

**Bulletin
of the European Communities**

Supplement 2/86

**Single
European Act**

EUROPEAN COMMUNITIES

Commission

This publication is also available in the following languages:

ES ISBN 92-825-5966-1
DA ISBN 92-825-5962-9
DE ISBN 92-825-5963-7
GR ISBN 92-825-5964-5
FR ISBN 92-825-5967-X
IT ISBN 92-825-5968-8
NL ISBN 92-825-5969-6
PT ISBN 92-825-5970-X

Cataloguing data can be found at the end of this publication

Luxembourg: Office for Official Publications of the European Communities, 1986

ISBN 92-825-5965-3

Catalogue number: CB-NF-86-002-EN-C

Articles and texts appearing in this publication may be reproduced freely in whole or in part providing their source is mentioned.

Printed in Belgium

contents

<i>Title I</i>	Common provisions	7
<i>Title II</i>	Provisions amending the Treaties establishing the European Communities	8
<i>Title III</i>	Provisions on European cooperation in the sphere of foreign policy	18
<i>Title IV</i>	General and final provisions	20
Final Act		21

His Majesty the King of the Belgians,
Her Majesty the Queen of Denmark,
The President of the Federal Republic of Germany,
The President of the Hellenic Republic,
His Majesty the King of Spain,
The President of the French Republic,
The President of Ireland,
The President of the Italian Republic,
His Royal Highness the Grand Duke of Luxembourg,
Her Majesty the Queen of the Netherlands,
The President of the Portuguese Republic,
Her Majesty the Queen of the United Kingdom of Great Britain and Northern Ireland,

Moved by the will to continue the work undertaken on the basis of the Treaties establishing the European Communities and to transform relations as a whole among their States into a European Union, in accordance with the Solemn Declaration of Stuttgart of 19 June 1893.

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

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

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

Aware of the responsibility incumbent upon Europe to aim at speaking ever increasingly with one voice and to act with consistency and solidarity in order

more effectively to protect its common interests and independence, in particular to display the principles of democracy and compliance with the law and with human rights to which they are attached, so that together they may make their own contribution to the preservation of international peace and security in accordance with the undertaking entered into by them within the framework of the United Nations Charter,

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

Whereas at their Conference in Paris from 19 to 21 October 1972 the Heads of State or of Government approved the objective of the progressive realization of economic and monetary union;

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

Have decided to adopt this Act and to this end have designated as their plenipotentiaries:

His Majesty the King of the Belgians,
Mr Leo Tindemans,
Minister for External Relations;

Her Majesty the Queen of Denmark,
Mr Uffe Ellemann-Jensen,
Minister for Foreign Affairs;

The President of the Federal Republic of Germany,
Mr Hans-Dietrich Genscher,
Federal Minister for Foreign Affairs;

The President of the Hellenic Republic,
Mr Karolos Papoulias,
Minister for Foreign Affairs;

His Majesty the King of Spain,

*Mr Francisco Fernández Ordóñez,
Minister for Foreign Affairs;*

The President of the French Republic,

*Mr Roland Dumas,
Minister for External Relations;*

The President of Ireland,

*Mr Peter Barry, TD,
Minister for Foreign Affairs;*

The President of the Italian Republic,

*Mr Giulio Andreotti,
Minister for Foreign Affairs;*

*His Royal Highness the Grand Duke of
Luxembourg,*

*Mr Robert Goebbels,
State Secretary for Foreign Affairs;*

Her Majesty the Queen of the Netherlands,

*Mr Hans van den Broek,
Minister for Foreign Affairs;*

The President of the Portuguese Republic,

*Mr Pedro Pires de Miranda,
Minister for Foreign Affairs;*

*Her Majesty the Queen of the United Kingdom of
Great Britain and Northern Ireland,*

*Mrs Lynda Chalker,
Minister of State, Foreign and
Commonwealth Office,*

Who, having exchanged their full powers, found in
good and due form, have agreed as follows:

TITLE I

Common provisions

Article 1

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

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

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

Article 2

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

The European Council shall meet at least twice a year.

Article 3

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

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

TITLE II

Provisions amending the Treaties establishing the European Communities

Chapter I

Provisions amending the Treaty establishing the European Coal and Steel Community

Article 4

The ECSC Treaty shall be supplemented by the following provisions:

Article 32d

1. *At the request of the Court of Justice and after consulting the Commission and the European Parliament, the Council may, acting unanimously, attach to the Court of Justice a court with jurisdiction to hear and determine at first instance, subject to a right of appeal to the Court of Justice on points of law only and in accordance with the conditions laid down by the Statute, certain classes of action or proceeding brought by natural or legal persons. That court shall not be competent to hear and determine actions brought by Member States or by Community institutions or questions referred for a preliminary ruling under Article 41.*

2. *The Council, following the procedure laid down in paragraph 1, shall determine the composition of that court and adopt the necessary adjustments and additional provisions to the Statute of the Court of Justice. Unless the Council decides otherwise, the provisions of this Treaty relating to the Court of Justice, in particular the provisions of the Protocol on the Statute of the Court of Justice, shall apply to that court.*

3. *The members of that court shall be chosen from persons whose independence is beyond doubt and who possess the ability required for appointment to judicial office; they shall be appointed by common accord of the Governments of the Member States for a term of six years. The membership shall be*

partially renewed every three years. Retiring members shall be eligible for reappointment.

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

Article 5

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

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

Chapter II

Provisions amending the Treaty establishing the European Economic Community

SECTION I

Institutional provisions

Article 6

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

2. *In Article 7, second paragraph of the EEC Treaty the terms 'after consulting the Assembly' shall be replaced by 'in cooperation with the European Parliament'.*

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

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

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

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

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

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

'In other cases the Council shall act by a qualified majority, in cooperation with the European Parliament.'

Article 7

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

Article 149

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

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

(a) The Council, acting by a qualified majority under the conditions of paragraph 1, on a proposal from the Commission and after obtaining the Opinion of the European Parliament, shall adopt a common position.

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

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

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

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

(d) The Commission shall, within a period of one month, re-examine the proposal on the basis of which the Council adopted its common position, by taking into account the amendments proposed by the European Parliament.

The Commission shall forward to the Council, at the same time as its re-examined proposal, the amendments of the European Parliament which it has not accepted, and shall express its opinion on them. The Council may adopt these amendments unanimously.

(e) The Council, acting by a qualified majority, shall adopt the proposal as re-examined by the Commission.

Unanimity shall be required for the Council to amend the proposal as re-examined by the Commission.

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

(g) The periods referred to in points (b) and (f) may be extended by a maximum of one month by

common accord between the Council and the European Parliament.

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

Article 8

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

'Any European State may apply to become a member of the Community. It shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the assent of the European Parliament, which shall act by an absolute majority of its component members.'

Article 9

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

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

Article 10

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

'— confer on the Commission, in the acts which the Council adopts, powers for the implementation of the rules which the Council lays down. The Council may impose certain requirements in respect of the exercise of these powers. The Council may also reserve the right, in specific cases, to exercise directly implementing powers itself. The procedures referred to above must be consonant with principles and rules to be laid down in advance by the Council, acting unanimously on a proposal from the Commission and after obtaining the Opinion of the European Parliament.'

Article 11

The EEC Treaty shall be supplemented by the following provisions:

Article 168 A

1. *At the request of the Court of Justice and after consulting the Commission and the European Parliament, the Council may, acting unanimously, attach to the Court of Justice a court with jurisdiction to hear and determine at first instance, subject to a right of appeal to the Court of Justice on points of law only and in accordance with the conditions laid down by the Statute, certain classes of action or proceeding brought by natural or legal persons. That court shall not be competent to hear and determine actions brought by Member States or by Community Institutions or questions referred for a preliminary ruling under Article 177.*

2. *The Council, following the procedure laid down in paragraph 1, shall determine the composition of that court and adopt the necessary adjustments and additional provisions to the Statute of the Court of Justice. Unless the Council decides otherwise, the provisions of this Treaty relating to the Court of Justice, in particular the provisions of the Protocol on the Statute of the Court of Justice, shall apply to that court.*

3. *The members of that court shall be chosen from persons whose independence is beyond doubt and who possess the ability required for appointment to judicial office; they shall be appointed by common accord of the Governments of the Member States for a term of six years. The membership shall be partially renewed every three years. Retiring members shall be eligible for reappointment.*

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

Article 12

A second paragraph worded as follows shall be inserted in Article 118 of the EEC Treaty:

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

SECTION II

Provisions relating to the foundations and the policy of the Community

Subsection I – Internal market

Article 13

The EEC Treaty shall be supplemented by the following provisions:

Article 8 A

The Community shall adopt measures with the aim of progressively establishing the internal market over a period expiring on 31 December 1992, in accordance with the provisions of this Article and of Articles 8 D, 8 C, 28, 57(2), 59, 70(1), 83, 99, 100 A and 100 B and without prejudice to the other provisions of this Treaty.

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

Article 14

The EEC Treaty shall be supplemented by the following provisions:

Article 8 B

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

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

Article 15

The EEC Treaty shall be supplemented by the following provisions:

Article 8 C

When drawing up its proposals with a view to achieving the objectives set out in Article 8 A, the Commission shall take into account the extent of the effort that certain economies showing differences in development will have to sustain during the period of establishment of the internal market and it may propose appropriate provisions.

If these provisions take the form of derogations, they must be of a temporary nature and must cause the least possible disturbance to the functioning of the common market.'

Article 16

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

Article 28

Any autonomous alteration or suspension of duties in the common customs tariff shall be decided by the Council acting by a qualified majority on a proposal from the Commission.'

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

'Unanimity shall be required for directives the implementation of which involves in at least one Member State amendment of the existing principles laid down by law governing the professions with respect to training and conditions of access for natural persons.'

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

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

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

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

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

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

Article 17

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

'Article 99

The Council shall, acting unanimously on a proposal from the Commission and after consulting the European Parliament, adopt provisions for the harmonization of legislation concerning turnover taxes, excise duties and other forms of indirect taxation to the extent that such harmonization is necessary to ensure the establishment and the functioning of the internal market within the time limit laid down in Article 8 A.'

Article 18

The EEC Treaty shall be supplemented by the following provisions:

'Article 100 A

1. *By way of derogation from Article 100 and save where otherwise provided in this Treaty, the following provisions shall apply for the achievement of the objectives set out in Article 8 A. The Council shall, acting by a qualified majority on a proposal from the Commission in cooperation with the European Parliament and the Economic and Social Committee, adopt the measures for the approximation of the provisions laid down by law, regulation or administrative action in Member States which have as their object the establishment and functioning of the internal market.*

2. *Paragraph 1 shall not apply to fiscal provisions, to those relating to the free movement of persons nor to those relating to the rights and interests of employed persons.*

3. *The Commission, in its proposals laid down in paragraph 1 concerning health, safety, environmental protection and consumer protection, will take as a base a high level of protection.*

4. *If, after the adoption of a harmonization measure by the Council acting by a qualified majority, a Member State deems it necessary to apply national provisions on grounds of major needs referred to in Article 36, or relating to protection of the environment or the working environment, it shall notify the Commission of these provisions.*

The Commission shall confirm the provisions involved after having verified that they are not a means of arbitrary discrimination or a disguised restriction on trade between Member States.

By way of derogation from the procedure laid down in Articles 169 and 170, the Commission or any Member State may bring the matter directly before the Court of Justice if it considers that another Member State is making improper use of the powers provided for in this Article.

5. *The harmonization measures referred to above shall, in appropriate cases, include a safeguard clause authorizing the Member States to take, for one or more of the non-economic reasons referred to in Article 36, provisional measures subject to a Community control procedure.'*

Article 19

The EEC Treaty shall be supplemented by the following provisions:

'Article 100 B

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

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

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

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

Subsection II – Monetary capacity

Article 20

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

*'Chapter I
Cooperation in economic and
monetary policy
(Economic and Monetary Union)*

Article 102 A

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

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

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

Subsection III – Social policy

Article 21

The EEC Treaty shall be supplemented by the following provisions:

'Article 118 A

1. *Member States shall pay particular attention to encouraging improvements, especially in the working environment, as regards the health and safety of workers, and shall set as their objective the harmonization of conditions in this area, while maintaining the improvements made.*

2. *In order to help achieve the objective laid down in the first paragraph, the Council, acting by a qualified majority on a proposal from the Commission, in cooperation with the European Parliament and after consulting the Economic and Social Committee, shall adopt, by means of directives, minimum requirements for gradual implementation, having regard to the conditions and technical rules obtaining in each of the Member States.*

Such directives shall avoid imposing administrative, financial and legal constraints in a way which would hold back the creation and development of small and medium-sized undertakings.

3. *The provisions adopted pursuant to this Article shall not prevent any Member State from maintaining or introducing more stringent measures for the protection of working conditions compatible with this Treaty.'*

Article 22

The EEC Treaty shall be supplemented by the following provisions:

'Article 118 B

The Commission shall endeavour to develop the dialogue between management and labour at European level which could, if the two sides consider it desirable, lead to relations based on agreement.'

Subsection IV – Economic and social cohesion

Article 23

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

'Title V

Economic and social cohesion

Article 130 A

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

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

Article 130 B

Member States shall conduct their economic policies, and shall coordinate them, in such a way as, in addition, to attain the objectives set out in Article 130 A. The implementation of the common policies and of the internal market shall take into account the objectives set out in Article 130 A and in Article 130 C and shall contribute to their achievement. The Community shall support the achievement of these objectives by the action it takes through the structural Funds (European Agricultural Guidance and Guarantee Fund, Guidance Section, European Social Fund, European Regional Development Fund), the European Investment Bank and the other existing financial instruments.

Article 130 C

The European Regional Development fund is intended to help redress the principal regional imbalances in the Community through participating in the development and structural adjustment of regions whose development is lagging behind and in the conversion of declining industrial regions.

Article 130 D

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

Article 130 E

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

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

Subsection V – Research and technological development

Article 24

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

Title VI

Research and technological development

Article 130 F

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

2. In order to achieve this, it shall encourage undertakings including small and medium-sized undertakings, research centres and universities in their research and technological development activities; it shall support their efforts to cooperate with one another, aiming, in particular, at enabling undertakings to exploit the Community's internal market potential to the full, in particular through the opening up of national public contracts, the definition of common standards and the removal of legal and fiscal barriers to that cooperation.

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

Article 130 G

In pursuing these objectives the Community shall carry out the following activities, complementing the activities carried out in the Member States:

(a) implementation of research, technological development and demonstration programmes, by promoting cooperation with undertakings, research centres and universities;

(b) promotion of cooperation with third countries and international organizations in the field of Community research, technological development, and demonstration;

(c) dissemination and optimization of the results of activities in Community research, technological development, and demonstration;

(d) stimulation of the training and mobility of researchers in the Community.

Article 130 H

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

Article 130 I

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

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

Article 130 K

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

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

Article 130 L

In implementing the multiannual framework programme, supplementary programmes may be decided on involving the participation of certain Member

States only, which shall finance them subject to possible Community participation.

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

Article 130 M

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

Article 130 N

In implementing the multiannual framework programme, the Community may make provision for cooperation in Community research, technological development and demonstration with third countries or international organizations.

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

Article 130 O

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

Article 130 P

1. The detailed arrangements for financing each programme, including any Community contribution, shall be established at the time of the adoption of the programme.

2. The amount of the Community's annual contribution shall be laid down under the budgetary procedure, without prejudice to other possible methods of Community financing. The estimated cost of the specific programmes must not in aggregate exceed the financial provision in the framework programme.

Article 130 Q

1. The Council shall, acting unanimously on a proposal from the Commission and after consulting the European Parliament and the Economic and Social Committee, adopt the provisions referred to in Articles 130 I and 130 O.

2. The Council shall, acting by a qualified majority on a proposal from the Commission, after consulting the Economic and Social Committee, and in cooperation with the European Parliament, adopt the provisions referred to in Articles 130 K, 130 L, 130 M, 130 N and 130 P(1). The adoption of these supplementary programmes shall also require the agreement of the Member States concerned.'

Subsection VI – Environment

Article 25

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

'Title VII Environment

Article 130 R

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

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

2. Action by the Community relating to the environment shall be based on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source, and that the polluter should pay. Environmental protection requirements shall be a component of the Community's other policies.

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

- (i) available scientific and technical data;

(ii) environmental conditions in the various regions of the Community;

(iii) the potential benefits and costs of action or of lack of action;

(iv) the economic and social development of the Community as a whole and the balanced development of its regions.

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

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

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

Article 130 S

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

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

Article 130 T

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

Chapter III

Provisions amending the Treaty establishing the European Atomic Energy Community

Article 26

The EAEC Treaty shall be supplemented by the following provisions:

Article 140 A

1. *At the request of the Court of Justice and after consulting the Commission and the European Parliament, the Council may, acting unanimously, attach to the Court of Justice a court with jurisdiction to hear and determine at first instance, subject to a right of appeal to the Court of Justice on points of law only and in accordance with the conditions laid down by the Statute, certain classes of action or proceeding brought by natural or legal persons. That court shall not be competent to hear and determine actions brought by Member States or by Community institutions or questions referred for a preliminary ruling under Article 150.*

2. *The Council, following the procedure laid down in paragraph 1, shall determine the composition of that court and adopt the necessary adjustments and additional provisions to the Statute of the Court of Justice. Unless the Council decides otherwise, the provisions of this Treaty relating to the Court of Justice, in particular the provisions of the Protocol on the Statute of the Court of Justice, shall apply to that court.*

3. *The members of that court shall be chosen from persons whose independence is beyond doubt and who possess the ability required for appointment to judicial office; they shall be appointed by common accord of the Governments of the Member States for a term of six years. The membership shall be partially renewed every three years. Retiring members shall be eligible for reappointment.*

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

Article 27

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

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

Chapter IV

General provisions

Article 28

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

Article 29

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

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

TITLE III

Provisions on European cooperation in the sphere of foreign policy

Article 30

European Cooperation in the sphere of foreign policy shall be governed by the following provisions:

1. The High Contracting Parties, being members of the European Communities, shall endeavour jointly to formulate and implement a European foreign policy.

2. (a) The High Contracting Parties undertake to inform and consult each other on any foreign policy matters of general interest so as to ensure that their combined influence is exercised as effectively as possible through coordination, the convergence of their positions and the implementation of joint action.

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

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

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

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

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

3. (a) The Ministers for Foreign Affairs and a member of the Commission shall meet at least four times a year within the framework of European Political Cooperation. They may also discuss foreign policy matters within the framework of Political

Cooperation on the occasion of meetings of the Council of the European Communities.

(b) The Commission shall be fully associated with the proceedings of Political Cooperation.

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

4. The High Contracting Parties shall ensure that the European Parliament is closely associated with European Political Cooperation. To that end the Presidency shall regularly inform the European Parliament of the foreign policy issues which are being examined within the framework of Political Cooperation and shall ensure that the views of the European Parliament are duly taken into consideration.

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

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

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

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

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

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

(b) In international institutions and at international conferences in which not all the High Contracting Parties participate, those who do participate shall take full account of positions agreed in European Political Cooperation.

8. The High Contracting Parties shall organize a political dialogue with third countries and regional groupings whenever they deem it necessary.

9. The High Contracting Parties and the Commission, through mutual assistance and information, shall intensify cooperation between their representations accredited to third countries and to international organizations.

10. (a) The Presidency of European Political Cooperation shall be held by the High Contracting Party which holds the Presidency of the Council of the European Communities.

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

(c) The Political Directors shall meet regularly in the Political Committee in order to give the ne-

cessary impetus, maintain the continuity of European Political Cooperation and prepare Ministers' discussions.

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

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

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

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

11. As regards privileges and immunities, the members of the European Political Cooperation Secretariat shall be treated in the same way as members of the diplomatic missions of the High Contracting Parties based in the same place as the Secretariat.

12. Five years after the entry into force of this Act the High Contracting Parties shall examine whether any revision of Title III is required.

TITLE IV

General and final provisions

Article 31

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

Article 32

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

Article 33

1. This Act will be ratified by the High Contracting Parties in accordance with their respective constitutional requirements. The instruments of ratification will be deposited with the Government of the Italian Republic.

2. This Act will enter into force on the first day of the month following that in which the instrument of ratification is deposited of the last Signatory State to fulfil that formality.

Article 34

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

In witness whereof, the Plenipotentiaries have signed this Act.

Done at Luxembourg, 17 February 1986; and at The Hague, 28 February 1986.

Final Act

The Conference of the Representatives of the Governments of the Member States convened at Luxembourg on 9 September 1985,

which carried on its discussions in Luxembourg and Brussels and which met at the end thereof in Luxembourg on 17 February 1986 and in The Hague on 28 February 1986, has adopted the following text

I

Single European Act

II

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

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

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

1. Declaration by the Presidency on the time limit within which the Council will give its opinion following a first reading (Article 149(2) of the EEC Treaty)
2. Political Declaration by the Governments of the Member States on the free movement of persons
3. Declaration by the Government of the Hellenic Republic on Article 8 A of the EEC Treaty
4. Declaration by the Commission on Article 28 of the EEC Treaty
5. Declaration by the Government of Ireland on Article 57(2) of the EEC Treaty
6. Declaration by the Government of the Portuguese Republic on Articles 59, second paragraph, and 84 of the EEC treaty
7. Declaration by the Government of the Kingdom of Denmark on Article 100A of the EEC Treaty
8. Declaration by the Presidency and the Commission on the monetary capacity of the Community
9. Declaration by the Government of the Kingdom of Denmark on European Political Cooperation.

Declaration on the powers of implementation of the Commission

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

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

Declaration on the Court of Justice

The Conference agrees that the provisions of Article 32d(1) of the ECSC Treaty, Article 168 A(1) of the EEC Treaty and Article 140 A(1) of the EAEC Treaty do no prejudice any conferral

of judicial competence likely to be provided for in the context of agreements concluded between the Member States.

Declaration on Article 8 A of the EEC Treaty

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

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

Declaration on Article 100 A of the EEC Treaty

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

Declaration on Article 100 B of the EEC Treaty

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

General declaration on Articles 13 to 19 of the Single European Act

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

Declaration on Article 118 A(2) of the EEC Treaty

The Conference notes that in the discussions on Article 118 A(2) of the EEC Treaty it was agreed

that the Community does not intend, in laying down minimum requirements for the protection of the safety and health of employees, to discriminate in a manner unjustified by the circumstances against employees in small and medium-sized undertakings.

Declaration on Article 130 D of the EEC Treaty

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

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

Declaration on Article 130 R of the EEC Treaty:

Re paragraph 1, third indent

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

Re paragraph 5, second subparagraph

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

Declaration by the High Contracting Parties on Title III of the Single European Act

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

Declaration on Article 30(10)(g)

The Conference considers that the provisions of Article 30(10)(g) do not affect the Decision of the

Representatives of the Governments of the Member States of 8 April 1965 on the provisional location of certain institutions and departments of the Communities.

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

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

Political declaration by the Governments of the Member States on the free movement of persons

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

Declaration by the Government of the Hellenic Republic on Article 8 A of the EEC Treaty

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

Declaration by the Commission on Article 28 of the EEC Treaty

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

Declaration by the Government of Ireland on Article 57(2) of the EEC Treaty

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

Declaration by the Government of the Portuguese Republic on Articles 59, second paragraph, and 84 of the EEC Treaty

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

Declaration by the Government of the Kingdom of Denmark on Article 100 A of the EEC Treaty

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

Declaration by the Presidency and the Commission on the monetary capacity of the Community

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

Declaration by the Government of the Kingdom of Denmark on European Political Cooperation

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

European Communities – Commission

Single European Act

Supplement 2/86 – Bull. EC

Luxembourg: Office for Official Publications of the European Communities

1986 – 26 pp. – 17.6 × 25.0 cm

ES, DA, DE, GR, EN, FR, IT, NL, PT

ISBN 92-825-5965-3

Catalogue number: CB-NF-86-002-EN-C

Price (excluding VAT) in Luxembourg

ECU 2.27 BFR 100 IRL 1.70 UKL 1.50 USD 2.50

The Single European Act reproduced in this supplement is an expression of the political resolve voiced by the Heads of State or Government, notably at Fontainebleau in June 1984, then at Brussels in March 1985 and at Milan in June 1985, to transform the whole complex of relations between their States into a European Union, in line with the Stuttgart Solemn Declaration of 19 June 1983.