

TREATY ESTABLISHING A SINGLE COUNCIL AND A SINGLE COMMISSION  
OF THE EUROPEAN COMMUNITIES AND ANNEXED DOCUMENTS

Signed at Brussels, 8 April 1965  
Ratification procedures completed on 30 June 1967  
Entered into force 1 July 1967

This is a reproduction of an unofficial text issued by the Publishing Services of the European Communities, Document 8155/5/VI/1965/5, in 1965. The official texts were published in French, German, Dutch and Italian in the *Official Journal of the European Communities*, No. 152, 13 July 1967. The official texts are available on the Eur-Lex portal of Europa, <http://europa.eu.int/eur-lex>, in the Treaties section.

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**TREATY  
ESTABLISHING A SINGLE COUNCIL AND  
A SINGLE COMMISSION OF THE  
EUROPEAN COMMUNITIES  
AND  
ANNEXED DOCUMENTS**

**DECISION**

**by the Representatives of the Governments of the Member States  
relating to the provisional installation of certain  
Institutions and services of the Communities**

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**TREATY**  
**ESTABLISHING A SINGLE COUNCIL AND A**  
**SINGLE COMMISSION OF THE**  
**EUROPEAN COMMUNITIES**

HIS MAJESTY THE KING OF THE BELGIANS,

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY,

THE PRESIDENT OF THE FRENCH REPUBLIC,

THE PRESIDENT OF THE ITALIAN REPUBLIC,

HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG,

HER MAJESTY THE QUEEN OF THE NETHERLANDS,

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

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

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

RESOLVED to progress towards European unity,

DETERMINED to proceed with the unification of the three Communities,

CONSCIOUS of the contribution which the setting up of single Community institutions represents for such unification,

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



His Majesty the King of the Belgians,

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

The President of the Federal Republic of Germany,

Mr. Kurt SCHMUECKER,  
Minister of Economic Affairs;

The President of the French Republic,

Mr. Maurice COUVE DE MURVILLE,  
Minister for Foreign Affairs;

The President of the Italian Republic,

Mr. Amintore FANFANI,  
Minister for Foreign Affairs;

His Royal Highness the Grand Duke of Luxembourg,

Mr. Pierre WERNER,  
Prime Minister and Minister for  
Foreign Affairs;

Her Majesty the Queen of the Netherlands,

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

WHO, having exchanged their Full Powers, found in good and due form,  
have agreed upon the following provisions :

## CHAPTER I

### THE COUNCIL OF THE EUROPEAN COMMUNITIES

#### Article 1

A Council of the European Communities, hereinafter referred to as «the Council», is hereby established. This Council shall take the place of the Special Council of Ministers of the European Coal and Steel Community, of the Council of the European Economic Community and of the Council of the European Atomic Energy Community.

The Council shall exercise the powers and competences devolving upon these institutions under the conditions laid down in the Treaties establishing respectively the European Coal and Steel Community, the European Economic Community and the European Atomic Energy Community, as also in the present Treaty.

#### Article 2

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

The Office of the President shall be exercised for a term of six months by each member of the Council in rotation and in the following order : Belgium, Germany, France, Italy, Luxembourg, the Netherlands.

#### Article 3

Meetings of the Council shall be called by the President on his own initiative, or at the request of a member or of the Commission.

Article 4

A Committee consisting of the Permanent Representatives of the Member States shall prepare the work of the Council and carry out the latter's mandates.

Article 5

The Council shall lay down its rules of procedure.

Article 6

Acting by qualified majority vote, the Council shall determine the salaries, allowances and pensions of the President and members of the Commission, and of the President, Judges, Advocates-General and Registrar of the Court of Justice. The Council shall also, by the same majority, determine any allowances to be granted in lieu of remuneration.

Article 7

The following are hereby repealed : Articles 27, 28 (1), 29 and 30 of the Treaty establishing the European Coal and Steel Community, Articles 146, 147, 151 and 154 of the Treaty establishing the European Economic Community and Articles 116, 117, 121 and 123 of the Treaty establishing the European Atomic Energy Community.

## Article 8

1. The conditions governing the exercise of the competences conferred upon the Special Council of Ministers by the Treaty establishing the European Coal and Steel Community and by the Protocol on the Statute of the Court of Justice annexed thereto are hereby amended in accordance with the terms of paragraphs 2 and 3.
2. Article 28 of the Treaty establishing the European Coal and Steel Community is hereby amended as follows :
  - a) The provisions of its paragraph 3 worded thus :

*“Wherever the present Treaty requires a unanimous decision or a unanimous confirmatory opinion, such decision or opinion shall take effect if it receives the votes of all the members of the Council.”*

shall be completed by the following provisions :

*“Provided that, for the purpose of applying Articles 21, 32, 32 bis, 78 quinto, 78 septimo of the present Treaty and Articles 16, 20 (3), 28 (5) and 44 of the Protocol on the Statute of the Court of Justice, no abstentions by the Members present or represented shall act as a bar to the adoption of decisions of the Council which require unanimity.”*

- b) The provisions of its paragraph 4 worded thus :

*“The decisions of the Council, other than those which require a qualified majority or unanimity, shall be taken by a vote of the majority of the total membership of the Council. This majority shall be deemed to be secured if it includes the absolute majority of the representatives of the Member States including the vote of the representative of one of the States which produce at least one sixth of the total value of Coal and Steel produced in the Community.”*

shall be completed by the following provisions :

*“Provided that, the votes of the members of the Council shall be weighted as follows for the purpose of applying the provisions of Articles 78, 78 ter and 78 quinto of the present Treaty which require a qualified majority vote : Belgium 2, Germany 4, France 4, Italy 4, Luxembourg 1, the Netherlands 2. Decisions shall be adopted if they have received at least 12 supporting votes from at least four members.”*

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

a) Articles 5 and 15 are repealed.

b) Article 16 is repealed and replaced by the following provisions :

*"1. Officials and other servants shall be attached to the Court to enable it to carry out its tasks. They shall be responsible to the Registrar under the authority of the President.*

*2. Acting unanimously on a proposal of the Court, the Council may provide for the appointment of Assistant Rapporteurs and lay down their terms of office. The Assistant Rapporteurs may be called upon, under conditions to be laid down in the rules of procedure, to take part in the examination of cases before the Court and to collaborate with the Judge acting as Rapporteur.*

*Assistant Rapporteurs, chosen from persons whose independence can be fully guaranteed and who possess the necessary legal qualifications, shall be appointed by the Council. They shall take an oath before the Court to discharge their duties conscientiously and with complete impartiality and to preserve the secrecy of the deliberations."*

c) Article 20 (3) and Article 28 (5) shall be completed by the addition of the following words :

*"acting unanimously".*

d) The first sentence of Article 44 is hereby repealed and replaced by the following provisions :

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

## CHAPTER II

### THE COMMISSION OF THE EUROPEAN COMMUNITIES

#### Article 9

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

The Commission shall exercise the powers and competences devolving upon these institutions under the conditions laid down in the Treaties establishing respectively the European Coal and Steel Community, the European Economic Community and the European Atomic Energy Community, as also in the present Treaty.

#### Article 10

1. The Commission shall consist of nine members, who shall be chosen on the grounds of their general competence and whose independence can be fully guaranteed.

The number of members of the Commission may be amended by the Council, acting unanimously.

Only nationals of Member States may be members of the Commission.

The Commission must include at least one national of each of the Member States, but the number of members who are nationals of one and the same State shall not exceed two.

2. The members of the Commission shall act completely independently in the performance of their duties, in the general interest of the Communities.

In the performance of their duties, they shall neither seek nor take instructions from any Government or other body. They shall refrain from any action incompatible with the nature of their duties. Each Member State undertakes to respect this principle and not to seek to influence the Members of the Commission in the performance of their duties.

The members of the Commission may not, during their term of office, engage in any other paid or unpaid occupation. When entering upon their duties, they shall give a solemn undertaking that both during and after their term of office, they will respect the obligations arising

therefrom, and in particular their duty to exercise honesty and discretion as regards the acceptance, after their term of office, of certain appointments or benefits. In the event of any breach of these obligations, the Court of Justice, on the application of the Council or of the Commission, may, according to the circumstances, order that the member concerned either be compulsorily retired in accordance with the provisions of Article 13 or forfeit his right to a pension or other benefits in lieu thereof.

#### Article 11

The members of the Commission shall be appointed by mutual agreement between the Governments of the Member States.

Their term of office shall be for a period of four years. It shall be renewable.

#### Article 12

Apart from death and retirement in rotation, termination of appointment of a member of the Commission shall occur by voluntary resignation or compulsory retirement.

A vacancy thus caused shall be filled for the remainder of the retiring member's term of office. The Council may unanimously decide that such a vacancy need not be filled.

Unless he is compulsorily retired in accordance with the provisions of Article 13, a member of the Commission shall remain in office until his successor's appointment.



Article 13

If any member of the Commission no longer fulfils the conditions required for the performance of his duties or if he has been guilty of serious misconduct, the Court of Justice, on the application of the Council or of the Commission, may compulsorily retire him from office.

Article 14

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

Save where the whole Commission is replaced, the Commission shall be consulted before such appointments are made.

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

Article 15

The Council and the Commission shall consult together and shall decide on methods of collaboration by mutual agreement.

**Article 16**

The Commission shall adopt rules of procedure to ensure that both it and its administrative services operate in accordance with the terms of the Treaties establishing the European Coal and Steel Community, the European Economic Community and the European Atomic Energy Community as also of the present Treaty. It shall ensure that its rules of procedure are published.

**Article 17**

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

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

**Article 18**

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

**Article 19**

The following are hereby repealed : Articles 156 to 163 of the Treaty establishing the European Economic Community, Articles 125 to 133 of the Treaty establishing the European Atomic Energy Community and Articles 9 to 13, 16 (3), 17 and 18 (6) of the Treaty establishing the European Coal and Steel Community.

## CHAPTER III

### FINANCIAL PROVISIONS

#### Article 20

1. The administrative expenditure and revenue of the European Coal and Steel Community, the revenue and expenditure of the European Economic Community, the revenue and expenditure of the European Atomic Energy Community, with the exception of those of the Supply Agency, those of joint undertakings and those to be included in the Research and Investment Budget of the European Atomic Energy Community, shall appear in the budget of the European Communities under the conditions provided for in the Treaties establishing the three Communities respectively. This budget, in which revenue and expenditure shall be balanced, shall take the place of the administrative budget of the European Coal and Steel Community, of the budget of the European Economic Community and of the operational budget of the European Atomic Energy Community.
2. That part of this expenditure which is covered by the levies provided for in Article 49 of the Treaty establishing the European Coal and Steel Community shall be fixed at 18 million units of account.

Starting from the financial year beginning 1 January 1967, the Commission shall annually submit to the Council a report on the basis of which the Council shall consider whether it is necessary to adapt this figure to the growth of the budget of the Communities. The Council shall decide by the majority laid down in the first sentence of Article 28 (4) of the Treaty establishing the European Coal and Steel Community. This adaptation shall be made on the basis of an estimate of the growth of expenditure resulting from the implementation of the Treaty establishing the European Coal and Steel Community.

3. That part of the levies which is used for covering expenditure under the budget of the Communities shall be employed by the Commission for implementing this budget at the rate laid down by the financial regulations, adopted under Article 209 (b) of the Treaty establishing the European Economic Community and Article 183 (b) of the Treaty establishing the European Atomic Energy Community, in respect of the contributions to be made by the Member States.

Article 21

Article 78 of the Treaty establishing the European Coal and Steel Community is hereby repealed and replaced by the following provisions :

*"Article 78*

- 1. The Community's financial year shall extend from 1 January to 31 December.*
- 2. The Community's administrative expenditure shall include the expenditure of the High Authority, including that resulting from the operation of the Consultative Committee, of the Court, of the Assembly and of the Council.*
- 3. Each institution of the Community shall draw up provisional estimates of its administrative expenditure. The High Authority shall group these estimates in a preliminary draft administrative budget. It shall attach thereto an opinion which may contain estimates diverging from those submitted to it.*

*The preliminary draft budget shall be laid before the Council by the High Authority not later than 30 September of the year preceding that in which it is to be operative.*

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

- 4. The Council shall, by qualified majority vote, draw up the draft administrative budget and then transmit it to the Assembly.*

*The draft administrative budget shall be laid before the Assembly not later than 31 October of the year preceding that in which it is to be operative.*

*The Assembly shall be entitled to propose to the Council amendments to the draft administrative budget.*

- 5. If, within a period of one month from the receipt of the draft administrative budget, the Assembly has given its approval or has not made its opinion known to the Council, the draft administrative budget shall be considered as finally adopted.*

*If, within this period, the Assembly has proposed any amendments, the draft administrative budget so amended shall be transmitted to the Council. The Council shall then discuss it with the High Authority and, where appropriate, with the*

*other institutions concerned, and shall then finally adopt the administrative budget by qualified majority vote.*

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

#### *Article 78 bis*

*The administrative budget shall be drawn up in the unit of account fixed in accordance with the provisions of the regulations adopted pursuant to Article 78 septimo.*

*The expenditure provided for in the administrative budget shall be authorised for one financial year, unless the regulations adopted pursuant to Article 78 septimo provide otherwise.*

*Subject to the conditions to be laid down pursuant to Article 78 septimo, any appropriations, other than those relating to staff costs, that are unexpended at the end of the financial year may be carried forward, but not beyond the end of the following financial year.*

*Appropriations shall be set out under different chapters according to the type or purpose of the expenditure and sub-divided, as far as may be necessary, in accordance with the regulations adopted pursuant to Article 78 septimo.*

*Expenditure connected with the Assembly, the Council, the High Authority and the Court shall be set out in separate sections of the administrative budget, without prejudice to special arrangements for certain common expenses.*

#### *Article 78 ter*

1. *If, at the beginning of any financial year, the administrative budget has not yet been voted, expenditure may be on a monthly basis for each chapter or other division of such budget, in accordance with the provisions of the regulations adopted pursuant to Article 78 septimo, up to one-twelfth of the administrative budget appropriations for the preceding financial year, provided that the amount so made available to the High Authority shall not exceed one-twelfth of the total appropriations shown in the draft administrative budget in preparation.*

*The High Authority shall be authorised and required to collect levies up to the amount of the appropriations for the preceding financial year, provided that this*

- shall not cover an amount greater than that which would result from the adoption of the draft administrative budget.*
- 2. The Council may, by qualified majority vote, and provided that the other conditions laid down in the first paragraph of this Article are observed, authorise expenditure in excess of one-twelfth of the appropriations. The authorisation and requirement to collect levies may be adapted accordingly.*

#### *Article 78 quater*

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

*The regulations shall lay down in detail exactly how each institution is to expend the funds voted to it.*

*The High Authority may, subject to the limits and conditions laid down in the regulations adopted pursuant to Article 78 septimo, transfer appropriations within the administrative budget from one chapter to another or from one sub-division to another.*

#### *Article 78 quinto*

*The accounts of all the administrative expenditure referred to in Article 78 (2), and of administrative revenue and of revenue derived from taxes imposed, for the benefit of the Community, on the salaries, wages and emoluments of its officials and other servants, shall be examined by an audit committee consisting of comptrollers of accounts whose independence can be fully guaranteed, one of whom shall be its chairman. The Council shall unanimously determine the number of comptrollers. The comptrollers and the chairman of the audit committee shall be appointed by the Council, acting unanimously, for a period of five years. Their remuneration shall be determined by the Council, acting by qualified majority vote.*

*The auditing of the accounts, which shall be based on documentary evidence and shall take place if necessary on the spot, shall have as its aim to establish that all revenue has been received and all expenditure incurred in a lawful and regular manner and that the financial management is sound. At the conclusion of each financial year, the audit committee shall draw up a report, which shall be agreed upon by a majority of its members.*

*The High Authority shall annually submit to the Council and to the Assembly the accounts of the preceding financial year relating to the financial operations under the administrative budget, together with the report of the audit committee. The High Authority shall also forward to them a balance-sheet showing the Community's assets and liabilities with regard to the administrative budget.*

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

*Article 78 sexto*

*The Council shall appoint, for a period of three years, a comptroller of accounts who shall make an annual report on the correctness of the accounts and of the financial management of the High Authority, with the exception of operations relating to the administrative expenditure referred to in Article 78 (2) and to administrative revenue and revenue derived from taxes imposed, for the benefit of the Community, on the salaries, wages and emoluments of its officials and other servants. He shall draw up this report not later than six months after the end of the financial year to which the accounts refer, and shall forward it to the High Authority and to the Council. The High Authority shall communicate it to the Assembly.*

*The comptroller of accounts shall act completely independently in the performance of his duties. The office of comptroller of accounts shall be incompatible with any office in any institution or service of the Communities other than that of member of the audit committee provided for in Article 78 quinto. His term of office may be renewed.*

*Article 78 septimo*

*Acting unanimously on a proposal of the High Authority, the Council shall :*

- a) adopt financial regulations specifying in particular the procedure to be adopted for drawing up and implementing the administrative budget and for presenting and auditing accounts,*
- b) lay down rules concerning the responsibility of authorising and accounting officers and organise the relevant supervisory measures."*



## Article 22

An audit committee of the European Communities is hereby established. This audit committee shall take the place of the audit committees of the European Coal and Steel Community, of the European Economic Community and of the European Atomic Energy Community. Under the conditions laid down respectively in the Treaties establishing these three Communities, it shall exercise the powers and competences devolving upon these bodies under the said Treaties.

## Article 23

Article 6 of the Convention relating to certain institutions common to the European Communities is hereby repealed.

## CHAPTER IV

OFFICIALS AND OTHER SERVANTS OF THE EUROPEAN  
COMMUNITIES

## Article 24

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

Acting by qualified majority vote on a proposal of the Commission, and after consulting the other institutions concerned, the Council shall lay down the service regulations of officials of the European Communities and the conditions of employment of other servants of these Communities.

2. The following are hereby repealed : Paragraph 7, sub-paragraph 3 of the Convention containing the transitional provisions annexed to the Treaty establishing the European Coal and Steel Community, Article 212 of the Treaty establishing the European Economic Community and Article 186 of the Treaty establishing the European Atomic Energy Community.

#### Article 25

Until the entry into force of the unified service regulations and conditions of employment provided for in Article 24 and of the rules to be adopted pursuant to Article 13 of the Protocol annexed to this Treaty, officials and other servants recruited prior to the date of entry into force of this Treaty shall continue to be governed by the provisions which previously applied to them.

Officials and other servants, recruited after the date of entry into force of this Treaty, shall, until the entry into force of the unified service regulations and conditions of employment provided for in Article 24 and of the rules to be adopted pursuant to Article 13 of the Protocol annexed to this Treaty, be governed by the provisions applicable to officials and other servants of the European Economic Community and of the European Atomic Energy Community.

Article 26

Article 40 (2) of the Treaty establishing the European Coal and Steel Community is hereby repealed and replaced by the following provisions :

*"It shall also be competent to award damages against the Community in cases where injury results from a wrongful act of a servant of the Community in the performance of his duties. The personal liability of servants towards the Community shall be determined by the provisions fixing their service regulations or the conditions of employment applicable to them".*

CHAPTER V

GENERAL AND FINAL PROVISIONS

Article 27

1. Article 22 (1) of the Treaty establishing the European Coal and Steel Community, Article 139 (1) of the Treaty establishing the European Economic Community and Article 109 (1) of the Treaty establishing the European Atomic Energy Community are hereby repealed and replaced by the following provisions :

*"The Assembly shall hold an annual session. It shall meet automatically on the second Tuesday in March".*

2. Article 24 (2) of the Treaty establishing the European Coal and Steel Community is hereby repealed and replaced by the following provisions :

*"If a motion of censure on the managerial activities of the High Authority is tabled in the Assembly, no vote shall be taken thereon until at least three days after it was tabled and this vote shall be by open ballot".*

#### Article 28

The European Communities shall, under the conditions defined in the Protocol annexed to this Treaty, enjoy, in the territories of the Member States, the privileges and immunities necessary for the achievement of their tasks. The same provisions shall apply to the European Investment Bank.

The following are hereby repealed : Article 76 of the Treaty establishing the European Economic Community and Article 191 of the Treaty establishing the European Atomic Energy Community as also the Protocols on privileges and immunities annexed to these three Treaties, Article 3 (4) and Article 14 (2) of the Protocol on the Statute of the Court of Justice annexed to the Treaty establishing the European Coal and Steel Community and Article 28 (1) sub-paragraph 2 of the Protocol concerning the Statute of the European Investment Bank annexed to the Treaty establishing the European Economic Community.

### Article 29

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

### Article 30

The provisions of the Treaties establishing the European Economic Community and the European Atomic Energy Community which relate to the jurisdiction of the Court of Justice and to the exercise of this jurisdiction shall be applicable to the provisions of this Treaty and of the Protocol annexed thereto, with the exception of those which take the form of amendments to Articles of the Treaty establishing the European Coal and Steel Community, and in respect of which the provisions of the Treaty establishing the European Coal and Steel Community shall remain applicable.

### Article 31

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

As from that date, the Office of President of the Council shall be held, for the remainder of his term of office, by the member of the Council who, in accordance with the rules laid down by the Treaties establishing the European Economic Community and the European Atomic Energy Community, would assume the Presidency of the Council of the European Economic Community and of the European Atomic Energy Community. At the end of this term of office, the Office of President shall be held successively in the order of the Member States laid down in Article 2 of this Treaty.

#### Article 32

1. Until the date of entry into force of the Treaty establishing a single European Community and for a period not exceeding three years from the appointment of its members, the Commission shall consist of fourteen members.

During this period, the number of members who are nationals of one and the same State shall not exceed three.

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

## Article 33

The term of office of the members of the Commission provided for in Article 32 shall end on the date determined by Article 32 (1). The members of the Commission provided for in Article 10 shall be appointed not later than one month prior to this date.

Insofar as any or all of these appointments are not made in due time, the provisions of Article 12 (3) shall not apply to the member who, among the nationals of each Member State, has the lowest seniority as a member of one of the Commissions or of the High Authority or, in the event of equal seniority, is the youngest. Provided that the provisions of Article 12 (3) shall continue to apply to all the members of a given nationality where, prior to the date determined by Article 32 (1) a member of that nationality has ceased to perform his duties and has not been replaced.

## Article 34

Acting unanimously, the Council shall determine the financial arrangements to apply in respect of the former members of the High Authority and of the Commissions of the European Economic Community and of the European Atomic Energy Community who, having ceased to perform their duties pursuant to Article 32, are not appointed members of the Commission.

## Article 35

1. The first budget of the Communities shall be drawn up and adopted for the financial year commencing on 1 January following the entry into force of this Treaty.
2. Should this Treaty enter into force before 1 July 1965, the general estimate of administrative expenditure of the European Coal and Steel Community which terminates on 1 July will be extended until 31 December of the same year. The credits opened under the said estimate shall be increased proportionally, unless otherwise decided by the Council acting by qualified majority vote.

Should this Treaty enter into force after 30 June 1965, the Council, acting unanimously on a proposal of the Commission, shall take all appropriate decisions with a view on the one hand to ensuring the smooth operation of the Communities and on the other hand to adopting the first budget of the Communities at the earliest possible date.

## Article 36

The chairman and members of the audit committee of the European Economic Community and of the European Atomic Energy Community shall take up the duties of the chairman and members of the audit committee of the European Communities on the entry into force of this Treaty and for the remainder of their existing term of office.



The comptroller of accounts who, pursuant to Article 78 of the Treaty establishing the European Coal and Steel Community, is in office on the date of the entry into force of this Treaty, shall take up the duties of the comptroller of accounts provided for in Article 78 sexto of this Treaty for the remainder of his existing term of office.

#### Article 37

Without prejudice to the application of Article 77 of the Treaty establishing the European Coal and Steel Community, Article 216 of the Treaty establishing the European Economic Community, Article 189 of the Treaty establishing the European Atomic Energy Community and Article 1 (2) of the Protocol concerning the Statute of the European Investment Bank, the Representatives of the Governments of the Member States shall by joint agreement adopt the provisions required with a view to regulating certain problems applying solely to the Grand Duchy of Luxembourg which result from the establishment of a single Council and a single Commission of the European Communities.

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

Article 38

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

This Treaty shall come into force on the first day of the month following the deposit of the instrument of ratification by the last signatory State to do so.

Article 39

The present Treaty, drawn up in a single original in the French, German, Italian and Netherlands 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 affixed their signatures below this Treaty.**

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

For His Majesty the King of the Belgians

Paul-Henri SPAAK

For the President of the Federal Republic of Germany

Kurt SCHMUECKER

For the President of the French Republic

Maurice COUVE DE MURVILLE

For the President of the Italian Republic

Amintore FANFANI

For His Royal Highness the Grand Duke of Luxembourg

Pierre WERNER

For Her Majesty the Queen of the Netherlands

J.M.A.H. LUNS

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

THE HIGH CONTRACTING PARTIES,

WHEREAS, in accordance with the terms of Article 28 of the Treaty establishing a single Council and a single Commission of the European Communities, these Communities and the European Investment Bank shall enjoy, in the territories of the Member States, the privileges and immunities necessary for the achievement of their tasks.

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

## CHAPTER I

### PROPERTY, FUNDS, ASSETS AND OPERATIONS OF THE EUROPEAN COMMUNITIES

#### Article 1

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

#### Article 2

The archives of the Communities shall be inviolable.

### Article 3

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

The Governments of Member States shall, wherever possible, take the appropriate measures to remit or refund the amount of indirect taxes or sales taxes included in the price of movable or immovable property where the Communities make, for their official use, major purchases in the price of which taxes of these types are included. Provided always that these provisions shall not be so applied as to distort conditions of competition within the Communities.

No exemption shall be granted in respect of taxes or other charges which amount to charges for public utility services.

### Article 4

The Communities shall be exempt from all customs duties and prohibitions and restrictions on imports and exports in respect of articles intended for their official use; articles so imported shall not be disposed of whether in return for valuable consideration or not, in the territory of the country into which they have been imported, except under conditions approved by the government of such country.

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

Article 5

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

CHAPTER II

COMMUNICATIONS AND PASSES

Article 6

As regards their official communications and the transfer of all their documents the institutions of the Communities shall enjoy in the territory of each Member State the treatment granted by that State to diplomatic missions.

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

Article 7

1. Passes in a form to be laid down by the Council and which shall be recognised as valid for travel purposes by the authorities of the Member States may be issued to members and servants of the institutions of the Communities by the presidents of these institutions. Such passes shall be issued to officials and servants under the conditions laid down in the service regulations of officials and the conditions of employment of other servants of the Communities.



The Commission may conclude agreements for these passes to be recognised in the territory of third countries as valid travel documents.

2. Nevertheless, the provisions of Article 6 of the Protocol on the Privileges and Immunities of the European Coal and Steel Community shall continue to apply to those members and servants of the institutions who, on the entry into force of the present Treaty, are in possession of the passes provided for in this Article, until such time as the provisions of paragraph 1 above are implemented.

### CHAPTER III

#### MEMBERS OF THE ASSEMBLY

##### Article 8

No restrictions of an administrative or other nature shall be imposed on the free movement of members of the Assembly proceeding to or coming from the place of meeting of the Assembly.

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

- a) by their own government, the same facilities as those accorded to senior officials proceeding abroad on temporary official duty,
- b) by the governments of other Member States, the same facilities as those accorded to representatives of foreign governments on temporary official duty.

Article 9

Members of the Assembly may not be the subject of any form of inquiry, detention or prosecution in respect of opinions expressed or votes cast by them in the exercise of their duties.

Article 10

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

- a) in their national territory, the immunities accorded in their country to Members of Parliament,
- b) in the territory of all other Member States, immunity from any measure of detention and immunity from suit and legal process.

This immunity shall also apply when they are proceeding to and from the place of meeting of the Assembly.

Such immunity shall not, however, apply when a member is found in the act of committing a serious offence and shall not prevent the Assembly from exercising its right to waive the immunity of one of its members.

## CHAPTER IV

### REPRESENTATIVES OF MEMBER STATES TAKING PART IN THE WORK OF THE INSTITUTIONS OF THE EUROPEAN COMMUNITIES

#### Article 11

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

This Article shall also apply to members of the consultative organs of the Communities.

## CHAPTER V

### OFFICIALS AND OTHER SERVANTS OF THE EUROPEAN COMMUNITIES

#### Article 12

In the territory of each Member State and whatsoever their nationality, the officials and other servants of the Communities

- a) shall be immune from suit and legal process in respect of acts done by them, including their spoken or written words, in the course of the performance of their official duties, subject to the application of the provisions of the Treaties relating on the one hand to the rules governing the responsibility of officials and other servants towards the Communities and, on the other hand, to the competence of the Court to decide on matters in

- dispute between the Communities and their officials and other servants. They shall continue to benefit from such immunity after their duties have ceased,
- b) shall, together with their spouses and the members of their families dependent on them, not be subject to immigration restrictions or to formalities for the registration of foreign persons,
  - c) shall, in respect of currency or exchange rules, be accorded the same facilities as are accorded by custom to the officials of international organisations,
  - d) shall, at the time of first taking up their post in the country concerned, have the right to import free of duty their furniture and effects, and, on the termination of their duties in that country, have the right to re-export, free of duty, their furniture and effects, subject in either case to the conditions deemed necessary by the Government of the country in which this right is exercised,
  - e) shall have the right to import free of duty their motor car for their personal use, purchased either in the country of their last residence or in the country of which they are nationals on the terms ruling in the latter's home market, and to re-export it free of duty, subject in either case to the conditions deemed necessary by the Government of the country concerned.

## Article 13

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

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

## Article 14

In respect of income tax, of capital tax, of death duties and the application of conventions on the avoidance of double taxation concluded between Member States of the Communities, the officials and servants of the Communities who, solely by reason of the exercise of their duties in the service of the Communities, establish their residence in the territory of a Member State other than the country where they have their residence for tax purposes at the time of their entry into the service of the Communities, shall be considered both in the country of their actual residence and in the country of residence for tax purposes as having maintained their residence in the latter country provided that it is a member of the Communities. This provision shall also apply to a spouse, to the extent that the latter is not gainfully employed and to children dependent on and in the care of the persons referred to in this Article.

Movable property belonging to persons referred to in the preceding paragraph and situated in the territory of the country of actual residence shall be exempted from death duties in that country; it shall, for the assessment of such duty, be considered as being in the country of residence for tax purposes, subject to the rights of third countries and to the possible future application of the provisions of international conventions on double taxation.

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

#### Article 15

Acting unanimously on a proposal of the Commission the Council shall lay down rules governing social security benefits for officials and other servants of the Communities.

#### Article 16

Acting on a proposal of the Commission and after the other institutions concerned have been consulted, the Council shall determine the categories of officials and other servants of the Communities to whom the provisions of Articles 12, 13 (2) and 14 shall apply in whole or in part.

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

**CHAPTER VI**

**PRIVILEGES AND IMMUNITIES OF MISSIONS OF THIRD  
COUNTRIES ACCREDITED TO THE EUROPEAN  
COMMUNITIES**

**Article 17**

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

**CHAPTER VII**

**GENERAL PROVISIONS**

**Article 18**

**Privileges, immunities and facilities are granted to officials and servants of the Communities solely in the interest of the Communities.**

**Each institution of the Communities shall waive the immunity granted to an official or servant wherever that institution considers that the waiver of such immunity is not contrary to the interests of the Communities.**

**Article 19**

**The institutions of the Communities shall, for the purposes of applying this Protocol, act in concert with the responsible authorities of the Member States concerned.**

Article 20

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

Article 21

Articles 12 to 15 inclusive and Article 18 shall, subject to the provisions of Article 3 of the Protocol on the Statute of the Court of Justice concerning immunity from suit and legal process of judges and advocates-general, apply to the judges, the advocates-general, the Registrar and the assistant rapporteurs of the Court of Justice.

Article 22

This Protocol shall, subject to the provisions of the Protocol on the Statute of the European Investment Bank, also apply to the latter, to the members of its institutions, to its staff and to the representatives of Member States who participate in its activities.

The European Investment Bank shall also be exempt from any fiscal or para-fiscal charge when its capital is increased and from the various formalities which might be connected therewith in the State where the Bank has its seat. Similarly its dissolution and its liquidation shall not give rise to the levying of any charge. Finally the activities of the Bank and of its institutions carried on in accordance with its Statute, shall not be subjected to any turn-over tax.



**IN WITNESS WHEREOF**, the undersigned Plenipotentiaries have affixed their signatures below this Protocol.

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

Paul-Henri SPAAK

Kurt SCHMUECKER

Maurice COUVE DE MURVILLE

Amintore FANFANI

Pierre WERNER

J.M.A.H. LUNS

**FINAL ACT**

THE PLENIPOTENTIARIES OF

His Majesty the King of the Belgians, the President of the Federal Republic of Germany, the President of the French Republic, the President of the Italian Republic, His Royal Highness the Grand Duke of Luxembourg, Her Majesty the Queen of the Netherlands,

being met at Brussels, on the eighth day of April in the year one thousand nine hundred and sixty-five for the purpose of signing the Treaty establishing a single Council and a single Commission of the European Communities,

HAVE ADOPTED THE FOLLOWING TEXTS :

Treaty establishing a single Council and a single Commission of the European Communities,

Protocol on the privileges and immunities of the European Communities.

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

- given to the Commission of the European Communities the mandate set out in Annex I,
- and taken note of the Declaration by the Government of the Federal Republic of Germany set out in Annex II.

**IN WITNESS WHEREOF, the undersigned Plenipotentiaries have affixed their signatures below this Final Act.**

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

Paul-Henri SPAAK

Kurt SCHMUECKER

Maurice COUVE DE MURVILLE

Amintore FANFANI

Pierre WERNER

J.M.A.H. LUNS

## ANNEX I

**MANDATE GIVEN TO THE COMMISSION OF THE  
EUROPEAN COMMUNITIES**

The Commission of the European Communities is hereby given a mandate to take, within the framework of its responsibilities, all necessary steps to achieve the rationalisation of its services within a reasonable and relatively short period which shall not exceed one year. To this end, the Commission may obtain all appropriate opinions. In order to enable the Council to follow the progress of this operation, the Commission is hereby requested to report periodically to the Council.

**ANNEX II**

**DECLARATION**

**by the Government of the Federal Republic of Germany  
concerning the application of the Treaty establishing  
a single Council and a  
single Commission of the European Communities, as also  
of the Treaty establishing the European Coal and Steel  
Community, 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 a single Council and a single Commission of the Euro-  
pean Communities and the Treaty establishing the European Coal and Steel  
Community shall also apply to Land Berlin.**



**DECISION**

**by the Representatives of the Governments of the Member States  
relating to the provisional installation of certain  
Institutions and services of the Communities**

The Representatives of the Governments of the Member States,

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

CONSIDERING THAT, without prejudice to the application of Article 77 of the Treaty establishing the European Coal and Steel Community, of Article 216 of the Treaty establishing the European Economic Community, of Article 189 of the Treaty establishing the European Atomic Energy Community and of Article 1 (2) of the Protocol concerning the Statute of the European Investment Bank, it is necessary, when setting up a single Council and a single Commission of the European Communities and with a view to regulating certain problems applying solely to the Grand Duchy of Luxembourg, to make arrangements for the provisional siting of certain Institutions and certain services in Luxembourg,

HAVE DECIDED :

Article 1

Luxembourg, Brussels and Strasbourg shall remain the provisional working places of the Institutions of the Communities.

Article 2

The Council shall hold its meetings in Luxembourg during the months of April, June and October.

Article 3

The Court of Justice shall remain in Luxembourg.

The following shall also be installed in Luxembourg :  
Judicial and quasi-judicial bodies, including those competent to deal with the implementation of the rules of competition, which either exist or may be set up pursuant to the Treaties establishing the European Coal and Steel Community, the European Economic Community and the European Atomic Energy Community, as also pursuant to Conventions concluded within the framework of the Communities, either between Member States or with third countries.

Article 4

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

#### Article 5

The European Investment Bank shall be installed in Luxembourg where its executive bodies shall be situated and where all its activities shall be carried out.

This provision concerns in particular the development of present activities, with particular emphasis on those referred to in Article 130 of the Treaty establishing the European Economic Community, the possible extension of these activities to other fields and any new tasks entrusted to the Bank.

A liaison office to operate between the Commission and the European Investment Bank shall be installed in Luxembourg for the purpose of facilitating the operations of the European Development Fund.

#### Article 6

The Monetary Committee shall meet in Luxembourg and Brussels.

#### Article 7

The financial intervention services of the European Coal and Steel Community shall be installed in Luxembourg. These services shall include the «Direction Générale du Crédit et des Investissements» and the department responsible for collecting levies, together with its accounting services.

Article 8

An Official Publications Office of the Communities, to which a Joint Sales Office and a medium and long term translation service shall be attached, shall be installed in Luxembourg.

Article 9

The following departments of the Commission shall also be installed in Luxembourg :

- a) The Statistical Office and the Computing Services;
- b) The Hygiene and Industrial Safety Services of the European Economic Community and the European Coal and Steel Community;
- c) The Directorate General for the Dissemination of Information, the Directorate for Health and Safety, the Directorate for Safeguards and Controls of the European Atomic Energy Community.

and the appropriate administrative and technical infrastructures.

Article 10

The Governments of the Member States shall be prepared to install in or to transfer to Luxembourg other Community bodies and services, in particular those dealing with finance, insofar as their smooth operation shall be ensured.

To this end, they shall invite the Commission to submit to them annually a report on the existing situation as regards the installation of Community bodies and services and on the possibility of taking further measures within the meaning of this provision, taking into account the needs of the Communities' smooth operation.

#### Article 11

In order to ensure the smooth operation of the European Coal and Steel Community, the Commission shall be requested to carry out a gradual and co-ordinated transfer of the various services, ending with the transfer of the services managing the coal and steel market.

#### Article 12

Subject to the preceding provisions, this Decision shall not affect the provisional working places of the Institutions and services of the European Communities, as resulting from previous decisions of the Governments. Nor shall it affect the re-grouping of services caused by the establishment of a single Council and of a single Commission.

#### Article 13

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

**DONE at Brussels, on the eight day of April in the year one thousand nine hundred and sixty-five.**

**Paul-Henri SPAAK**

**Kurt SCHMUECKER**

**Maurice COUVE DE MURVILLE**

**Amintore FANFANI**

**Pierre WERNER**

**J.M.A.H. LUNS**



