

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 European Parliament, 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 European Parliament and, where appropriate, the Commission, delivers an opinion in favour of calling a conference of representatives of the Governments of the Member States, the conference shall be convened by the President of the Council for the purpose of determining by common accord the amendments to be made to 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 consulting the Commission and after receiving the assent of the European Parliament which shall act by an absolute majority of its component members.¹

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 organization agreements establishing an association involving reciprocal rights and obligations, common action and special procedures.

These agreements shall be concluded by the Council, acting unanimously and after receiving the assent of the European Parliament which shall act by an absolute majority of its component members.²

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.

¹ First Paragraph as replaced by Article 8 of the SEA.

² Second paragraph as replaced by Article 9 of the SEA.

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 Assembly¹ 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.

¹ EDITORIAL NOTE: Notwithstanding provisions of Article 3 of the SEA, and for historical reasons, the term 'Assembly' has not been replaced by the terms 'European Parliament'.

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.

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.

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

ANNEXES

ANNEX I

LIST 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
No. in the Brussels Nomenclature	Description of products	Duty (in %) to be taken into account for France
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, methaxylene, 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, sulphonated, nitrated or nitrosated derivatives, and their salts and esters	25
ex 29.25	Homoveratrylamine	25
29.28	Diazo, azo- and azoxy-compounds	25
ex 29.31	Disulphide 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 fertilizers, nitrogenous, composite	20
ex 31.03	Mineral or chemical fertilizers, phosphatic:	
	Single:	
	Superphosphates:	
	Of bone	10
	Other	12
	Mixed	7
ex 31.04	Mineral or chemical fertilizers, potassic, mixed	7

1	2	3
No. in the Brussels Nomenclature	Description of products	Duty (in %) to be taken into account for France
ex 31.05	Other fertilizers, including both composite and complex fertilizers:	
	Phosphor nitrates and ammonium-potassium phosphates	10
	Other fertilizers, excluding dissolved organic fertilizers	7
	Fertilizers in tablets, lozengers and similar prepared forms or in packings of a gross weight not exceeding ten kilograms	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, sensitized, unexposed, perforated:	
	For monochrome pictures (positives), imported in packages containing three units not separately utilizable, to form the base for a polychrome film	20
	For polychrome pictures exceeding 100 metres in length	20
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 kilogram 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
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:	

1 No. in the Brussels Nomenclature	2 Description of products	3 Duty (in %) to be taken into account for France
ex 84.38	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
ex 84.59	Starters, direct drive or inertia, for aircraft	25
ex 84.63	Crankshafts for aircraft piston engines	10
ex 85.08	Starter motors for aircraft	20
	Ignition magnetos, including magneto-dynamos for aircraft	25
88.01	Balloons and airships	25
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	15
	Ground flying trainers and parts thereof	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 No. in the Brussels Nomenclature	2 Description of products
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	
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 kilogram
25.28	
25.29	
25.31	
25.32	
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

1	2
No. in the Brussels Nomenclature	Description of products
Chapter 26 (<i>contd.</i>)	
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	
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	
55.04	Cotton linters, other than raw
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	2
No. in the Brussels Nomenclature	Description of products
Chapter 5 ex 05.07 05.14	Feathers, skins and other parts of birds with their feathers or down, other than unworked
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 15.05 15.06 15.09 15.11 15.14	Fats and oils, of fish and marine mammals, whether or not refined (excluding whale oil)
Chapter 25 ex 25.09 ex 25.15 ex 25.16 ex 25.17 ex 25.18 25.22 25.23	Earth colours, calcined or mixed 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 Granite, porphyry, basalt, sandstone and other monumental and building stone, not further worked than squared by sawing, of a thickness not exceeding 25 centimetres Granules, chippings and powder of stones falling within heading No. 25.15 or 25.16 Dolomite, calcined or agglomerated (including tarred dolomite)
Chapter 27 ex 27.07 27.08 ex 27.13 ex 27.14 27.16	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 Ozokerite, lignite wax and peat wax, other than crude Petroleum bitumen and other petroleum and shale oil residues, excluding petroleum coke
Chapter 30 ex 30.01	Organo-therapeutic glands or other organs, dried, whether or not powdered
Chapter 32 ex 32.01 32.02 32.03 32.04	Tanning extracts of vegetable origin, other than extracts of wattle (mimosa) and of quebracho
Chapter 33 ex 33.01 33.02 33.03 33.04	Essential oils (terpeneless or not), concretes and absolutes, other than those of citrus fruit; resinoids
Chapter 38 38.01 38.02 38.04	

1	2
No. in the Brussels Nomenclature	Description of products
Chapter 38 (<i>contd.</i>)	
38.05	
38.06	
ex 38.07	Gum spirits of turpentine; sulphate turpentine, crude; crude dipentene
38.08	
38.10	
Chapter 40	
40.05	
ex 40.07	Textile thread covered or impregnated with vulcanized 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	
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 fibre, 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

1	2
No. in the Brussels Nomenclature	Description of products
Chapter 69	
69.01	
69.02	
69.04	
69.05	
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 tin-plate 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)
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	
ex 75.05	Electro-plating anodes, of nickel, unwrought, produced by casting
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 implapable powder)

1	2
No. in the Brussels Nomenclature	Description of products
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
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 No. in the Brussels Nomenclature	2 Description of products
Chapter 28	<i>Inorganic chemicals; organic and inorganic compounds of precious metals, of rare earth metals, of radioactive elements and isotopes</i>
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 No. in the Brussels Nomenclature	2 Description of products
Chapter 29	<i>Organic chemicals</i>
ex 29.01	Hydrocarbons (excluding naphthalene)
29.02	
29.03	
ex 29.04	Acyclic alcohols and their halogenated, sulphonated, nitrated or nitrated 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	2	3
No. in the Brussels Nomenclature	Description of products	Common customs tariff (<i>ad valorem</i> rate in %)
ex 01.01	Live horses for slaughter	11
ex 01.02	Live animals of the bovine species (other than pure-bred breeding animals) ¹	16
ex 01.03	Live swine (other than pure-bred breeding animals) ¹	16
ex 02.01	Meat and edible offal, fresh, chilled or frozen:	
	Of horses	16
	Of bovine animals ¹	20
	Of swine ¹	20
02.02	Dead poultry (that is to say, fowls, ducks, geese, turkeys and guinea fowls) and edible offal 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
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 degelatinized; 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
ex 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 ²	
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

¹ Domestic species only.

² 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
No. in the Brussels Nomenclature	Description of products	Common customs tariff (<i>ad valorem</i> rate in %)
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
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		
to		
10.07	Cereals ²	
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
15.16	Vegetable waxes, whether or not coloured:	
	Raw	0
	Other	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

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 of 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 authorize 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 organization of the market in cereals in the Member State suspending the duties.

1 No. in the Brussels Nomenclature	2 Description of products	3 Common customs tariff (<i>ad valorem</i> rate in %)
23.01	Flours and meals, unfit for human consumption:	
	Of meat and offal; greaves	4
	Of fish, crustaceans or molluscs	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
ex 25.27	Talc put up in packings of a net weight not exceeding one kilogram	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	Vulcanized 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 sheepskin in the wool	0
ex 41.03	Sheep and lamb skin leather, not further prepared than tanned:	
	Of Indian crossbred sheep and goats	0
	Other	6
ex 41.04	Goat and kid skin leather, not further prepared than tanned:	
	Of Indian goats	0
	Other	7
41.08	Patent leather and metallized 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 lamb's 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

1 No. in the Brussels Nomenclature	2 Description of products	3 Common customs tariff (<i>ad valorem</i> rate in %)
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)	
57.02	Manila hemp (abaca) (<i>Musa texilis</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
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 No. in the Brussels Nomenclature	2 Description of products
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 '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
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
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

1	2
No. in the Brussels Nomenclature	Description of products
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
ex 32.01	Extracts of quebracho and of wattle (mimosa)
40.02	Synthetic rubbers, including synthetic latex, whether or not stabilized; 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 mineral
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 ¹
77.01	Unwrought magnesium; magnesium waste (excluding shavings of uniform size) and scrap ¹
78.01	Unwrought lead (including argentiferous lead); lead waste and scrap ¹
79.01	Zinc pelter; unwrought zinc; zinc waste and scrap ¹
ex 81.01	Tungsten (wolfram) unwrought, in powder ¹
ex 81.02	Molybdenum, unwrought ¹
ex 81.03	Tantalum, unwrought ¹
ex 81.04	Other base metals, unwrought ¹
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 Nos. 84.49 or 84.50
84.48	Accessories and parts suitable for use solely or principally with the machines falling within headings Nos. 84.85 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 headings Nos. 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 headings Nos. 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

¹ 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 No. in the Brussels Nomenclature	2 Description of products
Chapter 1	<i>Live animals</i>
Chapter 2	<i>Meat and edible meat offal</i>
Chapter 3	<i>Fish, crustaceans and molluscs</i>
Chapter 4	<i>Dairy produce; birds' eggs; natural honey</i>
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	<i>Live trees and other plants; bulbs, roots and the like; cut flowers and ornamental foliage</i>
Chapter 7	<i>Edible vegetables and certain roots and tubers</i>
Chapter 8	<i>Edible fruit and nuts; peel of melons or citrus fruit</i>
Chapter 9	<i>Coffee, tea and spices, excluding maté (heading No. 09.03)</i>
Chapter 10	<i>Cereals</i>
Chapter 11	<i>Products of the milling industry; malt and starches; gluten; inulin</i>
Chapter 12	<i>Oil seeds and oleaginous fruit; miscellaneous grains, seeds and fruit; industrial and medical plants; straw and fodder</i>
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 oil, 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	<i>Preparations of meat, of fish, of crustaceans or molluscs</i>
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 decolourized
17.05	¹ Flavoured or coloured sugars, syrups and molasses, but not including fruit juices containing added sugar in any proportion
Chapter 18	
18.01	Cocoa beans, whole or broken, raw or roasted
18.02	Cocoa shells, husks, skins and waste
Chapter 20	<i>Preparation of vegetables, fruit or other parts of plants</i>
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 Heading added by Article 1 of Regulation No. 7a of the Council of the European Economic Community, of 18 December 1959 (*Official Journal of the European Communities*, No. 7, 30 January 1961, p. 71—Special edition (English edition) 1959–1962, p. 68).

1	2
No. in the Brussels Nomenclature	Description of products
ex 22.08 ¹ ex 22.09	¹ 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
ex 22.10	¹ Vinegar and substitutes for vinegar
Chapter 23	<i>Residues and waste from the food industries; prepared animal fodder</i>
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 (<i>Cannabis sativa</i>), raw or processed but not spun; tow and waste of true hemp (including pulled or garnetted rags or ropes)

¹ Heading added by Article I of Regulation No. 7a of the Council of the European Community, of 18 December 1959 (*Official Journal of the European Communities*, No. 7, 30 January 1961, p. 71—Special edition (English edition) 1959–1962, p. 68).

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 of 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.
- Repair 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 transshipment.
 - 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 specialized 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 synchronization fees, etc).
- Membership fees.
- Current maintenance and repair of private property abroad.
- Government expenditure (official representation abroad, contributions to international organizations).
- 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 authorizations granted to own or foreign national emigrating.
Exchange authorization 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 amortization (with the exception of transfers in connection with amortization 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 authorized dealers in foreign exchange.
- Sports prizes and racing earnings.
- Inheritances.
- Dowries.

ANNEX IV

OVERSEAS COUNTRIES AND TERRITORIES

to which the provisions of Part IV of this Treaty apply^{1, 2, 3}

French West Africa: Senegal, French Sudan, French Guinea, Ivory Coast, Dahomey, Mauritania, Niger and Upper Volta;⁴

French Equatorial Africa: Middle Congo, Ubangi-Shari, Chad and Gabon;⁴

Saint Pierre and Miquelon,⁵ the Comoro Archipelago,⁶ Madagascar⁴ and dependencies, French Settlements in Oceania,⁷ Southern and Antarctic Territories;⁸

The autonomous Republic of Togoland;⁴

The trust territory of the Cameroons under French administration;⁴

The Belgian Congo and Ruanda-Urundi;⁴

The trust territory of Somaliland under Italian administration;⁴

Netherlands New Guinea;⁴

The Netherlands Antilles;⁹

Anglo-French Condominium of the New Hebrides;⁴

The Bahamas⁴

Bermuda;¹⁰

Brunei;¹¹

EDITORIAL NOTES:

¹ As amended by

—Article 1 of the Convention of 13 November 1962 amending the Treaty establishing the European Economic Community. (*Official Journal of the European Communities*, No 150, 1 October 1964, p. 2414) and

—Article 24 (2) of the Act of Accession DK/IRL/UK, modified by Article 13 of the AD AA DK/IRL/UK,

—The Treaty of 13 March 1984 amending, with regard to Greenland, the Treaties establishing the European Communities (*Official Journal of the European Communities*, No L29, 1 February 1985).

² Council Decision 86/283/EEC of 30 June 1986 on the association of the overseas countries and territories with the European Economic Community (*Official Journal of the European Communities*, No L 175, 1 July 1986) contains a list of overseas countries to which the provisions of Part Four of the Treaty apply.

³ The provisions of Part Four of the Treaty applied to Surinam, by virtue of a Supplementary Act of the Kingdom of the Netherlands to complete its instruments of ratification, from 1 September 1962 to 16 July 1976.

⁴ The provisions of Part Four of the Treaty no longer apply to these countries and territories, which have become independent and whose names may have been changed.

The relations between the European Economic Community and certain African States and Madagascar were the subject of the Conventions of Association signed at Yaoundé on 20 July 1963 and 29 July 1969. The relations with certain African, Caribbean and Pacific States were subsequently the subject of:

—the ACP-EEC Convention of Lomé, signed on 28 February 1975 (*Official Journal of the European Communities*, No L 25, 30 January 1976), which entered into force on 1 April 1976, [*Treaty Series No. 105 (1979), Cmnd. 7751*].

—the Second ACP-EEC Convention, signed at Lomé on 31 October 1979 (*Official Journal of the European Communities*, No L 347, 22 December 1980), which entered into force on 1 January 1981, [*Treaty Series No. 3 (1983), Cmnd. 8761*].

—the Third ACP-EEC Convention, signed at Lomé on 8 December 1984 (*Official Journal of the European Communities*, No L 86, 31 March 1986), which entered into force on 1 May 1986. [*Treaty Series No. 15 (1988), Cm. 321*].

⁵ Has become a French overseas department.

⁶ The provisions of Part Four of the Treaty no longer apply to this Archipelago, except for the territorial collectivity of Mayotte which has remained on the list of overseas countries and territories (see footnote 2).

⁷ New name: Overseas territory of French Polynesia,
Overseas territory of the Wallis and Futuna Islands.

⁸ New name: French Southern and Antarctic Territories.

⁹ New name: Overseas countries of the Kingdom of the Netherlands.

—Aruba
—the Netherlands Antilles
—Bonaire
—Curaçao,
—Saba,
—Sint Eustatius,
—Sint Maarten.

¹⁰ These territories are not included in the overseas countries and territories covered by Council decision 86/283/EEC of 30 June 1986 (see footnote 2).

¹¹ The provisions of Part Four of the Treaty no longer apply to this territory, which became independent on 31 December 1983.

Associated States in the Caribbean: Antigua, Dominica, Grenada, St Lucia, St Vincent, St Christopher, Nevis, Anguilla;¹

British Honduras;²

Cayman Islands;

Falkland Islands and Dependencies;³

Gilbert and Ellice Islands;²

Central and Southern Line Islands;⁴

British Solomon Islands;²

Turks and Caicos Islands;

British Virgin Islands;

Montserrat;

Pitcairn;

St Helena and Dependencies;

The Seychelles;⁵

British Antarctic Territory;

British Indian Ocean Territory;

Greenland.⁶

¹ The associated States, as a constitutional group, no longer exist. All the component territories have become independent, except Anguilla, to which the provisions of Part Four of the Treaty continue to apply.

² The provisions of Part Four of the Treaty no longer apply to this territory, which became independent on 31 December 1983.

³ The dependencies of the Falkland Islands changed their name to South Georgia and the South Sandwich Islands on 3 October 1985 on ceasing to be dependencies of the Falkland Islands.

⁴ These territories are not included in the overseas countries and territories covered by Council decision 86/283/EEC of 30 June 1986 (see footnote 2 on the first page of this Annex).

⁵ See footnote 4 on the first page of this Annex.

⁶ Entry added by Article 4 of the Greenland Treaty.

II—PROTOCOLS

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 3¹

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 Hellenic Republic;
- the Kingdom of Spain.
- the French Republic
- Ireland;
- the Italian Republic;
- the Grand Duchy of Luxembourg;
- the Kingdom of the Netherlands;
- the Portuguese Republic;
- the United Kingdom of Great Britain and Northern Ireland.

ARTICLE 4

1. The capital of the Bank shall be twenty-eight thousand eight hundred million ECU, subscribed by the Member States as follows:

Germany	...	...	...	...	...	5 508 725 000
France	...	...	...	...	...	5 508 725 000
Italy	...	...	...	...	...	5 508 725 000
United Kingdom	...	...	...	...	...	5 508 725 000
Spain	...	...	...	...	...	2 024 928 000
Belgium	...	...	...	...	...	1 526 980 000
Netherlands	...	...	...	...	...	1 526 980 000
Denmark	...	...	...	...	...	773 154 000
Greece	...	...	...	...	...	414 190 000
Portugal	...	...	...	...	...	266 922 000
Ireland	...	...	...	...	...	193 288 000
Luxembourg	...	...	...	...	...	38 658 000 ²

¹ Text as replaced by Article 1 of Protocol No. 1 annexed to the Act of Accession ESP/PORT.

² First subparagraph of paragraph 1 as replaced by Article 2 of Protocol No. 1 annexed to the Act of Accession ESP/PORT.

The unit of account shall be defined as being the ECU used by the European Communities.¹ The Board of Governors, acting unanimously on a proposal from the Board of Directors, may alter the definition of the unit of account²

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 subscribed capital shall be paid in by Member States to the extent of 9.01367457 per cent on average of the amounts laid down in Article 4 (1).³
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.⁴
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.⁵

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.

¹ Second subparagraph of paragraph 1 as amended by the Decision of the Board of Governors of 13 May 1981 (*Official Journal of the European Communities*, No. L 311, 30 October 1981).

² Second subparagraph of paragraph 1 as supplemented by Article 1 of the Treaty amending the Protocol in the Statute of the Bank.

³ Paragraph 1 as replaced by Article 3 of the Protocol No. 1 annexed to the Act of Accession ESP/PORT.

⁴ Paragraph 2 as replaced by Article 3 of the Protocol No. 1 annexed to the Act of Accession DK/IRL/UK.

⁵ Paragraph 3 as replaced by Article 3 of the Protocol No. 1 annexed to the Act of Accession DK/IRL/UK.

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 7¹

1. Should the value 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 in its own currency in proportion to the change in value by making a supplementary payment to the Bank.

2. Should the value 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 in by that State in its own currency in proportion to the change in value by making a repayment to that State.

3. For the purpose of this Article, the value of the currency of a Member State in relation to the unit of account, defined in Article 4, shall correspond to the rate for converting the unit of account into this currency and vice versa based on market rates.

4. The Board of Governors, acting unanimously on a proposal from the Board of Directors, may alter the method of converting sums expressed in units of account into national currencies and vice versa.

Furthermore, acting unanimously on a proposal from the Board of Directors, it may define the method for adjusting the capital referred to in paragraphs 1 and 2 of this Article; adjustment payments must be made at least once a year.

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) and Articles 5 (2);²
- (b) exercise the powers provided in Article 6 in respect of special loans;
- (c) exercise the powers provided in Articles 11 and 13 in respect of the appointment and the compulsory retirement of the members of the Board of Directors and of the Management Committee, and those powers provided in the second subparagraph of Article 13 (1);²

¹ Article as amended by Article 3 of Protocol No. 1 annexed to the Act of Accession GR.

² Subparagraphs (a) and (c) as amended by Article 4 of protocol No. 1 annexed to the Act of Accession DK/IRL/UK.

- (d) authorize the derogation provided for in Article 18 (1);
- (e) approve the annual report of the Board of Directors;
- (f) approve the annual balance sheet and profit and loss account;
- (g) exercise the powers and functions provided in Articles 4, 7, 14, 17 26 and 27;¹
- (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 10²

Save as otherwise provided for in this Statute, decisions of the Board of Governors shall be taken by a majority of its members. This majority must represent at least 45 per cent of the subscribed capital. Voting by the Board of Governors shall be in accordance with the provisions of Article 148 of this Treaty.

ARTICLE 11

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 22 directors and 12 alternates.³

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

- three directors nominated by the Federal Republic of Germany,
- three directors nominated by the French Republic,
- three directors nominated by the Italian Republic,
- three directors nominated by the United Kingdom of Great Britain and Northern Ireland,
- two directors nominated by the Kingdom of Spain,
- one director nominated by the Kingdom of Belgium,
- one director nominated by the Kingdom of Denmark,
- one director nominated by the Hellenic Republic,
- one director nominated by the Ireland,
- one director nominated by the Grand Duchy of Luxembourg,
- one director nominated by the Kingdom of the Netherlands,
- one director nominated by the Portuguese Republic,
- one director nominated by the Commission.³

¹ Subparagraph (g) as amended by Article 3 of the Treaty amending the Protocol on the Statute of the Bank.

² Article as amended by Article 4 of protocol No. 1 annexed to the Act of Accession ESP/PORT.

³ First, second and third subparagraphs of paragraph 2 as amended by Article 5 of Protocol No. 1 annexed to the Act of Accession ESP/PORT.

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

- two alternates nominated by the Federal Republic of Germany,
- two alternates nominated by the French Republic,
- two alternates nominated by the Italian Republic,
- two alternates nominated by the United Kingdom of Great Britain and Northern Ireland,
- one alternate nominated by common accord of the Kingdom of Denmark, the Hellenic Republic and Ireland,
- one alternate nominated by common accord of the Benelux countries,
- one alternate nominated by common accord of the Kingdom of Spain and the Portuguese Republic,
- one alternate nominated by the Commission.¹

The appointments of the directors and the alternates shall be renewable.²

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).²

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. He may delegate his vote in all cases, according to procedures to be laid down in the rules of procedure of the Bank.³

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 fifteen votes in favour.⁴ The rules of procedure of the Bank shall lay down how many members of the Board of Directors constitute a quorum needed for the adoption of decisions.

¹ First, second and third subparagraphs of paragraph 2 as amended by Article 5 of Protocol No. 1 annexed to the Act of Accession ESP/PORT.

² Fourth and fifth subparagraphs of paragraph 2 as amended by Article 6 of Protocol No. 1 annexed to the Act of Accession DK/IRL/UK in the version resulting from Article 37 of the AD AA DK/IRL/UK.

³ Paragraph 1 as amended by Article 7 of Protocol No. 1 annexed to the Act of Accession DK/IRL/UK.

⁴ Second sentence of paragraph 2 as amended by Article 6 of Protocol No. 1 annexed to the Act of Accession ESP/PORT.

ARTICLE 13

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

The Board of Governors, acting unanimously, may vary the number of members on the Management Committee.²

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 remuneration 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.

¹ First subparagraph of paragraph 1 as amended by Article 7 of Protocol No. 1 annexed to the Act of Accession ESP/PORT.

² Second subparagraph of paragraph 1 as amended by Article 9 of Protocol No 1 annexed to the Act of Accession DK/IRL/UK.

ARTICLE 16

1. The Bank shall co-operate with all international organizations 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 authorized 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 amortization 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 realization, 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.

(Second subparagraph repealed by the second paragraph of Article 28 of the Merger Treaty)

[See the first paragraph of Article 28 of the Merger Treaty, which reads as follows:

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.]

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

ARTICLE 29

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

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

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

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

P. H. SPAAK
ADENAUER
PINEAU
ANTONIO SEGNI
BECH
J. LUNS
J. CH. SNOY ET D'OPPUERS
HALLSTEIN
M. FAURE
GAETANO MARTINO
LAMBERT SCHAUS
J. LINTHORST HOMAN

Protocol on German internal trade and connected problems

The High Contracting Parties

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

Have agreed upon the following provisions, which shall be annexed to this Treaty:

1. Since trade between the German territories subject to the Basic Law for the Federal Republic of Germany and the German territories in which the Basic Law does not apply is a part of German internal trade, the application of this Treaty in Germany requires no change in the treatment currently accorded this trade.
2. Each Member State shall inform the other Member States and the Commission of any agreements relating to trade with the German territories in which the Basic Law for the Federal Republic of Germany does not apply, and of any implementing provisions. Each Member State shall ensure that the implementation of such agreements does not conflict with the principles of the common market and shall in particular take appropriate measures to avoid harming the economies of the other Member States.
3. Each Member State may take appropriate measures to prevent any difficulties arising for it from trade between another Member State and the German territories in which the Basic Law for the Federal Republic of Germany does not apply.

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

P. H. SPAAK
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J. LINTHORST HOMAN

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 rationalize 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 liberalization 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 standardize 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, authorize 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 satisfactorily, 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 organizations 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 authorize France to take, in respect of the sectors of industry affected by disparities in the method of payment for overtime, protective measures, the conditions and details of which the Commission shall determine, unless, during this stage, the average increase in the wage

level in the same sectors of industry in other Member States, by comparison with the average for 1956, exceeds the increase which has occurred in France by a percentage fixed by the Commission with the approval of the Council acting by a qualified majority.

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

P. H. SPAAK
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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 organizations for international co-operation of which the Member States are members;

Recognize 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 jeopardize the application of this Treaty in Italy;

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

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

P. H. SPAAK
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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 authorized 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 on the Economic Union of Belgium and Luxembourg of 25 July 1921:

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

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

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

ARTICLE 2

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

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

P. H. SPAAK
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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 Surinam¹ or the Netherlands Antilles;²
- (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;³
- (c) into Italy of goods originating in and coming from Libya or the Trust Territory of Somaliland currently under Italian administration.⁴

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.

P. H. SPAAK
ADENAUER
PINEAU
ANTONIO SEGNI
BECH
J. LUNS
J. CH. SNOY ET D'OPPUERS
HALLSTEIN
M. FAURE
GAETANO MARTINO
LAMBERT SCHAUS
J. LINTHORST HOMAN

¹ These provisions of Part Four of the Treaty were applied to Surinam, by virtue of a Supplementary Act of the Kingdom of the Netherlands to complete its instrument of ratification, from 1 September 1962 to 16 July 1976.

² In accordance with Article 1 of the Convention of 13 November 1962 amending the Treaty establishing the European Economic Community (*Official Journal of the European Communities*, No. 150, 1 October 1964, p. 2414), the protocol no longer applies to the Netherlands Antilles.

³ See Annex IV of the Treaty, p. 176 *et seq.*

⁴ These two countries have become independent.

**Protocol on the treatment to be applied to products within the
province of the European Coal and Steel Community in respect of Algeria
and the Overseas Departments of the French Republic**

The High Contracting Parties,

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

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

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

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

P. H. SPAAK
ADENAUER
PINEAU
ANTONIO SEGNI
BECH
J. LUNS
J. CH. SNOY ET D'OPPUERS
HALLSTEIN
M. FAURE
GAETANO MARTINO
LAMBERT SCHAUS
J. LINTHORST HOMAN

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, microcrystalline 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 cif 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.

P. H. SPAAK
ADENAUER
PINEAU
ANTONIO SEGNI
BECH
J. LUNS
J. CH. SNOY ET D'OPPUERS
HALLSTEIN
M. FAURE
GAETANO MARTINO
LAMBERT SCHAUS
J. LINTHORST HOMAN

Protocol on the application of the Treaty establishing the European Economic Community to the non-European parts of the Kingdom of the Netherlands

The High Contracting Parties,

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

Have agreed upon the following provisions, which shall be annexed to this Treaty:

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

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

P. H. SPAAK
ADENAUER
PINEAU
ANTONIO SEGNI
BECH
J. LUNS
J. CH. SNOY ET D'OPPUERS
HALLSTEIN
M. FAURE
GAETANO MARTINO
LAMBERT SCHAUS
J. LINTHORST HOMAN

Protocol on the Statute of the Court of Justice of the European Economic Community

The High Contracting Parties to the Treaty establishing the European Economic Community.

Desiring to lay down the Statute of the Court provided for in Article 188 of this Treaty.

Have designated as their Plenipotentiaries for this purpose:

His Majesty the King of the Belgians:

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

The President of the Federal Republic of Germany:

Professor Dr. Carl Friedrich 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 I

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 European Parliament 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

ORGANIZATION

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 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 15¹

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.

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 in 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.

¹ Text as amended by Article 20 of the Act of Accession DK/IRL/UK.

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 practice before a court of a Member State.

ARTICLE 18

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

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

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

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

ARTICLE 19

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

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

ARTICLE 20

In the cases governed by Article 177 of this Treaty, the decision of the court or tribunal of a Member State which suspends its proceedings and refers a case to the Court shall be notified to the Court by the court or tribunal concerned. The decision shall then be notified

by the Registrar of the Court to the parties, to the Member States and to the Commission, and also to the Council if the act the validity or interpretation of which is in dispute originates from the Council.

Within two months of this notification, the parties, the Member State, 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 organization it chooses with the task of giving 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 in 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 case list shall be established by the President.

ARTICLE 32

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

ARTICLE 33

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

ARTICLE 34

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

ARTICLE 35

The Court shall adjudicate upon costs.

ARTICLE 36

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

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

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

ARTICLE 37

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

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

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

ARTICLE 38

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

ARTICLE 39

Member States, institutions of the Community and any other natural or legal persons may, in cases and under conditions to be determined by the rules of procedure, institute third-party proceedings to contest a judgment rendered without there 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, recognizing that it is of such a character as to lay the case open to revision and declaring the application admissible on this ground.

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

ARTICLE 42

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

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

ARTICLE 43

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

ARTICLE 44

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

ARTICLE 45

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

ARTICLE 46

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

In witness whereof, the undersigned Plenipotentiaries have signed this Protocol.

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

J. CH. SNOY ET D'OPPUERS

C. F. OPHÜLS

ROBERT MARJOLIN

VITTORIO BADINI

LAMBERT SCHAUS

J. LINTHORST HOMAN

Protocol concerning imports into the European Economic Community of petroleum products refined in the Netherlands Antilles¹

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 tonnes 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.

¹ Added by Article 2 of the Convention of 13 November 1962 amending the Treaty establishing the European Economic Community (*Official Journal of the European Communities*, No 150, 1 October 1964).

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 European Parliament 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 tonnes 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.

H. FAYAT
R. LAHR
J.-M. BOEGNER
C. RUSSO
E. SCHAUS
H. R. VAN HOUTEN
W. F. M. LAMPE

Done at Brussels, the thirteenth day of November, one thousand nine hundred and sixty-two.

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 tonnes of petroleum products from the Antilles shall be allocated among the Member States as follows:

Germany	...	...	...	...	...	625 000 metric tonnes
Belgo/Luxembourg Economic Union	...				...	200 000 metric tonnes
France	...	...	...	...	...	75 000 metric tonnes
Italy	...	...	...	...	...	100 000 metric tonnes
Netherlands	...	...	...	...	...	1 000 000 metric tonnes

Protocol¹ on special arrangements for Greenland

ARTICLE 1

1. The treatment on import into the Community of products subject to the common organization of the market in fishery products, originating in Greenland, shall, while complying with the mechanisms of the common market organization, involve exemption from customs duties and charges having equivalent effect and the absence of quantitative restrictions or measures having equivalent effect if the possibilities for access to Greenland fishing zones granted to the Community pursuant to an agreement between the Community and the authority responsible for Greenland are satisfactory to the Community.

2. All measures relating to the import arrangements for such products, including those relating to the adoption of such measures, shall be adopted in accordance with the procedure laid down in Article 43 of the Treaty establishing the European Economic Community.

ARTICLE 2

The Commission shall make proposals to the Council, which shall act by a qualified majority, for the transitional measures which it considers necessary, by reason of the entry into force of the new arrangements, with regard to the maintenance of rights acquired by natural or legal persons during the period when Greenland was part of the Community and the regularization of the situation with regard to financial assistance granted by the Community to Greenland during that period.

ARTICLE 3

The following text shall be added to Annex I to the Council Decision of 16 December 1980 on the association of the overseas countries and territories with the European Economic Community:

- '6. Distinct community of the Kingdom of Denmark:
—Greenland.'

¹Article 3 of the Greenland Treaty provides that this Protocol, attached to the latter Treaty, shall be annexed to the Treaty establishing the European Economic Community (*Official Journal of the European Communities*, No L 29, 1 February 1985).

III—IMPLEMENTING CONVENTION ON THE ASSOCIATION OF THE OVERSEAS COUNTRIES AND TERRITORIES WITH THE COMMUNITY¹

1. Text of the Implementing Convention

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.

¹ EDITORIAL NOTE: This Implementing Convention, which was concluded for a period of five years, expired on 31 December 1962. See also footnote 4 of the editorial notes on p. 176 of this volume.

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

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

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

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

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

ARTICLE 16

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

ARTICLE 17

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

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

P. H. SPAAK
 ADENAUER
 PINEAU
 ANTONIO SEGNI
 BECH
 J. LUNS
 J. CH. SNOY ET D'OPPUERS
 HALLSTEIN
 M. FAURE
 GAETANO MARTINO
 LAMBERT SCHAUS
 J. LINTHORST HOMAN

Annex A referred to in Article 1 of this Convention

	<i>1st year</i>	<i>2nd year</i>	<i>3rd year</i>	<i>4th year</i>	<i>5th year</i>	<i>Total</i>
<i>Percentages</i>	10%	12.5%	16.5%	22.5%	38.5%	100%
<i>Countries</i>	<i>MILLIONS OF EPU UNITS OF ACCOUNT</i>					
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

	<i>1st year</i>	<i>2nd year</i>	<i>3rd year</i>	<i>4th year</i>	<i>5th year</i>	<i>Total</i>
<i>Percentages</i>	10%	12.5%	16.5%	22.5%	38.5%	100%
<i>Overseas countries and territories of</i>	<i>MILLIONS OF EPU UNITS OF ACCOUNT</i>					
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

2.—Protocols

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 quotas.

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

P. H. SPAAK
ADENAUER
PINEAU
ANTONIO SEGNI
BECH
J. LUNS
J. CH. SNOY ET D'OPPUERS
HALLSTEIN
M. FAURE
GAETANO MARTINO
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J. LINTHORST HOMAN

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

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

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

Protocol on the tariff quota for imports of raw coffee

(ex 09.01 of the Brussels Nomenclature)

The High Contracting Parties

Have agreed upon the following provisions, which shall be annexed to this Convention:

A. Italy

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

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

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

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

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

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

B. The Benelux countries

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

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

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

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

P. H. SPAAK
ADENAUER
PINEAU
ANTONIO SEGNI
BECH
J. LUNS
J. CH. SNOY ET D'OPPUERS
HALLSTEIN
M. FAURE
GAETANO MARTINO
LAMBERT SCHAUS
J. LINTHORST HOMAN

IV—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, and 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 Departments 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 organizations,
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 Community.

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

In witness whereof, the undersigned plenipotentiaries have signed this Final Act .

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

P. H. SPAAK
ADENAUER
PINEAU
ANTONIO SEGNI
BECH
J. LUNS
J. CH. SNOY ET D'OPPUERS
HALLSTEIN
M. FAURE
GAETANO MARTINO
LAMBERT SCHAUS
J. LINTHORST HOMAN

JOINT DECLARATION

on co-operation with the States members of international organizations

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;

Recognizing 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 organizations 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 Somaliland¹ 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.

¹ EDITORIAL NOTE: The country has become independent.

**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 in 25 (2) of the Treaty establishing the European Atomic Energy Community,

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

Treaty establishing the European Atomic Energy Community

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¹ The Protocol on the Privileges and Immunities of the European Atomic Energy Community has been repealed by the second paragraph of Article 28 of the Merger Treaty; see Protocol on the Privileges and Immunities of the European Communities annexed to the Merger Treaty.

I—TEXT OF THE TREATY

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,

Recognizing 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 modernization 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 organizations 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 Intergovernmental 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 specialized 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 organizations 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:

- a EUROPEAN PARLIAMENT,
- 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.

3. The audit shall be carried out by a Court of Auditors acting within the limits of the powers conferred upon it by this Treaty.¹

¹ Third paragraph added under Article 19 of the Treaty amending Certain Financial Provisions.

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.