):

“ Paragraph 1 shall not apply to agreements and concerted prac-

tures to which Article 85(1) of the Treaty applies by virtue of accession and which must be notified before 1 July 1973, in accordance with Articles 5 and 25 of Regulation No. 17, unless they have been so notified before that date”.

3. *Council Regulation (EEC) No. 1017/68*, of 19 July 1968

OJ No. L 175/1, 23 July 1968

The following is inserted at the end of the second sentence of Article 21(6):

“New Member States shall, after consulting the Commission, take the necessary measures to this end within six months from the date of accession”.

4. *Commission Regulation No. 67/67/EEC* of 22 March 1967

OJ No. 57/849, 25 March 1967

The following is inserted at the end of the first sentence of Article 5:

“As regards agreements, decisions or concerted practices for exclusive dealing already in existence at the date of accession to which Article 85(1) applies by virtue of accession, the prohibition in Article 85(1) of the Treaty shall not apply where they are modified within six months from the date of accession so as to fulfil the conditions contained in this Regulation.”

5. *ECSC High Authority Decision No. 33-56* of 21 November 1956

OJ No. J 26/334, 25 November 1956

as amended by:

—*ECSC High Authority Decision No. 2-62* of 8 March 1962

OJ No. 20/376, 19 March 1962

In the Annex to Decision No. 2-62:

—columns 08 and 09 are deleted and replaced by the following:

<i>Denmark</i>	<i>Ireland</i>	<i>Norway</i>	<i>United Kingdom</i>	<i>Third countries</i>	<i>Shipments under 01 as % of total production</i>
08	09	10	11	12	13

VI. TAXATION

1. Council Directive No. 69/335/EEC of 17 July 1969

OJ No. L 249/25, 3 October 1969

Article 3 (1)(a) is replaced by the following:

“ 1. For the purposes of this Directive, the expression ‘ capital company ’ means :

(a) companies under Belgian, Danish, German, French, Irish, Italian, Luxembourg, Netherlands, Norwegian and United Kingdom law, known respectively as :

société anonyme/naamloze vennootschap, aktieselskab, Aktiengesellschaft, société anonyme, companies incorporated with limited liability, società per azioni, société anonyme, naamloze vennootschap, aksjeselskap, companies incorporated with limited liability;

—société en commandite par actions/commanditaire vennootschap op aandelen, kommandit aktieselskab, Kommanditgesellschaft auf Aktien, société en commandite par actions, società in accomandita per azioni, société en commandite par actions, commanditaire vennootschap op aandelen, kommanditt-aksjeselskap;

—société de personnes à responsabilité limitée/personenvennootschap met beperkte aansprakelijkheid, Gesellschaft mit beschränkter Haftung, société à responsabilité limitée, società a responsabilità limitata, société à responsabilité limitée.”

VII. ECONOMIC POLICY

1. Council Decision of 18 March 1958

OJ No. 17/390, 6 October 1958

In Article 7, the word “ eight ” is replaced by the word “ twelve ”.

In the first paragraph of Article 10, the word “ eight ” is replaced by the word “ twelve ”.

2. Council Decision No. 71/143/EEC of 22 March 1971

OJ No. L 73/15, 27 March 1971

In Article 1 (2), after “ This obligation shall apply for a period of four years commencing 1 January 1972; ” the following phrase is inserted :

“ in the case of the new Member States, it shall apply from the date

of accession and shall cease to have effect on 31 December 1975.”
In the next sentence, the word “it” is replaced by “This obligation”.

In Article 6, after “from 1 January 1972”:

the following phrase is inserted:

“or, in the case of the new Member States, from the date of accession.”

The Annex is replaced by the following:

“ANNEX

The ceilings for credits provided for in Article 1(1) of this Decision shall be as follows:

	Millions of u.a.	% of total
Germany	600	21.4
Belgium-Luxembourg	200	7.2
Denmark	90	3.2
France	600	21.4
Ireland	35	1.2
Italy	400	14.3
Norway	75	2.7
Netherlands	200	7.2
United Kingdom	600	21.4
Total	2800	100.0

3. *Council Directive* of 11 May 1960

OJ No. 43/921, 12 July 1960

The text of the first subparagraph of Article 3(2) is replaced by the following:

“2. When such free movement of capital might form an obstacle to the achievement of the economic policy objectives of a Member State, the latter may maintain or re-introduce the exchange restrictions on capital movement which were operative on the date of entry into force of this Directive (in the case of new Member States, the date of accession). It shall consult the Commission on the matter.”

Article 6 is replaced by the following text:

“Member States shall endeavour not to introduce within the Community any new exchange restriction affecting the capital movements that were liberalized at the date of entry into force of this Directive

(in the case of new Member States, the date of accession) nor to make existing provisions more restrictive.”

The first subparagraph of Article 7 is replaced by:

“Member States shall make known to the Commission, not later than three months after the entry into force of this Directive (in the case of new Member States, three months after the date of accession):

- (a) the provisions governing capital movements at the date of entry into force of this Directive which are laid down by law, regulation or administrative action;
- (b) the provisions adopted in pursuance of the Directive;
- (c) the procedures for implementing those provisions.”

Article 8 is deleted.

VIII. COMMERCIAL POLICY

1. *Council Regulation (EEC) No. 1023/70 of 25 May 1970*

OJ No. L 124/1, 8 June 1970

In Article 11(2), the word “twelve” is replaced by the word “forty-three”.

2. *Council Regulation (EEC) No. 1025/70 of 25 May 1970*

OJ No. L 124/6, 8 June 1970

as modified by:

—*Council Regulation (EEC) No. 1984/70 of 29 September 1970*

OJ No. L 218/1, 3 October 1970

—*Council Regulation (EEC) No. 724/71 of 31 March 1971*

OJ No. L 80/3, 5 April 1971

—*Council Regulation (EEC) No. 1080/71 of 25 May 1971*

OJ No. L 116/8, 28 May 1971

—*Council Regulation (EEC) No. 1429/71 of 2 July 1971*

OJ No. L 151/8, 7 July 1971

The list of countries in Annex II is replaced by the following:

“LIST OF COUNTRIES

Afghanistan

Algeria

Andorra

Antigua

Argentina

Australia (including the Territory of Papua—New Guinea, Norfolk Island, Cocos (Keeling) Islands)

Austria

Bahamas

Bahrain

Barbados

Bermuda

Bhutan

Bolivia

Botswana

Brazil (including the Territory of Fernando de Noronha (including the Rocks of São Pedro and São Paulo and the Atoll das Rocas) and the islands of Trinidad and Martim Vaz)

British Antarctic Territory

British Honduras

British Indian Ocean Territory (Chagos Archipelago, Aldabra, Farquhar and Desroches islands)

British Virgin Islands

Brunei

Burma

Burundi

Cameroon

Canada

Cayman Islands

Central African Republic

Ceylon

Chad

Chile (including Juan Fernández Islands, Easter Island, Sala-y-Gómez, San Félix Island, San Ambrosio Island, and the western part of Tierra del Fuego)

China, Republic of (Formosa)

Colombia

Comoro Islands

Congo, People's Republic of

Costa Rica
Cyprus
Dahomey
Dominica
Dominican Republic (including Saona, Catalina, Beata, and a number of smaller islands)
Ecuador
Egypt, Arab Republic of
El Salvador
Equatorial Guinea
Ethiopia
Falkland Islands and Dependencies
Faroe Islands
Fiji
Finland
French Polynesia (Society Islands, Leeward Islands, the Marquesas, Tuamotu and Gambier Archipelagos, Tubuai Islands, Rapa and Clipperton Islands)
Gabon
Gambia
Ghana
Greece (including Euboea and the Sporades, the Dodecanese, the Cyclades, the Ionian and Aegean Islands, Crete)
Grenada
Guatemala
Guinea, Republic of
Guyana
Haiti (including La Tortue and La Gonâve Islands, Les Cayemites, Ile-à-Vache, Navassa and Grande-Caye)
Honduras
Hong Kong
Iceland
India (including the Andaman and Nicobar Islands, and the Laccadive, Minicoy and Amindivi Islands)

Indonesia (Java, Sumatra, Kalimantan, Sulawesi, Bali and Nusa Tenggara
(including the Indonesian part of Timor), Maluku, West Irian)

Iran

Iraq

Israel

Ivory Coast

Jamaica

Japan

Jordan

Kenya

Khmer Republic

Korea, Republic of (South Korea)

Kuwait

Laos

Lebanon

Lesotho

Liberia

Libya

Liechtenstein

Malagasy Republic

Malawi

Malaysia (including former British North Borneo and Sarawak)

Maldive Islands

Mali

Malta

Mauritania

Mauritius

Mexico

Montserrat

Morocco

Muscat and Oman

Nauru

Nepal

Netherlands Antilles (comprising Curaçao, Aruba, Bonaire, Saba, Saint
Eustatius and the Dutch part of Saint Martin)

Nicaragua

Niger

Nigeria, Federal Republic of

New Caledonia and Dependencies (including Isle of Pines, Huon Islands, Loyalty Islands, Walpole and Surprise Islands, Chesterfield Islands)

New Hebrides

New Zealand (including Kermadec and Chatham Islands)

Cook Islands:

1. Northern Group (Penrhyn, Manihiki, Rakahanga, Pukapuka, Palmerston, Suvarrow and Nassau)
2. Southern Group (Rarotonga, Aitutaki, Atiu, Mitiaro, Mauke, Mangaia, Takutea and Manuae)
3. Niue Island

Norwegian territories in the Antarctic (Bouvet Island, Peter I Island and Queen Maud Land)

Pakistan

Panama

Paraguay

Peru

Philippines

Portugal

European territory (including Madeira and the Azores)

Angola

Cabinda

Cape Verde Islands

Macao

Mozambique

Portuguese Guinea

Portuguese Timor

São Tomé and Príncipe Islands

Qatar

Rio Muni

Rwanda

Saint Helena (including dependencies: Ascension and Tristan da Cunha)

Saint Kitts (Saint Christopher), Nevis and Anguilla

Saint Lucia

Saint Pierre and Miquelon

Saint Vincent
Saudi Arabia
Senegal
Seychelles
Sierra Leone
Sikkim
Singapore
Somalia
South Africa, Republic of (including South West Africa and Prince Edward and Marion Islands)
South Vietnam
Southern and Antarctic Territories (French overseas territory: Kerguelen Islands and Crozet Archipelago, Saint Paul and Amsterdam Islands, Adélie Land)
Southern Yemen (including Perim and Socotra islands)
Sovereign Base Areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus
Spain
 Peninsular Spain and the Balearic Islands, Canary Islands, Ceuta and Melilla, Alhucemas, Chafarinas Islands and Peñón de Vélez de la Gomera Ifni and Spanish Sahara
Sudan
Surinam
Svalbard (Spitsbergen, Bear Island etc.)
Swaziland
Sweden
Switzerland
Syria
Tanzania
Territories under the jurisdiction of the High Commissioner for the Western Pacific (including the separate customs territories of the British Solomon Islands Protectorate and the Gilbert and Ellice Islands Colony)
Territory of the Afars and Issas
Thailand
Togo

Tonga

Trinidad and Tobago

Tromelin, Glorieuses, Juan de Nova, Europa and Bassas-da-India islands

Tunisia

Turkey

Turks and Caicos Islands

Uganda

Union of Arab Emirates (Abu Dhabi, Dubai, Sharjah, Ajman, Umm al Qaiwain, Fujairah) and Ras al Khaimah

United States of America

American Samoa (including Swains Island)

Guam

Kingman Reef

Midway

Panama Canal Zone

Puerto Rico

Ryukyu Islands (Okinawa) and Daito Islands

Trust Territory of the Pacific Islands

(Caroline Islands, Marshall Islands and Mariana Islands excluding Guam)

Virgin Islands of the United States

Wake Island

Upper Volta

Uruguay

Venezuela

Wallis and Futuna Islands

Western Samoa

Yemen

Yugoslavia

Zaire, Democratic Republic of

Zambia."

3. *Council Regulation (EEC) No. 2384/71* of 8 November 1971

OJ No. L 249/1, 10 November 1971

The heading of the Annex is replaced by the following:

“ANLAGE — ANNEXE — ALLEGATO — BIJLAGE —
ANNEX — BILAG — VEDLEGG”

The heading of the table is replaced by the following:

“Warenbezeichnung

—Nr. des GZT—

Désignation des produits

—N° du TDC—

Designazione dei prodotti

—N. della TDC—

Opgave van de produkten

—Nr. GDT—

Description of product

—CCT No.—

Varebeskrivelse

—Pos. nr. i FTT—

Vareslag

—Pos. nr. i FTT—”

4. *Council Regulation (EEC) No. 109/70* of 19 December 1969

OJ No. L 19/1, 26 January 1970

as modified by:

—*Council Regulation (EEC) No. 1492/70* of 20 July 1970.

OJ No. L 166/1, 29 July 1970

—*Council Regulation (EEC) No. 2172/70* of 27 October 1970

OJ No. L 239/1, 30 October 1970

—*Council Regulation (EEC) No. 2567/70* of 14 December 1970

OJ No. L 276/1, 21 December 1970

—*Council Regulation (EEC) No. 532/71* of 8 March 1971

OJ No. L 60/1, 13 March 1971

—*Council Regulation (EEC) No. 725/71* of 30 March 1971

OJ No. L 80/4, 5 April 1971

—*Council Regulation (EEC) No. 1073/71* of 25 May 1971

OJ No. L 119/1, 1 June 1971

—*Council Regulation (EEC) No. 1074/71* of 25 May 1971

OJ No. L 119/35, 1 June 1971

—Council Regulation (EEC) No. 2385/71 of 8 November 1971

OJ No. L 249/3, 10 November 1971

The heading of the Annex is replaced by the following:

“ANLAGE — ANNEXE — ALLEGATO — BIJLAGE —
ANNEX — BILAG — VEDLEGG”

The following three columns are inserted in the list of abbreviations:

“— Abbreviations — Forkortelser — Forkortelser

Bulgaria	Bulgarien	Bulgaria
Hungary	Ungarn	Ungarn
Poland	Polen	Polen
Romania	Rumanien	Romania
Czechoslovakia	Tjekkoslavakiet	Tsjekkoslovakia”

The heading of the first column of the table is replaced by the following:

“Warenbezeichnung

—Nr. des GZT—

Désignation des produits

—N° du TDC—

Designazione dei prodotti

—N. della TDC—

Opgave van de produkten

—Nr. GDT—

Description of product

—CCT No.—

Varebeskrivelse

—Pos. nr. i FTT—

Vareslag

—Pos. nr. i FTT—”

5. Council Regulation (EEC) No. 2386/71 of 8 November 1971

OJ No. L 249/12, 10 November 1971

The heading of the Annex is replaced by the following:

“ANLAGE — ANNEXE — ALLEGATO — BIJLAGE —
ANNEX — BILAG — VEDLEGG”

The following three columns are inserted in the list of abbreviations:

“— Abbreviations — Forkortelser — Forkortelser

Albania	Albanien	Albania
USSR	Sovjetunionen	Sovjetunionen”

The heading of the first column of the table is replaced by the following:

“Warenbezeichnung

—Nr. des GZT—

Désignation des produits

—N° du TDC—

Designazione dei prodotti

—N. della TDC—

Opgave van de produkten

—Nr. GDT—

Description of product

—CCT No.—

Varebeskrivelse

—Pos. nr. i FTT—

Vareslag

—Pos. nr. i FTT—”

6. Council Regulation (EEC) No. 2406/71 of 9 November 1971

OJ No. L 250/1, 11 November 1971

The heading of the Annex is replaced by the following:

“ANLAGE — ANNEXE — ALLEGATO — BIJLAGE —
ANNEX — BILAG — VEDLEGG”

The following three columns are inserted in the list of abbreviations:

“— Abbreviations — Forkortelser — Forkortelser

People's Republic
of China

Folkerepublikken
Kina

Folkerepublikken
China

North Korea

Nordkorea
Den mongolske

Nord-Korea

Mongolia

Folkerepublik

Mongolia

North Vietnam

Nordvietnam

Nord-Vietnam”

The heading of the first column is replaced by the following:

“Warenbezeichnung

—Nr. des GZT—

Désignation des produits

—No. du TDC—

Designazione dei prodotti

—N. della TDC—

Opgave van de produkten

—Nr. GDT—

Description of product

—CCT No.—

Varebeskrivelse

—Pos. nr. i FTT—

Vareslag

—Pos. nr. i FTT— ”

The following is inserted at the end of the footnote:

“The references to Chapter 73 do not allude to ECSC Treaty products.

Oplysningerne vedrørende kapitel 73 sigter ikke til produkter, der falder ind under EKSF-traktaten.

Oplysningene vedrørende kapittel 73 angår ikke varer som hører under EKSF-traktaten.”

7. Council Regulation (EEC) No. 2407/71 of 9 November 1971

OJ No. L 250/7, 11 November 1971

The heading of the Annex is replaced by the following:

“ANLAGE — ANNEXE — ALLEGATO — BIJLAGE —
ANNEX — BILAG — VEDLEGG”

The following three columns are inserted in the list of abbreviations:

“— Abbreviations — Forkortelser — Forkortelser

People's Republic of China	Folkerepublikken Kina	Folkerepublikken China
North Vietnam	Nordvietnam	Nord-Vietnam
North Korea	Nordkorea	Nord-Korea
Mongolia	Den mongolske Folkerepublik	Mongolia.”

The heading of the first column of the table is replaced by the following:

“Warenbezeichnung

—Nr. des GZT—

Désignation des produits

—No. du TDC—

Designazione dei prodotti

—N. della TDC—

Opgave van de produkten

—Nr. GDT—

Description of product

—CCT No.—

Varebeskrivelse

—Pos. nr i FTT—

8. *Council Directive No. 70/509/EEC of 27 October 1970*

OJ No. L 254/1, 23 November 1970

The note on the first page of Annex A is replaced by the following:

- “(1) Belgium: Office national du ducroire/Nationale Delcrederedienst
- Denmark: Eksportkreditrådet
- Germany: Federal Republic of Germany
- France: Compagnie française d’assurance pour le commerce extérieur
- Ireland: The Minister for Industry and Commerce
- Italy: Istituto nazionale delle assicurazioni
- Luxembourg: Office du ducroire du Luxembourg
- Netherlands: Nederlandsche Credietverzekering Maatschappij NV
- Norway: Garanti-Instituttet for Eksportkreditt
- United Kingdom: The Export Credits Guarantee Department.”

9. *Council Directive No. 70/510/EEC of 27 October 1970*

OJ No. L 254/26, 23 November 1970

The note on the first page of Annex A is replaced by the following:

- “(1) Belgium: Office national du ducroire/Nationale Delcrederedienst
- Denmark: Eksportkreditrådet
- France: Compagnie française d’assurance pour le commerce extérieur
- Germany: Federal Republic of Germany
- Ireland: The Minister for Industry and Commerce
- Italy: Istituto nazionale delle assicurazioni
- Luxembourg: Office du ducroire du Luxembourg
- Netherlands: Nederlandsche Credietverzekering Maatschappij NV
- Norway: Garanti-Instituttet for Eksportkreditt
- United Kingdom: The Export Credits Guarantee Department.”

IX. SOCIAL POLICY

1. Council Regulation (EEC) No. 1408/71 of 14 June 1971

OJ No. L 149/2, 5 July 1971

Article 1(j) is replaced by the following:

“(j) “legislation” means all laws, regulations and other provisions and all other present or future implementing measures of each Member State relating to the sectors of social security and schemes for social security covered by Article 4 (1) and (2). The term excludes provisions of existing or future industrial agreements, whether or not they have been the subject of a decision by the authorities rendering them compulsory or extending their scope. However, in so far as such provisions:

(i) serve to put into effect compulsory insurance imposed by the laws and regulations referred to in the preceding subparagraph; or

(ii) set up a scheme administered by the same institution as that which administers the scheme set up by the laws and regulations referred to in the preceding subparagraph, the limitation on the term may at any time be lifted by a declaration of the Member State concerned specifying the schemes to which this Regulation applies. Such a declaration shall be notified and published in accordance with the provisions of Article 96.

The provisions of the preceding subparagraph shall not have the effect of exempting from the application of this Regulation the schemes to which Regulation No. 3 applied.”

After Article 1(s), a new subparagraph is inserted as follows:

“(s) (a) “periods of residence” means periods of residence as defined or recognized by the legislation under which they were completed;”

Article 15(1) is replaced by:

“1. The provisions of Articles 13 and 14 shall not apply to voluntary insurance or to optional continued insurance unless in respect of one of the sectors referred to in Article 4 there exists in any Member State only a voluntary scheme of insurance.”

Article 18, the title and paragraph 1 are replaced by:

“*Aggregation of insurance or employment periods*

1. The responsible institution of a Member State whose legislation makes the acquisition, retention or recovery of entitlement to benefits conditional upon the completion of insurance or employ-

ment periods shall, in so far as is necessary, take into account the insurance or employment periods completed under the legislation of any other Member State as though such periods had been completed under its own legislation.”

Article 19(2) is replaced by:

“2. The provisions of paragraph 1 shall apply by analogy to members of the family permanently resident in the territory of a Member State other than the one responsible, in so far as they are not entitled to such benefits under the legislation of the State in the territory of which they are permanently resident.”

Article 20 is replaced by:

“ Article 20

Frontier workers and members of their families—Special provisions.

A frontier worker may also obtain benefits in the territory of the responsible State. Such benefits shall be issued by the responsible institution in accordance with the legislation of that State, as though the worker were permanently resident in it. Members of his family may receive benefits under the same conditions; however, receipt of such benefits shall, except in an emergency, be conditional upon an agreement between the States concerned or between the responsible authorities of those States or, in its absence, on prior authorization by the responsible institution.”

Article 22(3) is replaced by:

“3. The provisions of paragraphs 1 and 2 shall apply by analogy to members of a worker’s family.”

Article 25(3) is replaced by:

“3. Where an unemployed person satisfies the conditions laid down by the legislation of the Member State responsible for the cost of unemployment benefits for entitlement to sickness and maternity benefits, taking account where necessary of the provisions of Article 18, the members of his family shall receive these benefits, whichever the Member State on whose territory they are permanently or temporarily resident. Such benefits shall be issued:

- (i) with regard to benefits in kind, by the institution of the place of permanent or temporary residence in accordance with the legislation which it applies, on behalf of the responsible institution of the Member State which is to bear the cost of unemployment benefit;
- (ii) with regard to cash benefits, by the responsible institution of the Member State which is to bear the cost of unemployment benefit, under the provisions of the legislation which it applies.”

Article 27 is replaced by:

“ Article 27

Pensions payable under the legislation of several States, in cases where entitlement to benefits exists in the country of permanent residence

The holder of pension rights under the legislation of two or more Member States who is entitled to benefits under the legislation of the Member State on whose territory he is permanently resident, taking account where appropriate of the provisions of Article 18 and Annex V, shall, with the members of his family, receive such benefits from the institution of the place of permanent residence and at the expense of that institution as though he were the holder of pension rights solely under the legislation of the latter State.”

In Article 28, the title and paragraph 1 are replaced by:

“ Pensions payable under the legislation of one or more States, in cases where entitlement to such benefits does not exist in the country of permanent residence

1. The holder of pension rights under the legislation of one or more Member States who is not entitled to benefits under the legislation of the Member State in whose territory he is permanently resident shall nevertheless receive such benefits for himself and for members of his family, in so far as he would, taking account where appropriate of the provisions of Article 18 and Annex V, be entitled to those benefits under the legislation of the single Member State or one at least of the several Member States responsible in the pensions field, had he been permanently resident in the territory of the state in question. Benefits shall be issued under the following conditions:

- (a) benefits in kind shall be issued on behalf of the institution referred to in paragraph 2 by the institution of the place of permanent residence as though the person concerned were the holder of pension rights under the legislation of the State on whose territory he is permanently resident and were entitled to such benefits;
- (b) cash benefits shall where appropriate be issued by the responsible institution determined by the rules of paragraph 2, in accordance with the legislation applied by it. However, upon agreement between the responsible institution and the institution of the place of permanent residence, such benefits may be issued by the latter institution on behalf of the former, in accordance with the legislation of the State responsible.”

Article 29 is replaced by the following:

“ Article 29

Permanent residence of members of the family in a State other than the one in which the pensioner is permanently resident—Transfer of permanent residence to the State where the pensioner is permanently resident

1. Members of the family of the holder of pension rights under the legislation of one or more Member States, who are permanently resident in the territory of a Member State other than the one in which the pensioner is permanently resident, shall receive benefits as though he were permanently resident in the same territory as the members of his family, in so far as he is entitled to the said benefits under the legislation of a Member State. Benefits shall be issued under the following conditions :

- (a) benefits in kind shall be issued by the institution of the place of permanent residence of the members of the family in accordance with the legislation applied by that institution, the cost being borne by the institution of the pensioner's place of residence;
- (b) cash benefits shall where appropriate be issued by the responsible institution determined by the provisions of Article 27 or Article 28(2), in accordance with the legislation applied by it. However, upon agreement between the responsible institution and the institution of the place of permanent residence of the members of the family, such benefits may be issued by the latter institution on behalf of the former, in accordance with the legislation of the State responsible.

2. Members of the family covered by paragraph 1 who transfer their permanent residence to the territory of the Member State where the pensioner resides, shall receive :

- (a) benefits in kind under the provisions of the legislation of that State, even if they have already received benefits for the same case of sickness or maternity before transferring their permanent residence.
- (b) cash benefits issued where appropriate by the responsible institution determined by the provisions of Article 27 or of Article 28(2), in accordance with the legislation applied by it. However, upon agreement between the responsible institution and the institution of the place of permanent residence of the pensioner, such benefits may be issued by the latter institution on behalf of the former, in accordance with the legislation of the State responsible."

Article 31 is replaced by the following :

" Article 31

Temporary residence of the pensioner and/or members of his family in a State other than that in which they are permanently resident

The pensioner referred to in Article 27 or Article 28 shall, with members of his family who are temporarily resident in the territory

of a Member State other than the one where they are permanently resident, receive :

- (a) benefits in kind issued by the institution of the place of temporary residence, under the provisions of the legislation applied by it, the cost being borne by the institution of the pensioner's place of permanent residence;
- (b) cash benefits issued where appropriate by the responsible institution, determined by the provisions of Article 27 or Article 28(2), in accordance with the legislation applied by it. However, following an agreement between the responsible institution and the institution of the place of temporary residence, these benefits may be issued by the latter institution on behalf of the former, in accordance with the legislation of the State responsible."

Article 33 is replaced by the following :

" Article 33

Contributions payable by pensioners

The institution which is liable for payment of a pension and which belongs to a Member State whose legislation provides for deductions from pensions in respect of contributions payable by pensioners to cover sickness and maternity benefits shall be authorized to make such deductions, calculated on the pension payable in accordance with the legislation concerned, in so far as an institution of the said Member State is responsible for the benefits issued under Articles 27, 28, 29, 31 and 32."

Article 34 is replaced by the following:

" Article 34

General provisions

The provisions of Articles 27 to 33 shall not apply to a pensioner or to members of his family who are entitled to benefits under the legislation of a Member State as a result of pursuing an occupational activity. In such a case, the person concerned shall be considered as a worker or as a member of a worker's family for the purposes of this Chapter."

The title of Section 1 of Chapter 2 of Title III is replaced by the following :

"Workers exclusively subject to legislations under which the amount of invalidity benefit is not dependent on the duration of periods of insurance or residence."

Article 37(1) is replaced by the following :

" 1. A worker who has been successively or alternately subject to the legislations of two or more Member States and who has completed periods of insurance or residence exclusively subject to legislations

under which the amount of invalidity benefit is independent of the duration of period of insurance or residence, as the case may be, shall receive benefits in accordance with the provisions of Article 39. Those provisions shall not affect any additional allowances in respect of children, granted in accordance with the provisions of Chapter 8.”

In Article 38, the title and paragraph 1 are replaced by the following :

“Aggregation of periods of insurance or of residence

1. The responsible institution of a Member State whose legislation makes the acquisition, retention or recovery of entitlement to benefits conditional upon the completion of periods of insurance or residence shall take account, as necessary, of periods of insurance completed under the legislation of any other Member State, and where appropriate of periods of residence completed after the minimum school leaving age for the person concerned under the legislation of any other Member State which makes entitlement to benefits subject to the completion of periods of residence, as though they had been completed under its own legislation.”

The title of Section 2 of Chapter 2 of Title III is replaced by the following :

“Workers subject either exclusively to legislations according to which the amount of invalidity benefit depends on the length of periods of insurance or residence or to legislations of this type and of the type referred to in Section 1.”

In Article 45, the title and paragraph 1 are replaced by the following :

“Recognition of periods of insurance or residence completed under the legislations to which a worker has been subject, for the acquisition, retention or recovery of entitlement to benefits

1. An institution of a Member State whose legislation makes the acquisition, retention and recovery of entitlement to benefits subject to the completion of periods of insurance or residence shall take account, as necessary, of periods of insurance completed under the legislation of any other Member State and, where appropriate, of periods of residence, completed after the minimum school-leaving age for the person concerned under the legislation of any other Member State which makes entitlement to benefits subject to completion of periods of residence, as though they had been completed under its own legislation.”

In Article 45, the following paragraph is added :

“4. If the legislation of a Member State makes the granting of benefits conditional upon the person concerned having been permanently resident, for a specific length of time immediately prior to the occurrence of the event insured against, in the territory of that Member State, this condition shall be deemed to be satisfied if for that same period the person concerned was permanently resident in

the territory of another Member State and either was subject to the legislation of a Member State or was receiving a pension under the legislation of a Member State.”

In Article 46(1) and (2) are replaced by the following :

“1. Where a worker has been subject to the legislation of any Member State and where he satisfies its conditions for entitlement to benefits without application of the provisions of Article 45 being necessary, the responsible institution of that State shall, in accordance with the legislation applied by it, determine the amount of benefit corresponding to the total length of the periods of insurance or residence to be taken into account under that legislation.

This institution shall also undertake the calculation of the amount of benefit which would be obtained by applying the rules laid down in paragraph (2)(a) and (b). Only the higher of these two amounts shall be considered.

2. Where a worker has been subject to the legislation of any Member State and where he does not satisfy the conditions for entitlement to benefits unless account is taken of the provisions of Article 45, the responsible institution of that Member State shall apply the following rules:

- (a) the institution shall calculate the theoretical amount of benefit that the interested person could claim if all the periods of insurance and residence, completed under the legislations of the Member States to which he has been subject, had been completed in the State in question and under the legislation applied by it at the time of determination of the benefit. If under that legislation the amount of the benefit does not depend on the length of the periods completed, this amount shall be taken as the theoretical amount referred to in this subparagraph;
- (b) the institution shall then establish the actual amount of the benefit on the basis of the theoretical amount referred to in the preceding subparagraph, pro rata with the length of the periods of insurance or residence completed before the occurrence of the event insured against under the legislation applied by it, as compared with the total length of the periods of insurance and residence completed under the legislations of all the Member States concerned before the occurrence of that event;
- (c) if the total length of the periods of insurance and residence completed before the occurrence of the event insured against under the legislations of all the Member States concerned is longer than the maximum period required by the legislation of one of these States for receipt of the full benefit, the responsible institution of that State shall, when applying the provisions of this paragraph, take into consideration this maximum period instead of the total length of the periods

completed; this method of calculation must not result in imposing on that institution the cost of a benefit greater than the full benefit provided for by its own legislation;

- (d) the procedure for taking into account overlapping periods when applying the rules of calculation referred to in this paragraph shall be laid down in the implementing Regulation referred to in Article 97.”

In Article 47, paragraph (1)(b), (c) and (d) and paragraph 2 are replaced by:

- “(b) Where, under the legislation of a Member State, benefits are calculated on the basis of the level of wages or salaries, contributions or increases in contributions, the responsible institution of that State shall determine the wages or salaries, contributions and increases to be taken into account in respect of the periods of insurance or residence on the basis of the average wages or salaries, contributions and increases recorded in respect of the insurance periods completed under its own legislation;
- (c) Where, under the legislation of a Member State, benefits are calculated on the basis of wages or salaries or of lump-sum payments, the responsible institutions of that State shall consider the wages or salaries or lump-sum payments to be taken into account in respect of periods of insurance or residence completed under the legislations of other Member States as equal to the wages or salaries or lump-sum payments or, where appropriate, to the average of the wages or salaries or lump-sum payments corresponding to the insurance periods completed under its own legislation;
- (d) Where, under the legislation of a Member State, benefits are calculated for some periods on the basis of the amount of wages or salaries, and for other periods on the basis of wages, salaries or lump-sum payments, the responsible institution of that State shall, in respect of periods of insurance or residence completed under the legislations of other Member States, take into account the wages, salaries or lump-sum payments determined in accordance with the provisions of (b) or (c) above or, as appropriate, the average of such wages, salaries or lump-sum payments; if benefits are calculated on the basis of wages, salaries or lump-sum payments for all periods completed under its own legislation, the responsible institution shall consider the wages or salaries to be taken into account in respect of the periods of insurance or residence completed under the legislations of other Member States as being equal to the notional wages or salaries corresponding to such wages, salaries or lump-sum payments.

2. The legislative provisions of a Member State concerning the reassessment of the factors taken into account for the calculation of benefits shall apply, as necessary, to the factors to be taken into account by the responsible institution of that State, in accordance with the provisions of paragraph 1, in respect of the periods of insurance or residence completed under the legislations of other Member States.”

In Article 48, the title and paragraph 1 are replaced by :

“ *Periods of insurance or of residence of less than a year*

1. Notwithstanding the provisions of Article 46(2), if the total length of the periods of insurance or residence completed under the legislation of a Member State does not amount to a year and if, taking into account these periods alone, no entitlement to benefit is acquired under the provisions of that legislation, the institution of that State shall not be obliged to grant benefits in respect of those periods.”

Article 48(3) is replaced by :

“ 3. If the effect of applying the provisions of paragraph 1 is to relieve of their obligations all the institutions of the Member States concerned, benefits shall be granted exclusively under the legislation of the last of those States whose conditions are satisfied, as if all the periods of insurance and residence completed and taken into account in accordance with the provisions of Article 45(1) and (2) had been completed under the legislation of that State.”

The title of Article 49 is replaced by :

“ *Calculation of benefits when the interested person does not simultaneously satisfy the conditions of all the legislations under which periods of insurance or of residence have been completed* ”

Article 49(1)(b) is replaced by :

“ (b) However,

- (i) if the interested person satisfies the conditions of at least two legislations without there being any need to resort to periods of insurance or residence completed under legislations whose conditions are not satisfied, these periods shall not be taken into account for the purpose of Article 46(2);
- (ii) if the interested person satisfies the conditions of only one legislation without there being any need to resort to periods of insurance or of residence completed under legislations whose conditions are not satisfied, the amount of benefit payable shall be calculated in accordance with the provisions of the only legislation whose conditions are satisfied and taking account only of the periods completed under that legislation.”

Article 50 is replaced by :

“ Article 50

Award of a supplement when the total of benefits payable under the legislations of the various Member States does not amount to the minimum laid down by the legislation of the State in whose territory the recipient is permanently resident

A recipient of benefits to whom this Chapter applies may not, in the State in whose territory he is permanently resident and under whose legislation a benefit is payable to him, be awarded a benefit less than the minimum benefit determined by that legislation for a period of insurance or residence equal to all the insurance periods taken into account for the payment in accordance with the provisions of the preceding Articles. The responsible institution of that State shall, if necessary, pay him throughout the period of his residence in its territory a supplement equal to the difference between the total of the benefits payable under this Chapter and the amount of the minimum benefit.”

In Title III, Chapter 4, section 1, the heading is replaced by :

“ Common provision ”

After this heading the following Article is added :

“ Article 51a

Aggregation of periods of insurance or employment

The responsible institution of a Member State whose legislation makes acquisition, retention and recovery of entitlement to benefit subject to the completion of periods of employment shall take account, as necessary, of periods of insurance or employment completed under the legislation of any other Member State, as if they had been completed under its own legislation.”

Before Article 52, “ Section 1 ” is replaced by “ Section 2 ”.

Article 57(3)(c) is replaced by :

“ (c) The cost of benefits in cash including pensions shall be divided between the responsible institutions of the Member States in whose territory the interested person practised an occupation liable to encourage the disease. This division shall be carried out pro rata with the length of the periods of old-age insurance or of residence referred to in Article 45(1) completed under the legislation of each of the States in relation to the total length of the periods of old-age insurance or of residence completed under the legislation of all the States on the date on which the benefits commenced.

Before Article 60, “ Section 2 ” is replaced by “ Section 3 ”.

Before Article 61, “ Section 3 ” is replaced by “ Section 4 ”.

Before Article 63, “ Section 4 ” is replaced by “ Section 5 ”.

Article 72 is replaced by :

“ Article 72

Aggregation of periods of insurance or employment

Where the legislation of one Member State makes acquisition of

the right to benefits conditional upon completion of periods of insurance or employment, the responsible institution of that State shall take into account, in so far as necessary, periods of insurance or employment completed in the territory of any other Member State, as if they had been completed under its own legislation.”

Article 79(1)(a) is replaced by :

“ (a) if that legislation makes the acquisition, retention or recovery of entitlement to benefits dependent on the length of periods of insurance, employment or residence, such lengths shall be determined taking into account, where necessary, the provisions of Article 45 or Article 72 as appropriate.”

After Article 79(3) the following paragraph is added :

“ 4. For the purposes of paragraph 2 and of Article 77(2)(b)(ii) and Article 78(2)(b)(ii), periods of residence completed after reaching the minimum school-leaving age for the person concerned, under a legislation under which entitlement to benefits is subject to the completion of periods of residence, shall be considered as periods of insurance.”

In Article 82(1), the word “ thirty-six ” is replaced by the word “ sixty ”.

Article 94(1) to (7) is replaced by :

“ 1. This Regulation shall create no entitlement to benefits for a period prior to the date of its entry into force or to the date of its application in the territory of the Member State concerned.

2. All insurance periods, as also, where applicable, all periods of employment or residence completed under the legislation of a Member State before the date of entry into force of this Regulation or before the date of its application in the territory of that Member State, shall be taken into consideration for the purpose of determining entitlement to benefits in accordance with the provisions of this Regulation.

3. Subject to the provisions of paragraph 1, an entitlement shall exist under this Regulation even if it relates to an event prior to the date of the entry into force of this Regulation or to the date of its application in the territory of the Member State concerned.

4. Any benefit which has not been determined or has been suspended by reason of the nationality or place of permanent residence of the person concerned shall, on the application of the person concerned, be determined or resumed, with effect from the date of entry into force of this Regulation or the date of its application in the territory of the Member State concerned, unless the entitlement previously determined has been compounded by a capital payment.

5. Persons whose pension rights were determined before the entry into force of this Regulation or before the date of its application in

the territory of the Member State concerned may apply for such pension rights to be reviewed, taking account of the provisions of this Regulation. This provision shall also apply to the other benefits referred to in Article 78.

6. If the application referred to in paragraphs 4 and 5 is submitted within two years from the date of entry into force of this Regulation or from the date of its entry into effect in the territory of the Member State concerned, persons concerned shall by virtue of this Regulation acquire from that date the entitlement to benefits, and the provisions of the legislation of any Member State concerning the forfeit or limitation of rights shall not apply to them.

7. If the application referred to in paragraph 4 or 5 is submitted after the expiry of the two-year period following the entry into force of this Regulation or following the date of its application in the territory of the Member State concerned, a right to benefit that has not lapsed or is not barred by limitation shall be acquired from the date on which the application was submitted except where more favourable provisions of the legislation of a Member State apply."

Article 94(9) is replaced by :

"9. The implementation of the provisions of Article 73(2) shall not have the effect of reducing the entitlement to benefit enjoyed by persons concerned at the date of entry into force of this Regulation or the date of its application in the territory of the Member State concerned. For persons who are at that date receiving more favourable benefits as a result of bilateral agreements concluded with France, these agreements shall continue to apply to them for as long as those persons are subject to French legislation. Account shall not be taken of interruptions lasting less than one month, nor of periods in which unemployment or sickness benefit is drawn. The procedure for implementing these provisions shall be laid down by the implementing Regulation referred to in Article 97."

Annex I is replaced by :

" ANNEX I

(Article 1(u) of the Regulation)

Special maternity benefits excluded from the scope of the Regulation in pursuance of Article 1(u).

A. BELGIUM

Childbirth allowance

B. DENMARK

None

C. GERMANY

None

D. FRANCE

(a) Prenatal allowances

(b) Maternity allowances of the social security system

E. IRELAND

None

F. ITALY

None

G. LUXEMBOURG

Childbirth allowances

H. NETHERLANDS

None

I. NORWAY

None

J. UNITED KINGDOM

None".

In Annex II, Parts A and B are replaced by:

" A.

Provisions of social security conventions remaining applicable notwithstanding Article 6 of the Regulation

(Article 7 (2) (c) of the Regulation)

1. BELGIUM — DENMARK

No convention

2. BELGIUM — GERMANY

(a) Articles 3 and 4 of the final Protocol of 7 December 1957 to the

General Convention of that date, as in the Complementary Protocol of 10 November 1960;

- (b) Complementary Agreement No. 3 of 7 December 1957 to the General Convention of the same date, as in the Complementary Protocol of 10 November 1960 (payment of pensions for the period preceding the entry into force of the General Convention).

3. BELGIUM — FRANCE

- (a) Articles 13, 16 and 23 of the Complementary Agreement of 17 January 1948 to the General Convention of that date (workers in mines and similar undertakings);
- (b) Exchange of Letters of 27 February 1953 (application of Article 4 (2) of the General Convention of 17 January 1948);
- (c) Exchange of Letters of 29 July 1953 on allowances for elderly employed workers.

4. BELGIUM — IRELAND

No convention

5. BELGIUM — ITALY

Article 29 of the Convention of 30 April 1948

6. BELGIUM — LUXEMBOURG

Articles 3, 4, 5, 6 and 7 of the Convention of 16 November 1959, as in the Convention of 12 February 1964 (frontier workers).

7. BELGIUM — NETHERLANDS

None

8. BELGIUM — NORWAY

No convention

9. BELGIUM — UNITED KINGDOM

None

10. DENMARK — GERMANY

(a) Article 3 (4) of the Convention on Social Security Insurance of 14 August 1953,

(b) Item 15 of the final Protocol to the Convention mentioned above,

(c) the Complementary Agreement of 14 August 1953 to the Convention mentioned above.

11. DENMARK — FRANCE

None

12. DENMARK — IRELAND

No convention

13. DENMARK — ITALY

No convention

14. DENMARK — LUXEMBOURG

No convention

15. DENMARK — NETHERLANDS

No convention

16. DENMARK — NORWAY

None

17. DENMARK — UNITED KINGDOM

None

18. GERMANY — FRANCE

- (a) Article 11 (1), Article 16 (2) and Article 19 of the General Convention of 10 July 1950;
- (b) Article 9 of the Complementary Agreement No. 1 of 10 July 1950 to the General Convention of that date (workers in mines and similar undertakings);
- (c) Complementary Agreement No. 4 of 10 July 1950 to the General Convention of the same date, as in the added section No. 2 of 18 June 1955;
- (d) Headings I and III of the added Section No. 2 of 18 June 1955;
- (e) Points 6, 7 and 8 of the General Protocol of 10 July 1950 to the General Convention of the same date;
- (f) Headings II, III and IV of the Agreement of 20 December 1963 (social security in the Saar).

19. GERMANY — IRELAND
No convention
20. GERMANY — ITALY
- (a) Articles 3 (2), 23 (2), 26 and 36 (3) of the Convention of 5 May 1953 (social insurance);
 - (b) Complementary Agreement of 12 May 1953 to the Convention of 5 May 1953 (payment of pensions for the period preceding the entry into force of the Convention).
21. GERMANY — LUXEMBOURG
- Articles 4, 5, 6 and 7 of the Treaty of 11 July 1959 (settlement of the dispute between Germany and Luxembourg) and Article 11 (2) (b) of the Treaty of 14 July 1960 (sickness and maternity benefits for persons who have opted for the application of the legislation of their country of origin).
22. GERMANY — NETHERLANDS
- (a) Article 3 (2) of the Convention of 29 March 1951;
 - (b) Articles 2 and 3 of Complementary Agreement No. 4 of 21 December 1956 to the Convention of 29 March 1951 (arrangements concerning rights acquired under the German social security insurance scheme by Dutch workers between 13 May 1940 and 1 September 1945).
23. GERMANY — NORWAY
None.
24. GERMANY — UNITED KINGDOM
- (a) Article 3 (6) and Article 7 (2) to (6) of the Convention on Social Security of 20 April 1960;
 - (b) Articles 2 to 7 of the final Protocol to the Convention on Social Security of 20 April 1960;
 - (c) Article 2 (5) and Article 5 (2) to (6) of the Convention on Unemployment Insurance of 20 April 1960.
25. FRANCE — IRELAND
No convention.
26. FRANCE — ITALY
- (a) Articles 20 and 24 of the General Convention of 31 March 1948;

(b) Exchange of Letters of 3 March 1956 (sickness benefits for seasonal workers employed in agriculture).

27. FRANCE — LUXEMBOURG

Articles 11 and 14 of Complementary Agreement of 12 November 1949 to the General Convention of the same date (workers in mines and similar undertakings).

28. FRANCE — NETHERLANDS

Article 11 of the Complementary Agreement of 1 June 1954 to the General Convention of 7 January 1950 (workers in mines and similar undertakings).

29. FRANCE — NORWAY

None.

30. FRANCE — UNITED KINGDOM

The Exchange of Notes dated 27 and 30 July 1970 concerning the position with regard to social security of United Kingdom teachers temporarily pursuing their profession in France by virtue of the Cultural Convention of 2 March 1948.

31. IRELAND — ITALY

No convention.

32. IRELAND — LUXEMBOURG

No convention.

33. IRELAND — NETHERLANDS

No convention.

34. IRELAND — NORWAY

No convention.

35. IRELAND — UNITED KINGDOM

None.

36. ITALY — LUXEMBOURG

Article 18 (2) and Article 24 of the General Convention of 29 May 1951.

37. ITALY — NETHERLANDS

Article 21 (2) of the General Convention of 28 October 1952.

38. ITALY — NORWAY

None.

39. ITALY — UNITED KINGDOM

None.

40. LUXEMBOURG — NETHERLANDS

None.

41. LUXEMBOURG — NORWAY

No convention.

42. LUXEMBOURG — UNITED KINGDOM

None.

43. NETHERLANDS — NORWAY

No convention.

44. NETHERLANDS — UNITED KINGDOM

None.

45. NORWAY — UNITED KINGDOM

None.

B.

Provisions of Conventions whose benefits are not available to all the people to whom the Regulation applies

(Article 3 (3) of the Regulation)

1. BELGIUM — DENMARK

No convention.

2. BELGIUM — GERMANY

(a) Articles 3 and 4 of the final Protocol of 7 December 1957 to the

General Convention of that date, as in the Complementary Protocol of 10 November 1960;

- (b) Complementary Agreement No. 3 of 7 December 1957 to the General Convention of the same date, as in the Complementary Protocol of 10 November 1960 (payment of pensions for the period preceding the entry into force of the General Convention).

3. BELGIUM — FRANCE

- (a) Exchange of Letters of 29 July 1953 on the allowance for elderly employed workers;
- (b) Article 23 of the Complementary Agreement of 17 January 1948 to the General Convention of that date (workers in mines and similar undertakings);
- (c) Exchange of Letters of 27 February 1953 (application of Article 4 (2) of the General Convention of 17 January 1948).

4. BELGIUM — IRELAND

No convention.

5. BELGIUM — ITALY

None.

6. BELGIUM — LUXEMBOURG

None

7. BELGIUM — NETHERLANDS

None

8. BELGIUM — NORWAY

No convention

9. BELGIUM — UNITED KINGDOM

None

10. DENMARK — GERMANY

- (a) Article 3 (4) of the Convention on Social Security Insurance of 14

August 1953;

- (b) Item 15 of the final Protocol of the Convention mentioned above;
- (c) the Complementary Agreement of 14 August 1953 to the Convention mentioned above.

11. DENMARK — FRANCE

None

12. DENMARK — IRELAND

No convention

13. DENMARK — ITALY

No convention

14. DENMARK — LUXEMBOURG

No convention

15. DENMARK — NETHERLANDS

No convention

16. DENMARK — NORWAY

None

17. DENMARK — UNITED KINGDOM

None

18. GERMANY — FRANCE

- (a) Article 16 (2) and Article 19 of the General Convention of 10 July 1950;
- (b) Complementary Agreement No. 4 of 10 July 1950 to the General Convention of the same date, as in the added Section No. 2 of 18 June 1955;
- (c) Titles I and III of added Section No. 2 of 18 June 1955;
- (d) Points 6, 7 and 8 of the General Protocol of 10 July 1950 to the General Convention of the same date;
- (e) Titles II, III and IV of the Agreement of 20 December 1963 (social security in the Saar).

19. GERMANY — IRELAND

No convention

20. GERMANY — ITALY

(a) Article 3 (2) and Article 26 of the Convention of 5 May 1953 (social insurance);

(b) The Complementary Agreement of 12 May 1953 to the Convention of 5 May 1953 (payment of pensions for the period preceding the entry into force of the Convention).

21. GERMANY — LUXEMBOURG

Articles 4, 5, 6 and 7 of the Treaty of 11 July 1959 (Settlement of the dispute between Germany and Luxembourg).

22. GERMANY — NETHERLANDS

(a) Article 3 (2) of the Convention of 29 March 1951.

(b) Articles 2 and 3 of Complementary Agreement No. 4 of 21 December 1956 to the Convention of 29 March 1951 (arrangements concerning rights acquired under the German social insurance scheme by Dutch workers between 13 May 1940 and 1 September 1945).

23. GERMANY — NORWAY

None

24. GERMANY — UNITED KINGDOM

(a) Article 3 (6) and Article 7 (2) to (6) of the Convention on Social Security of 20 April 1960;

(b) Article 2 (5) and Article 5 (2) to (6) of the Convention on Unemployment Insurance of 20 April 1960.

25. FRANCE — IRELAND

No convention

26. FRANCE — ITALY

(a) Articles 20 and 24 of the General Convention of 31 March 1948;

(b) Exchange of Letters of 3 March 1956 (sickness benefits for seasonal workers employed in agriculture).

27. FRANCE — LUXEMBOURG

None

28. FRANCE — NETHERLANDS

None

29. FRANCE — NORWAY

None

30. FRANCE — UNITED KINGDOM

The Exchange of Notes dated 27 and 30 July 1970 concerning the position with regard to social security of United Kingdom teachers temporarily pursuing their profession in France by virtue of the Cultural Convention of 2 March 1948.

31. IRELAND — ITALY

No convention.

32. IRELAND — LUXEMBOURG

No convention.

33. IRELAND — NETHERLANDS

No convention.

34. IRELAND — NORWAY

No convention.

35. IRELAND — UNITED KINGDOM

None.

36. ITALY — LUXEMBOURG

None.

37. ITALY — NETHERLANDS

None.

38. ITALY — NORWAY

None.

39. ITALY — UNITED KINGDOM

None.

40. LUXEMBOURG — NETHERLANDS

None.

41. LUXEMBOURG — NORWAY

No convention.

42. LUXEMBOURG — UNITED KINGDOM

None.

43. NETHERLANDS — NORWAY

No convention.

44. NETHERLANDS — UNITED KINGDOM

None.

45. NORWAY — UNITED KINGDOM

None.”

Annex III is replaced by:

“ ANNEX III

(Article 37 (2) of the Regulation)

Legislations referred to in Article 37 (1) of the Regulation under the terms of which the amount of invalidity benefits does not depend on the length of periods of insurance or of residence.

A. BELGIUM

The legislation relating to the general invalidity scheme, to the special invalidity scheme for miners and to the special scheme for sailors in the Merchant Navy.

B. DENMARK

Disablement Pensions Law (promulgated on 15 April 1970).

C. GERMANY

None.

D. FRANCE

All the legislation on invalidity insurance, except for the legislation concerning the invalidity insurance of the miners' social security scheme.

E. IRELAND

Section 6 of the Social Welfare Act of 29 July 1970.

F. ITALY

None.

G. LUXEMBOURG

None.

H. NETHERLANDS

The law of 18 February 1966 on insurance against incapacity for work.

I. NORWAY

Not applicable.

J. UNITED KINGDOM

Law of 14 July 1971 on Invalidity Benefits."

Annex V is amended, as follows:

"A. BELGIUM

... (unchanged).

B. DENMARK

1. Any person who, from the fact of pursuing an activity as an employed person, is subject to legislation on accidents at work and occupational diseases shall be considered a worker within the meaning of Article 1 (a) (ii) of the Regulation.
2. The condition of having been previously compulsorily insured against the same contingency within a system organized for the benefit of employed persons of the same Member State, as provided for in Article 1 (a) (iii) of the Regulation, shall not apply to persons who are registered with an approved unemployment insurance fund.
3. Completed periods of insurance or employment in a Member State other than Denmark shall be taken into account for admission to membership of an approved unemployment insurance fund in the same way as if they were periods of employment completed in Denmark.
4. Workers, applicants for pensions and pensioners, together with members of their families, who apply for benefits in kind in application of Articles 19 and 22, Article 25. (1) and (3), Articles 26, 28, 29 and 31 of the Regulation, shall be entitled to such benefits on the same terms as those laid down by Danish legislation for members of cate-

gory A, where the cost of the said benefits is payable by the institution of a Member State other than Denmark.

5. For the purposes of Title III, Chapter 1 of the Regulations members of the family other than children under 16 years of age:

(a) of a worker subject to Danish legislation; or

(b) of a person entitled to a pension payable under Danish legislation and permanently resident in Denmark,

who are dependent mainly on the said worker or pensioner and who are permanently resident in a Member State other than Denmark shall automatically become members of the sickness fund with which the said worker or pensioner is registered, on the same terms (member or contributing member, category A or B) as the latter.

C. GERMANY

. . . (unchanged)

D. FRANCE

. . . (unchanged)

E. IRELAND

1. Any person who is compulsorily or voluntarily insured pursuant to the provisions of Section 4 of the Social Welfare Act 1952 shall be considered a worker within the meaning of Article 1 (a) (ii) of the Regulation.
2. The condition of having been previously compulsorily insured against the same contingency within the framework of a system organized for the benefit of employed workers of the same Member State, as provided for in Article 1 (a) (iii) of the Regulation, shall not apply to persons who are optionally registered under insurance systems for retirement, old age and widows' pensions or under the system of death benefits.
3. Workers, applicants for pensions and pensioners, together with members of their families who apply for medical treatment in application of Articles 19 and 22, Article 25 (1) and (3), Articles 26, 28, 29 and 31 of the Regulation, shall be entitled, free of charge, to any such form of medical treatment as is provided for by Irish legislation, where the cost of this treatment is payable by the institution of a Member State other than Ireland.
4. If a worker subject to Irish legislation has left the territory of a Member State to proceed, in the course of his employment, to the territory of another Member State and sustains an accident before arriving there, his entitlement to benefit in respect of the said accident shall be established:
 - (a) as if this accident had occurred on the territory of Ireland; and
 - (b) without taking into consideration his absence from the territory of Ireland, when determining whether, by virtue of his employment, he was insured under the said legislation.

F. ITALY

.....(unchanged)

G. LUXEMBOURG

.....(unchanged)

H. NETHERLANDS

.....(unchanged)

I. NORWAY

1. Any person whose income for the purposes of determining pension entitlement falls within the category of incomes listed in Chapter 6, Section 4, paragraph 1 of Law No. 12 of 17 June 1966 on national insurance shall be considered a worker within the meaning of Article 1(a)(ii) of the Regulation.

2. The transitional provisions for the calculation of the supplementary pensions provided for in Chapter 7, Section 5 of Law No. 12 of 17 June 1966 on national insurance shall be applicable to beneficiaries under the Regulation permanently resident on the territory of a Member State other than Norway, provided that the worker has been resident on Norwegian territory:
 - (a) for at least five years after his sixteenth birthday and before 1 January 1967; and
 - (b) for at least ten years after his sixteenth and before his seventieth birthday, or before his death, if he dies before his seventieth birthday.

3. (a) The allowances for unmarried mothers provided for in Chapter 12, Section 2 and Section 3, second paragraph of Law No. 12 of 17 June 1966 on national insurance shall be paid within the territory of another Member State within the terms laid down by that Law, provided that the person concerned was permanently resident on Norwegian territory on the first day of the tenth month before the expected date of confinement.

- (b) The allowances for unmarried mothers provided for in Chapter 12, Section 3, first paragraph of Law No. 12 of 17 June 1966 on national insurance shall be granted only if the person concerned is permanently resident in Norway.

J. UNITED KINGDOM

1. All persons required to pay contributions as employed workers shall be regarded as workers for the purposes of Article 1(a)(ii) of the Regulation.
2. When a person who is normally resident in the United Kingdom, or who has been required, since he last arrived in the United Kingdom, to pay contributions under United Kingdom law as an employed person, applies, as a result of incapacity to work, pregnancy or unemployment, for exemption from the payment of contributions over a certain period, and asks for contributions for that period to be credited to him, any period during which that person has been working in the territory of another Member State shall, for the purposes of his application, be regarded as a period during which he has been employed in the United Kingdom and for which he has paid contributions as an employed worker in accordance with United Kingdom legislation.
3. For the purposes of Title III, Chapter 3 of the Regulation, where, in accordance with United Kingdom legislation, a woman applies for an old-age pension
 - (a) on the basis of her husband's insurance; or
 - (b) on the basis of her personal insurance, and where, because the marriage has ended as a result of the death of the husband, or for other reasons, the contributions paid by the latter are taken into account for the determination of pension rights, any reference to a period of insurance completed by her shall be considered, for the purposes of establishing the annual average of the contributions paid by her husband or credited to him, to include reference to a period of insurance completed by the husband.
4. Where United Kingdom law makes permanent residence a condition of the right to unemployment benefit, an insured person shall be deemed to have been permanently resident in the United Kingdom in any period prior to the date of his application for benefit during which he was resident, insured or employed in the territory of another Member State.
5. If, in accordance with the provisions of Title II of the Regulation United Kingdom law is applicable to a worker, he shall be treated for the purposes of entitlement to family allowances:
 - (a) as if his place of birth, or the place of birth of his children or dependants, were in the United Kingdom, if that place is within the territory of another Member State; and

- (b) as if he had been present in the United Kingdom prior to his application for allowances during any period when he was insured or employed within the territory or under the legislation of another Member State.
6. Any worker subject to United Kingdom legislation in accordance with the provisions of Title II of the Regulation, shall be treated, for the purposes of entitlement to the attendance allowance:
- (a) as if his place of birth were within the territory of the United Kingdom, if his place of birth is within the territory of another Member State; and
 - (b) as if he had been normally resident in the United Kingdom and had been there during any period of insurance or employment that he may have completed within the territory or under the legislation of another Member State.
7. In the event of a worker subject to United Kingdom legislation being the victim of an accident after leaving the territory of one Member State while travelling, in the course of his employment, to the territory of another Member State, but before arriving there, his entitlement to benefits in respect of that accident shall be established:
- (a) as if the accident had occurred within the territory of the United Kingdom; and
 - (b) disregarding his absence from the territory of the United Kingdom for the purposes of determining whether, by virtue of his employment, he was insured under the said legislation.
8. The Regulation does not apply to those provisions of United Kingdom legislation which are intended to bring into force any social security agreement concluded between the United Kingdom and a third State.
9. Wherever required by United Kingdom legislation for the purposes of determining entitlement to benefits, nationals of any Member State born in a third State are to be considered nationals of the United Kingdom born in a third State."

2. *Council Regulation (EEC) No. 2396/71 of 8 November 1971*

OJ No. L 249/54, 10 November 1971

Article 4 is replaced by the following:

"For the purposes of Article 8(2) of the Council Decision of 1 February 1971, each Member State shall transmit to the Commission a list, to be published by the Commission in the Official Journal of the European Communities, of the public authorities empowered by it to provide financial assistance for measures undertaken by bodies or other entities governed by private law (or, in Member States where this concept is unknown, by equivalent entities) and to guarantee that such operations are successfully concluded."

3. *Council Decision of 25 August 1960*

OJ No. 56/1201, 31 August 1960

as amended by:

—*Council Decision No. 68/188 (EEC) of 9 April 1968*

OJ No. L 91/25, 12 April 1968

In Article 2, the word “thirty-six” is replaced by the word “sixty” and the word “six” by the word “ten”.

4. *Council Decision No. 63/688/EEC of 18 December 1963*

OJ No. 190/3090, 30 December 1963

as amended by:

—*Council Decision No. 68/189/EEC of 9 April 1968*

OJ No. L 91/26, 12 April 1968

In Article 1, the number “36” is replaced by the number “60”.

5. *Decision of the Representatives of the Governments of the Member States meeting in the Special Council of Ministers on 9 July 1957*

OJ No. 487/57, 31 August 1957

as amended by:

—*Decision of the Representatives of the Governments of the Member States meeting in the Special Council of Ministers on 11 March 1965*

OJ No. 46/698, 22 March 1965

In Article 3 of the Annex, the figure “24” is replaced by the figure “40.”

Article 5 of the Annex (and its title) are deleted.

In Article 9 of the Annex, the word “three” is replaced by the word “five.”

In Article 13(3) of the Annex, the word “four” is replaced by the word “seven”.

In Article 15(1) of the Annex, the words “and to observers of the United Kingdom” are deleted.

In Article 18(1) of the Annex, the word " sixteen " is replaced by the word " twenty-six ".

In Article 18(2) of the Annex, the word " thirteen " is replaced by the word " twenty-one ".

6. *Council Directive No. 68/360/EEC* of 15 October 1968

OJ No. L 257/13, 19 October 1968

The note to the Annex is replaced by the following:

" (1) Belgian, Danish, German, French, Irish, Italian, Luxembourg, Dutch, Norwegian, United Kingdom, depending on which country issues the card ".

X. TECHNICAL BARRIERS

1. *Council Directive No. 69/493/EEC* of 15 December 1969

OJ No. L 326/36, 29 December 1969

—In Annex I, the following is inserted in column b:

—against No. 1 the words:

" full lead crystal	30%
krystal	30%
krystall	30% "

—against No. 2 the words:

" lead crystal	24%
krystal	24%
krystall	24% "

—against No. 3 the words:

" crystal glass, crystallin
krystallin
krystallin "

—against No. 4 the words:

" crystal glass, crystallin
krystallin
krystallin "

2. Council Directive No. 70/156/EEC of 6 February 1970

OJ No. L 42/1,23 February 1970

Article 2(a) is replaced by the following:

“ For the purposes of this Directive:

(a) “ national type approval ” means the administrative procedure known as:

- agrégation par type/aanneming in Belgian law;
- standardtypegodkendelse in Danish law;
- allgemeine Betriebserlaubnis in German law;
- réception par type in French law;
- type approval in Irish law;
- omologazione or approvazione del tipo in Italian law;
- agrégation in Luxembourg law;
- typegoedkeuring in Netherlands law;
- typegodkjenning in Norwegian law;
- type approval in United Kingdom law ”

Article 10(1) is replaced by:

“ 1. Once this Directive has entered into force and as the separate Directives necessary for the granting of EEC type approval become applicable:

- in the Member States where vehicles or a category of vehicles are the subject of national type approval, that type approval shall be based on the harmonized technical requirements instead of the corresponding national requirements if the applicant so requests;
- in the Member States where vehicles or a category of vehicles are not the subject of national type approval, the sale, registration, entry into service or use of such vehicles may not be refused or prohibited on the grounds that harmonized technical requirements have been complied with instead of the corresponding national requirements, provided the competent authorities of the said States have been informed thereof by the manufacturer or by his authorized representative;

—on application by a manufacturer or his authorized representative and on submission of the information document referred to in Article 3, the Member State concerned shall complete the sections of the type approval certificate referred to in Article 2(b). A copy of this certificate shall be issued to the applicant. With respect to vehicles of the same type, the other Member States shall accept this copy as proof that the requisite tests have been carried out.”

In Article 13(2), the word “ twelve ” is replaced by the word “ forty-three ”.

3. *Council Directive No. 70/157/EEC* of 6 February 1970

OJ No. L 42/16, 23 February 1970

After Article 2, an Article is inserted, worded as follows:

“ Article 2a

No Member State may refuse or prohibit the sale or registration, entry into service or use of a vehicle on grounds relating to the permissible sound level or the exhaust system if its sound level and exhaust system satisfy the requirements set out in the Annex.”

4. *Council Directive No. 70/220/EEC* of 20 March 1970

OJ No. L 76/1, 6 April 1970

After Article 2, an Article is inserted, worded as follows:

“ Article 2a

No Member State may refuse or prohibit the sale or registration, entry into service or use of a vehicle on grounds relating to air pollution by gases from positive-ignition engines of motor vehicles if that vehicle satisfies the requirements set out in Annexes I, II, III, IV, V and VI.”

5. *Council Directive No. 70/221/EEC* of 20 March 1970

OJ No. L 76/23, 6 April 1970

After Article 2, an Article is inserted, worded as follows:

“ Article 2a

No Member State may refuse or prohibit the sale or registration, entry into service or use of a vehicle on grounds relating to liquid fuel tanks or rear protective devices if these satisfy the requirements set out in the Annex.”

6. *Council Directive No. 70/222/EEC* of 20 March 1970

OJ No. L 76/25, 6 April 1970

After Article 2, an Article is inserted, worded as follows:

“ Article 2a

No Member State may refuse or prohibit the sale or registration, entry into service or use of a vehicle on grounds relating to the space for mounting or the fixing of rear registration plates if these satisfy the requirements set out in the Annex.”

7. *Council Directive No. 70/311/EEC* of 8 June 1970

OJ No. L 133/10, 18 June 1970

After Article 2, an Article inserted, worded as follows:

“ Article 2a

No Member State may refuse or prohibit the sale or registration, entry into service or use of a vehicle on grounds relating to its steering equipment, if this equipment satisfies the requirements set out in the Annex.”

8. *Council Directive No. 70/387/EEC* of 27 July 1970

OJ No. L 176/5, 10 August 1970

After Article 2, an Article is inserted, worded as follows:

“ Article 2a

No Member State may refuse or prohibit the sale or registration, entry into service or use of a vehicle on grounds relating to its doors if these satisfy the requirements set out in the Annexes.”

9. *Council Directive No. 70/388/EEC* of 27 July 1970

OJ No. L 176/12, 10 August 1970

After Article 7, an Article is inserted, worded as follows:

“ Article 7a

No Member State may refuse or prohibit the sale or registration, entry into service or use of a vehicle on grounds relating to its audible warning device if that device bears the EEC approval mark and if it is fitted in accordance with the requirements laid down in item 2 of Annex I.”

In Annex I point 1.4.1, in the third and fourth lines the words in brackets are replaced by the following:

“ (1 for Germany, 2 for France, 3 for Italy, 4 for the Netherlands, 6 for Belgium, 11 for the United Kingdom, 12 for Luxembourg, the letters DK for Denmark, the letters IRL for Ireland and the letter N for Norway).”

10. *Council Directive No. 71/127/EEC* of 1 March 1971

OJ No. L 68/1, 22 March 1971

After Article 7, a new Article is inserted:

“ Article 7a

No Member State may refuse or prohibit the sale or registration, entry into service or use of a vehicle on grounds relating to its rear-view mirrors if these comply with the requirements laid down in the Annexes.”

In Annex I, point 2.6.1 is replaced by the following:

“ 2.6.1

The type approval mark shall be made up of a rectangle, within which shall be placed the letter “ e ” followed by the distinguishing number or letter of the country which has granted the type approval (1 for Germany, 2 for France, 3 for Italy, 4 for the Netherlands, 6 for Belgium, 11 for the United Kingdom, DK for Denmark, IRL for Ireland, L for Luxembourg and N for Norway). At any point in the proximity of this rectangle there shall be placed a type approval number corresponding to the number of the approval certificate completed for the prototype.”

In Annex I, point 3.2.1 is replaced by the following:

“ 3.2.1

All vehicles shall be equipped with both an interior and an exterior rear-view mirror. The latter shall be fitted to the left side of the vehicle in the Member States where vehicles are required to be driven on the right, and to the right side of the vehicle in the Member States where vehicles are required to be driven on the left.”

In Annex I, point 3.2.2 is replaced by the following:

“ 3.2.2

In the event of failure to satisfy the specifications of point 3.5 with regard to the field of vision of the interior rear-view mirror, an additional exterior rear-view mirror shall be mandatory. The said additional mirror shall be fitted to the right side of the vehicle in the Member States where vehicles are required to be driven on the right and to the left side of the vehicle in the Member States where vehicles are required to be driven on the left.”

In Annex I, point 3.3.2 is replaced by the following:

“ 3.3.2

Exterior rear-view mirrors shall be visible through the portion of the windscreen that is swept by the windscreen wiper or through the side windows. In the case of vehicles of the international categories M_2 or M_3 as defined in the Council Directive on the approximation of the laws of the Member States relating to the type approval of motor vehicles and their trailers, the foregoing provision shall not apply to right-hand rear-view mirrors in the Member States where vehicles are required to be driven on the right or to left-hand rear-view mirrors in the Member States where vehicles are required to be driven on the left.”

In Annex I, point 3.3.3 is replaced by the following:

“ 3.3.3

In the case of left-hand drive vehicles in the Member States where vehicles are required to be driven on the right and of right-hand drive vehicles in the Member States where vehicles are required to be driven on the left, the prescribed exterior rear-view mirror shall be fitted to the left or right side respectively of the vehicle in such a way that there is an angle of not more than 55° between the vehicle longitudinal median of the vehicle and the vertical plane which passes through the centre of the rear-view mirror and through the middle of the segment between the ocular points of the driver.”

In Annex I, point 3.5.3 is replaced by the following:

“ 3.5.3

Left-hand exterior rear-view mirror

(a) *Member States where vehicles are required to be driven on the right:*

The field of vision shall be such that the driver can see at least a 2.50-m-wide plane and horizontal portion of the road, said portion being bounded on the right by the plane which is parallel to the vertical longitudinal median of the vehicle and passes through the leftmost point of the overall width of the vehicle, said portion stretching from the horizon to 10 m behind the ocular points of the driver (Figure 4).

(b) *Member States where vehicles are required to be driven on the left:*

The field of vision shall be such that the driver can see at least a 3.50-m-wide plane and horizontal portion of the road, said portion being bounded on the right by the plane which is parallel to the vertical longitudinal median of the vehicle and passes through the leftmost point of the overall width of the vehicle, said portion stretching from the horizon to 30 m behind the ocular points of the driver.

In addition, the road shall be visible to the driver, over a width of 0.75 m, from a point 4 m behind the vertical plane through the ocular points of the driver (Figure 5).”

In Annex I, point 3.5.4 is replaced by the following:

“ 3.5.4

Right-hand exterior rear-view mirror

(a) *Member States where vehicles are required to be driven on the right:*

The field of vision shall be such that the driver can see at least a 3.50-m-wide plane and horizontal portion of the road, said portion being bounded on the left by the plane which is parallel to the vertical longitudinal median of the vehicle and passes through the rightmost point of the overall width of the vehicle, said portion stretching from the horizon to 30 m behind the ocular point of the driver.

In addition, the road shall be visible to the driver, over a width of 0.75 m, from a point 4 m behind the vertical plane through the ocular points of the driver (Figure 4).

(b) *Member States where vehicles are required to be driven on the left:*

The field of vision shall be such that the driver can see at least a 2.50-m-wide plane and horizontal portion of the road, said portion being bounded on the left by the plane which is parallel to the vertical longitudinal median of the vehicle and passes through the rightmost point of the overall width of the vehicle, said portion stretching from the horizon to 10 m behind the ocular points of the driver (Figure 5)."

The title of Figure 4 of Annex I is replaced by the following:

"Exterior rear-view mirrors (in the case of vehicles which are required to be driven on the right)."

In Annex I, a Figure 5 is inserted. The design in this figure is a mirror-image of that in Figure 4. The title of Figure 5 is as follows:

"Exterior rear-view mirrors (in the case of vehicles which are required to be driven on the left)."

11. *Council Directive No. 71/307/EEC of 26 July 1971*

OJ No. L 185/16, 16 August 1971

In Article 5 (1), the following is inserted after the fourth indent:

—"fleece wool" or "virgin wool"

Article 8 (1) is replaced by the following:

"1. Textile products within the meaning of this Directive shall be labelled or marked whenever they are put on the market for production or commercial purposes; this labelling or marking may be replaced or supplemented by accompanying commercial documents when the products are not being offered for sale to the end consumer, or when they are delivered in performance of an order placed by the State or by some other legal person governed by public law or, in those States where this concept is unknown, by an equivalent entity."

The following names are inserted after the name "guanaco"(1), in heading 2 of Annex I:

“ beaver, otter.”

The three following headings are inserted in Annex I:

<i>“Number</i>	<i>Description</i>	<i>Description of the fibre</i>
16a	Sunn	fibre from the bast of <i>Crotalaria juncea</i>
16b	Henequen	fibre from the bast of <i>Agave Fourcroydes</i>
16c	Maguey	fibre from the bast of <i>Agave Cantala</i> ”

The following three headings are inserted in Annex II:

<i>“Fibre number</i>	<i>Fibre</i>	<i>Percentage</i>
16a	Sunn	12
16b	Henequen	14
16c	Maguey	14”

The following headings are inserted at the end of Annex III:

“ 28. Oven gloves and cloths

29. Egg cosies

30. Make-up cases

31. Tobacco pouches of textile fabric

32. Spectacle, cigarette and cigar, lighter and comb cases of textile fabric

33. Protective requisites for sports with the exception of gloves

34. Toilet cases

35. Shoe-cleaning cases ”

12. *Council Directive No. 71/316/EEC of 26 July 1971*

OJ No. L 202/1, 6 September 1971

In point 3.1 of Annex I, the first indent is replaced by the following:

“—in the upper part, the distinguishing capital letter of the State which granted the approval (B for Belgium, DK for Denmark, D for the Federal Republic of Germany, F for France, IR for Ireland, I for Italy, L for Luxembourg, N for Norway, NL for the Netherlands and UK for the United Kingdom) and the last two digits of the year of approval.”

In point 3.1.1.1 (a) of Annex II, the first indent is replaced by the following:

“—in the upper half, the distinguishing capital letter of the State where the original check is carried out (B for Belgium, DK for Denmark, D for the Federal Republic of Germany, F for France, IR for Ireland, I for Italy, L for Luxembourg, N for Norway, NL for the Netherlands and UK for the United Kingdom) together, where necessary, with one or two figures identifying a territorial or administrative subdivision.”

In Article 19 (2) the word “ twelve ” is replaced by the word “ forty-three ”.

13. *Council Directive No. 71/320/EEC of 26 July 1971*

OJ No. L 202/37, 6 September 1971

A new Article is inserted, worded as follows:

“ Article 2a

“ No Member State may refuse or prohibit the sale, registration, entry into service or use of a vehicle on grounds relating to its braking devices if that vehicle is equipped with the braking devices specified in Annexes I to VIII and if such braking devices satisfy the requirements set out therein.”

14. *Council Directive No. 71/347/EEC of 12 October 1971*

OJ No. L 239/1, 25 October 1971

Article 1 (a) is replaced by the following:

“ (a) the definition of the characteristic of cereals designated EEC standard mass per storage volume (masse à l'hectolitre CEE, EEG-natuurgewicht, EWG-Schüttdichte, peso ettolitrico CEE, EØF-masse of hektoliter korn, EØF-masse av hektoliter korn),”

The following paragraph is inserted at the end of Article 4:

- “ 3. Throughout the period in which the unit of measurement (pound per bushel) lawfully in use in Ireland and in the United Kingdom at the date of accession continues to be authorized, the term “EEC standard mass per storage volume” may be employed to characterize cereals which have been measured in Ireland or in the United Kingdom by the instruments and methods in use in those countries. In this case, the measurements obtained in pounds per bushel shall be converted into the EEC unit of standard mass per storage volume by being multiplied by a factor of 1.25.”

15. *Council Directive No. 71/348/EEC* of 12 October 1971

OJ No. L 239/9, 25 October 1971

In Chapter IV of the Annex, the following is inserted at the end of

Section 4.8.1:

- “ —0.1 Irish penny
—0.1 penny sterling
—1 Norwegian øre
—1 Danish øre ”

16. *Council Directive No. 71/354/EEC* of 18 October 1971

OJ No. L 243/29, 29 October 1971

In Article 1(1) and (2) the word “Annex” is replaced by “Annex I”.

Article 1(3) is replaced by the following:

- “ 3. The units of measurement temporarily retained in accordance with the provisions of Annex I, Chapters II and III and Annex II may not be brought into compulsory use by the Member States where they are not authorized at the date when this Directive enters into force.”

In Article 1, a paragraph 4 is inserted, worded as follows:

- “ 4. The classification in Annex I of the units of measurement listed in Annex II shall be decided on 31 August 1976 at the latest. The units of measurement concerning which no decision has been made on 31 August 1976 at the latest shall disappear on 31 December 1979 at the latest. An appropriate extension of this time limit may be decided for certain of these units of measurement if it should be justified for special reasons.”

The title of the Annex is replaced by “Annex I”.

An Annex II is inserted, worded as follows:

" ANNEX II

Units of measurement of the imperial system, the classification of which in Annex I shall be decided on 31 August 1976 at the latest.

<i>Quantity</i>	<i>Name of Unit</i>	<i>Conversion Factor:</i>	<i>Imperial Unit</i> <i>SI Unit</i>
Length metre (m)	Inch	$2.54 \cdot 10^{-2}$	
	Hand	0.1016	
	Foot	0.3048	
	Yard	0.9144	
	Fathom	1.829	
	Chain	20.12	
	Furlong	201.2	
	Mile	1609	
	Nautical mile (UK)	1853	
Area square metre (m ²)	Square inch	$6.452 \cdot 10^{-4}$	
	Square foot	$0.929 \cdot 10^{-1}$	
	Square yard	0.8361	
	Rood	1012	
	Acre	4047	
	Square mile	$2.59 \cdot 10^6$	
Volume cubic metre (m ³)	Cubic inch	$16.39 \cdot 10^{-6}$	
	Cubic foot	0.0283	
	Cubic yard	0.7646	
	Fluid ounce	$28.41 \cdot 10^{-6}$	
	Gill	$0.1421 \cdot 10^{-3}$	
	Pint	$0.5682 \cdot 10^{-3}$	
	Quart	$1.136 \cdot 10^{-3}$	
	Gallon	$4.546 \cdot 10^{-3}$	
	Bushel	$36.37 \cdot 10^{-3}$	
	Cran	$170.5 \cdot 10^{-3}$	
Mass kilogramme (kg)	Grain	$0.0648 \cdot 10^{-3}$	
	Dram	$1.772 \cdot 10^{-3}$	
	Ounce (avoirdupois)	$28.35 \cdot 10^{-3}$	
	Ounce troy	$31.10 \cdot 10^{-3}$	
	Pound	0.4536	
	Stone	6.35	
	Quarter	12.70	
	Central	45.36	
	Hundredweight	50.80	
Ton	1016		
Force Newton (N)	Pound force	4.448	
	Ton force	$9.964 \cdot 10^3$	
Pressure Pascal (Pa)	Inch water gauge	249.089	
Energy Joule (J)	British thermal Unit	1055.06	
	Foot pound—force	1.356	
	Therm	$105.506 \cdot 10^6$	
Power Watt (W)	Horsepower	745.7	
Illuminance Lux (lx)	Foot candle	10.76	
Temperature Kelvin (K)	Degree Fahrenheit	5/9	
Speed, velocity Metres per second (m/s)	Knot (UK)	0.51472'	

XI. FOODSTUFFS

1. *Council Directive* of 23 October 1962

OJ No. 115/2465, 11 November 1962
as amended by:

—*Council Directive No. 65/469/EEC* of 25 October 1965
OJ No. 178/2793, 26 October 1965

—*Council Directive No. 67/653/EEC* of 24 October 1967
OJ No. 263/4, 30 October 1967

—*Council Directive No. 68/419/EEC* of 20 December 1968
OJ No. L 309/24, 24 December 1968

—*Council Directive No. 70/358/EEC* of 13 July 1970
OJ No. L 157/36, 18 July 1970

In Article 9, paragraph 2 is replaced by the following:

“2. When the particulars required under paragraph 1 appear on the packages or containers and if the words required under paragraph 1(c) are expressed in at least one official language of the Community, Member States shall not prohibit imports of the colours listed in Annex I on the ground that they consider the labelling inadequate.

However, any importing Member State may require the latter words to be expressed in its official language or languages.”

2. *Council Directive No. 64/54/EEC* of 5 November 1963

OJ No. 12/661, 27 January 1964
as amended by:

—*Council Directive No. 67/427/EEC* of 27 June 1967
OJ No. 148/1, 11 July 1967

—*Council Directive No. 68/420/EEC* of 20 December 1968
OJ No. L 309/25, 24 December 1968

—*Council Directive No. 70/359/EEC* of 13 July 1970
OJ No. L 157/38, 18 July 1970

—*Council Directive No. 71/160/EEC* of 30 March 1971
OJ No. L 87/12, 17 April 1971

In section I of the Annex, the following elements are inserted in the corresponding columns:

“E 218 methyl p-hydroxybenzoate (methyl ester of p-hydroxybenzoic acid)

E 227 Calcium bisulphite (calcium hydrogen sulphite).”

In Article 9, paragraph 2 is replaced by the following:

“2. Member States shall not prohibit the preservatives listed in the Annex from entering their territory and from being placed on sale therein on the ground that they consider the labelling inadequate if the particulars required under paragraph 1 appear on the packages or containers, and if the particulars required under subparagraphs (b), (c) and (d) are expressed in at least one official language of the Community.

However, any importing Member State may require that the latter particulars be expressed in its official language or languages.”

3. *Council Directive No. 70/357/EEC* of 13 July 1970

OJ No. L 157/31, 18 July 1970

In Article 8, paragraph 2 is replaced by the following:

“2. Member States shall not prohibit the substances listed in the Annex from entering their territory and being placed on sale therein on the ground that they consider the labelling inadequate, if the particulars required under paragraph 1 appear on the packages or containers, and if the particulars required under paragraph 1(b), (c) and (d) are expressed in at least one official language of the Community.

However, any importing Member State may require that the latter particulars be expressed in its official language or languages.”

XII. ENERGY POLICY

1. *Council Decision No. 68/416/EEC* of 20 December 1968

OJ No. L 308/19, 23 December 1968

In Article 1(1), the following is inserted after “the Commission.”:

“In the case of new Member States, such period shall be calculated from the date of accession.”

XIII. STATISTICS

1. *Council Directive No. 64/475/EEC* of 30 July 1964

OJ No. 131/2193, 13 August 1964

In Article 1, the following is inserted after "... be carried out in 1965":
" in the case of the new Member States, all appropriate arrangements shall be made to ensure that the first survey, covering the year 1973, is carried out in 1974."

2. *Council Directive No. 69/467/EEC* of 8 December 1969

OJ No. L 323/7, 24 December 1969

In Article 2, the figure " 57 " is to be replaced by the figure " 76 ".

In Annex II the following is inserted:

" DENMARK

100 Vest for Storebaelt

101 Øst for Storebaelt ekskl. Storkøbenhavn

102 Storkøbenhavn

IRELAND

110 Ireland

NORWAY

120 Østre handelsfelt

121 Vestre handelsfelt

122 Midtre handelsfelt

123 Nordre handelsfelt

UNITED KINGDOM

130 South West Region

131 South East Region

132 Wales and Monmouthshire

133 West Midlands

134 East Midlands

135 East Anglia

136 North West Region

137 Yorkshire and Humberside

138 Northern Region

139 Scotland

140 Northern Ireland."

XIV. MISCELLANEOUS

1. *Council Regulation No. 1 of 15 April 1958*

OJ No. 17/385, 6 October 1958

Article 1 is replaced by the following:

“The official languages and the working languages of the institutions of the Community shall be Danish, German, English, French, Italian, Dutch and Norwegian.”

In Article 4 the word “four” is replaced by the word “seven.”

In Article 5 the word “four” is replaced by the word “seven.”

2. *EEC and EAEC Council Decision of 15 May 1959*

OJ No. 861/59, 17 August 1959

In Article 2, the word “six” is replaced by the word “ten.”

ANNEX II

List referred to in Article 30 of the Act of Accession

I. CUSTOMS LEGISLATION

Commission Regulation (EEC) No. 1769/68 of 6 November 1968

OJ No. L 285/1, 25 November 1968

The Annex to this Regulation, which contains the percentages of air freight charges to be incorporated in the value for customs purposes, is to be amended by direct reference to the situation resulting from the definition of the customs territory of the Community.

II. AGRICULTURE

A. COMMON ORGANIZATION OF MARKETS

(a) Fruit and Vegetables

1. *Commission Regulation No. 80/63/EEC* of 31 July 1963

OJ No. 121/2137, 3 August 1963

The agencies entrusted with enforcement by each new Member State are to be added to the list in the Annex.

2. *Council Regulation No. 41/66/EEC* of 29 March 1966

OJ No. 69/1013, 19 April 1966

In Annex I/2, a supplementary quality category is to be added to the common standards of quality for Brussels sprouts.

3. *Commission Regulation (EEC) No. 2638/69* of 24 December 1969

OJ No. L 327/33, 30 December 1969

A list of dispatching areas for each new Member State is to be added to Annex I.

4. *Commission Regulation (EEC) No. 496/70* of 17 March 1970

OJ No. L 62/11, 18 March 1970

The agencies entrusted with enforcement by each new Member State are to be added to the list in Annex I.

5. *Commission Regulation (EEC) No. 1291/70* of 1 July 1970

OJ No. L 144/10, 2 July 1970

Representative markets for the new Member States are to be added to the list in Article 3(2).

6. *Commission Regulation (EEC) No. 1559/70* of 31 July 1970

OJ No. L 169/55, 1 August 1970

The agencies appointed by each new Member State are to be added to the list in the Annex.

7. *Commission Regulation (EEC) No. 1560/70* of 31 July 1970

OJ No. L 169/59, 1 August 1970

The agencies appointed by each new Member State are to be added to the list in the Annex.

8. *Commission Regulation (EEC) No. 1561/70* of 31 July 1970
OJ No. L 169/63, 1 August 1970

The agencies appointed by each new Member State are to be added to the list in the Annex.

9. *Commission Regulation (EEC) No. 1562/70* of 31 July 1970
OJ No. L 169/67, 1 August 1970

The agencies appointed by each new Member State are to be added to the list in the Annex.

10. *Commission Regulation (EEC) No. 604/71* of 23 March 1971
OJ No. L 70/9, 24 March 1971

Representative markets for the new Member States are to be added to Annexes I, II, V and VI.

(b) Wine

- Commission Regulation (EEC) No. 2005/70* of 6 October 1970
OJ No. L 224/1, 10 October 1970
as amended by:

- Commission Regulation (EEC) No. 756/71* of 7 April 1971
OJ No. L 83/48, 8 April 1971
- Commission Regulation (EEC) No. 1985/71* of
14 September 1971
OJ No. L 209/9, 15 September 1971

The vine varieties authorized or recommended in Ireland and in the United Kingdom are to be added to the Annex.

(c) Pigmeat

1. *Council Regulation No. 213/67/EEC* of 27 June 1967
OJ No. 135/2887, 30 June 1967
as amended by:

- Council Regulation (EEC) No. 85/68* of 23 January 1968
OJ No. L 21/3, 25 January 1968
- Council Regulation (EEC) No. 1705/68* of 30 October 1968
OJ No. L 267/1, 31 October 1968
- Council Regulation (EEC) No. 2112/69* of 28 October 1969
OJ No. L 271/1, 29 October 1969
- Council Regulation (EEC) No. 2090/70* of 20 October 1970
OJ No. L 232/1, 21 October 1970

Representative markets for the new Member States are to be added to the list in the Annex.

2. *Council Regulation (EEC) No. 2108/70* of 20 October 1970
OJ No. L 234/1, 23 October 1970

In Annex I, column 2 "carcase weight" and column 3 "thickness of backfat" may have to be amended in order to take into account the categories of pigs weighing between 30 and 50 kilogrammes.

(d) Milk and Milk Products

1. *Council Regulation (EEC) No. 985/68* of 15 July 1968

OJ No. L 169/1, 18 July 1968

as amended by:

—*Council Regulation (EEC) No. 750/69*, 22 April 1969

OJ No. L 98/2, 25 April 1969

—*Council Regulation (EEC) No. 1211/69* of 26 June 1969

OJ No. L 155/13, 28 June 1969

—*Council Regulation (EEC) No. 1075/71* of 25 May 1971

OJ No. L 116/1, 28 May 1971

For each new Member State, definitions of butter which is likely to be bought by intervention agencies are to be added to Article 1(3)(a) and to Article 8(4), in such a way that such butter shall have characteristics corresponding to those applying to butter which can now be bought by intervention agencies in the Community.

2. *Commission Regulation (EEC) No. 1053/68* of 23 July 1968

OJ No. L 179/17, 25 July 1968

as amended by:

—*Commission Regulation (EEC) No. 196/69* of

31 January 1969

OJ No. L 26/28, 1 February 1969

—*Commission Regulation (EEC) No. 2605/70* of

22 December 1970

OJ No. L 278/17, 23 December 1970

—*Commission Regulation (EEC) No. 2369/71* of

4 November 1971

OJ No. L 246/27, 5 November 1971

The various particulars in the languages of the new Member States are to be added to the specimen certificates in the Annex.

3. *Commission Regulation (EEC) No. 1324/68* of 29 August 1968

OJ No. L 215/25, 30 August 1968

Particulars in the languages of the new Member States are to be inserted in Annex II.

(e) Beef and Veal

1. *Commission Regulation (EEC) No. 1024/68* of 22 July 1968

OJ No. L 174/7, 23 July 1968

as amended by:

—*Commission Regulation (EEC) No. 863/69* of 8 May 1969

OJ No. L 111/26, 9 May 1969

This Regulation is to be amended to take account of the adaptation to Article 10 of Regulation (EEC) No. 805/68.

2. *Commission Regulation (EEC) No. 1026/68* of 22 July 1968

OJ No. L 174/12, 23 July 1968

This Regulation is to be amended to take account of the adaptation to Article 10 of Regulation (EEC) No. 805/68.

3. *Commission Regulation (EEC) No. 1027/68* of 22 July 1968
OJ No. L 174/14, 23 July 1968
as amended by:

—*Commission Regulation (EEC) No. 705/71* of 31 March 1971
OJ No. L 77/79, 1 April 1971

Article 9 is to be adapted, if necessary, to take account of any amendments made to Article 6 of Regulation (EEC) No. 1026/68. The new coefficients of the Member States are to be inserted in Annex I(b).

Factors corresponding to those now appearing in Annex II are to be fixed for the new Member States and inserted in that Annex.

4. *Commission Regulation (EEC) No. 1097/68* of 27 July 1968
OJ No. L 184/5, 29 July 1968
as amended by:

—*Commission Regulation (EEC) No. 1261/68* of 20 August 1968
OJ No. L 208/7, 21 August 1968

—*Commission Regulation (EEC) No. 1556/68* of 4 October 1968
OJ No. L 244/15, 5 October 1968

—*Commission Regulation (EEC) No. 1585/68* of 10 October 1968
OJ No. L 248/16, 11 October 1968

—*Commission Regulation (EEC) No. 1809/69* of
12 September 1969
OJ No. L 232/6, 13 September 1969

—*Commission Regulation (EEC) No. 1795/71* of 17 August 1971
OJ No. L 187/5, 19 August 1971

The coefficients applicable to buying-in prices in the new Member States are to be added to Annex I.

(f) Fisheries

1. *Commission Regulation (EEC) No. 2518/70* of 10 December 1970
OJ No. L 271/15, 15 December 1970

Representative markets and ports of import for the new Member States are to be added to Annex I.

2. *Commission Regulation (EEC) No. 1109/71* of 28 May 1971
OJ No. L 117/18, 29 May 1971

Representative markets and ports of import for the new Member States are to be added to Annex II.

B. ACTS OF A GENERAL NATURE

- 1 *Commission Regulation (EEC) No. 1373/70* of 10 July 1970
OJ No. L 158/1, 20 July 1970

as amended by:

—*Commission Regulation (EEC) No. 2638/70* of
23 December 1970

OJ No. L 283/34, 29 December 1970

The equivalents, in the languages of the new Member States, of the expression "Certificats d'importation ou de préfixation" are to be added to the headings of the certificates in the Annex.

2. *Council Regulation (EEC) No. 729/70* of 27 April 1970
OJ No. L 94/13, 28 April 1970

The annual amount of 285 million units of account appearing in Article 6(4) and (5) is to be adapted to take account of the needs of the Community after the date of accession of the new Member States.

C. HARMONIZATION OF LEGISLATION

Veterinary Legislation

1. *Council Directive No. 64/432/EEC* of 26 June 1964
OJ No. 121/1977, 29 July 1964
as amended by:
 - Council Directive No. 66/600/EEC* of 25 October 1966
OJ No. 192/3294, 27 October 1966
 - Council Directive No. 70/360/EEC* of 13 July 1970
OJ No. L 157/40, 18 July 1970
 - Council Directive No. 71/285/EEC* of 19 July 1971
OJ No. L 179/1, 9 August 1971

The national institutes responsible for the official testing of tuberculin in each new Member State are to be added to Annex B, point 8.

The national institutes responsible for the official testing of antigens in each new Member State are to be added to Annex C, point 9.

In Annex F, the official title of the person made responsible for signing the certificates in each new Member State is to be added to:

- footnote 4 to the certificate at Specimen I,
- footnote 5 to the certificate at Specimen II,
- footnote 4 to the certificate at Specimen III,
- footnote 5 to the certificate at Specimen IV.

2. *List No. 66/340/EEC* of 6 May 1966
OJ No. 100/1604, 7 June 1966

The names, nationalities, addresses and telephone numbers of the veterinary experts of the new Member States are to be added to points A and B.

3. *Commission Decision No. 69/100/EEC* of 18 March 1969
OJ No. L 88/9, 11 April 1969

The names and nationalities of the veterinary experts of the new Member States are to be added to Article 1.

D. AGRICULTURAL STATISTICS

1. *Council Regulation No. 79/65/EEC* of 15 June 1965
OJ No. 109/1859, 23 June 1965

Districts in the new Member States are to be added to the Annex.

2. *Commission Regulation No. 91/66/EEC* of 29 June 1966

OJ No. 121/2249, 4 July 1966

as amended by:

—*Commission Regulation No. 349/67/EEC* of 25 July 1967

OJ No. 171/1, 28 July 1967

—*Commission Regulation (EEC) No. 1696/68* of 28 October 1968

OJ No. L 266/4, 30 October 1968

—*Commission Regulation (EEC) No. 1697/68* of 28 October 1968

OJ No. L 266/7, 30 October 1968

as corrected by:

—*Corrigendum to Commission Regulation No. 91/66/EEC* of 29 June 1966

OJ No. L 277/32, 15 November 1968

The number of farm units whose accounts are to be collected in each district of the new Member States is to be specified in Annex III.

3. *Commission Regulation No. 184/66/EEC* of 21 November 1966

OJ No. 213/3637, 23 November 1966

as amended by:

—*Commission Regulation (EEC) No. 747/68* of 20 June 1968

OJ No. L 140/13, 22 June 1968

Supplementary provisions concerning the new Member States are to be added to Part II of the Annex.

4. *Council Directive No. 71/286/EEC* of 26 July 1971

OJ No. L 179/21, 9 August 1971

Districts in each new Member State are to be added to the Annex.

III. COMPANY LAW

Council Directive No. 68/151/EEC of 9 March 1968

OJ No. L 65/8, 14 March 1968

Article 2(1)(f) may have to be amended following a study of "aksjeselskap" in Norwegian law.

IV. TRANSPORT

Council Directive of 23 July 1962

OJ No. 70/2005, 6 August 1962

This Directive may have to be amended to ensure that the liberalization of carriage by road laid down therein covers carriage by road between certain coastal regions in the Community separated by the sea.

V. COMPETITION

High Authority Decision No. 3/58 of 18 March 1958

OJ No. 11/157, 29 March 1958