



Treaty Series No. 31 (1988)

Single European Act

between the Kingdom of Belgium, the Kingdom of
Denmark, the Federal Republic of Germany,
the Hellenic Republic, the Kingdom of Spain,
the French Republic, Ireland, the Italian Republic,
the Grand-Duchy of Luxembourg, the Kingdom of the
Netherlands, the Portuguese Republic and the United
Kingdom of Great Britain and Northern Ireland

and

Final Act

Luxembourg, 17 February 1986
The Hague, 28 February 1986

[The Single European Act entered into force on 1 July 1987]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
May 1988*

LONDON
HER MAJESTY'S STATIONERY OFFICE
£3.80 net

TABLE OF CONTENTS*

	<i>Article</i>	<i>Page</i>
SINGLE EUROPEAN ACT		
Preamble		1
Title I: Common Provisions	1-3	2
Title II: Provisions amending the Treaty establishing the European Communities		3
Chapter I: Provisions amending the Treaty establishing the European Coal and Steel Community	4-5	3
Chapter II: Provisions amending the Treaty establishing the European Economic Community		4
Section I: Institutional Provisions	6-12	4
Section II: Provisions relating to the Foundations and the Policy of the Community		6
Sub-section I: Internal Market	13-19	6
Sub-section II: Monetary Capacity	20	9
Sub-section III: Social Policy	21-22	9
Sub-section IV: Economic and Social Cohesion	23	10
Sub-section V: Research and Technological Development	24	11
Sub-section VI: Environment	25	13
Chapter III: Provisions amending the Treaty establishing the European Atomic Energy Community	26-27	14
Chapter IV: General provisions	28-29	15
Title III: Treaty Provisions on European Co-operation in the sphere of Foreign Policy	30	15
Title IV: General and Final Provisions	31-34	17
Testimonium		17
Ratifications and Declarations		18

* The table of contents does not form part of the Single Act but is included for ease of reference.

	<i>Page</i>
FINAL ACT	
DECLARATIONS OF THE CONFERENCE annexed to the Final Act:	20
1. Declaration on the powers of implementation of the Commission ...	20
2. Declaration on the Court of Justice	21
3. Declaration on Article 8A of the EEC Treaty	21
4. Declaration on Article 100A of the EEC Treaty	21
5. Declaration on Article 100B of the EEC Treaty	21
6. General Declaration on Articles 13 to 19 of the Single European Act ...	21
7. Declaration on Article 118A(2) of the EEC Treaty... ..	21
8. Declaration on Article 130D of the EEC Treaty	21
9. Declaration on Article 130 R of the EEC Treaty	22
10. Declaration by the High Contracting Parties on Title III of the Single European Act	22
11. Declaration on Article 30(10)(g) of the Single European Act	22
 OTHER DECLARATIONS annexed to the 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)	22
2. Political Declaration by the Governments of the Member States on the free movement of persons	22
3. Declaration by the Government of the Hellenic Republic on Article 8A of the EEC Treaty	22
4. Declaration by the Commission on Article 28 of the EEC Treaty ...	22
5. Declaration by the Government of Ireland on Article 57(2) of the EEC Treaty	23
6. Declaration by the Government of the Portuguese Republic on Articles 59, second paragraph, and 84 of the EEC Treaty	23
7. Declaration by the Government of the Kingdom of Denmark on Article 100A of the EEC Treaty	23
8. Declaration by the Presidency and the Commission on the monetary capacity of the Community	23
9. Declaration by the Government of the Kingdom of Denmark on European Political Co-operation	23

SINGLE EUROPEAN ACT

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^{1, 2, 3} 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 1983,

Resolved to implement this European Union on the basis, firstly, of the Communities operating in accordance with their own rules and, secondly, of European Co-operation 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 Freedoms⁴ and the European Social Charter⁵, notably freedom, equality and social justice,

Convinced that the European idea, the results achieved in the fields of economic integration and political co-operation, 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 co-operation,

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

¹ Treaty Series No. 16 (1979), Cmnd. 7461.

² Treaty Series No. 15 (1979), Cmnd. 7460.

³ Treaty Series No. 17 (1979), Cmnd. 7462.

⁴ Treaty Series No. 71 (1953), Cmd. 8969.

⁵ Treaty Series No. 38 (1965), Cmnd. 2643.

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 Fernandez Ordonez,
Minister for Foreign Affairs

The President of the French Republic,

Mr. Roland Dumas,
Minister for External Relations

The President of Ireland,

Mr. Peter Barry, T.D.,
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 at the Ministry 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 at the 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 Co-operation 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 Community¹, the European Economic Community², the European Atomic Energy Community³ and on the subsequent Treaties and Acts modifying or supplementing them.

Political Co-operation shall be governed by Title III. The provisions of that 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.

¹ Treaty Series No. 16 (1979), Cmnd. 7461.

² Treaty Series No. 15 (1979), Cmnd. 7460.

³ Treaty Series No. 17 (1979), Cmnd. 7462.

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 Co-operation 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 Treaty¹ 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.”

¹ Treaty Series No. 16 (1979), Cmnd. 7461.

CHAPTER II

Provisions amending the Treaty establishing the European Economic Community

SECTION I

Institutional Provisions

ARTICLE 6

1. A Co-operation 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, 100A, 100B, 118A, 130E and 130Q(2) of the EEC Treaty¹.
2. In Article 7, second paragraph of the EEC Treaty the terms "after consulting the Assembly" shall be replaced by "in co-operation 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 co-operation 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 co-operation 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 co-operation with the European Parliament, issue directives for the co-ordination 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 co-operation 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 co-operation 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 co-operation 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.

¹ Treaty Series No. 15 (1979), Cmnd. 7460.

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 168A

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 188 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

Sub-section I—Internal Market

ARTICLE 13

The EEC Treaty shall be supplemented by the following provisions:

“ARTICLE 8A

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 8B, 8C, 28, 57(2), 59, 70(1), 84, 99, 100A and 100B 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 8B

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 8A.

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 8C

When drawing up its proposals with a view to achieving the objectives set out in Article 8A, 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 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 8A.”

ARTICLE 18

The EEC Treaty shall be supplemented by the following provisions:

“ARTICLE 100A

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 8A. The Council shall, acting by a qualified majority on a proposal from the Commission in co-operation with the European Parliament and after consulting 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 envisaged 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 100B

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 100A and which have not been harmonized pursuant to that Article.

The Council, acting in accordance with the provisions of Article 100A, 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 100A(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."

Sub-Section 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 1

Co-operation in Economic and Monetary policy (Economic and Monetary Union)

ARTICLE 102A

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 co-operate in accordance with the objectives of Article 104. In so doing, they shall take account of the experience acquired in co-operating within the framework of the European Monetary System (EMS) and in developing the ECU, and shall respect existing powers in this field.
 2. Insofar 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.

Sub-Section III—Social Policy

ARTICLE 21

The EEC Treaty shall be supplemented by the following provisions:

“ARTICLE 118A

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 harmonisation of conditions in this area, while maintaining the improvements made.
2. In order to help achieve the objectives laid down in the first paragraph, the Council, acting by a qualified majority on a proposal from the Commission, in co-operation 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 provision:

“ARTICLE 118B

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.”

Sub-Section 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 130A

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 130B

Member States shall conduct their economic policies, and shall co-ordinate them, in such a way as, in addition, to attain the objectives set out in Article 130A. The implementation of the common policies and of the internal market shall take into account the objectives set out in Article 130A and in Article 130C 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 130C

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 130D

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 130A and Article 130C, to increase their efficiency and to co-ordinate 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 130E

After adoption of the decision referred to in Article 130D, 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 co-operation 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."

Sub-Section 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 130F

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 co-operate with one another, aiming notably 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 co-operation.
3. In the achievement of these aims, special 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 130G

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 co-operation with undertakings, research centres and universities;
- (b) promotion of co-operation in the field of Community research, technological development and demonstration with third countries and international organizations;
- (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 130H

Member States shall, in liaison with the Commission, co-ordinate 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 co-ordination.

ARTICLE 130I

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 130K

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 130L

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 130M

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 structure created for the execution of those programmes.

ARTICLE 130N

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

The detailed arrangements for such co-operation 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 130O

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 130P

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 130Q

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

Sub-Section VI—Environment

ARTICLE 25

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

“TITLE VII

ENVIRONMENT

ARTICLE 130R

1. Action by the Community relating to the environment shall have the following objectives:
 - to preserve, protect and improve the quality of the environment;
 - to contribute towards protecting human health;
 - 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:
 - available scientific and technical data;
 - environmental conditions in the various regions of the Community;
 - the potential benefits and costs of action or of lack of action;
 - 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 co-operate with third countries and with the relevant international organizations. The arrangements for Community co-operation 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 130S

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 130T

The protective measures adopted in common pursuant to Article 130S 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 Treaty¹ shall be supplemented by the following provisions:

“ARTICLE 140A

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 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.”

¹ Treaty Series No. 17 (1979), Cmnd. 7462.

CHAPTER IV
General Provisions

ARTICLE 28

The provisions of this Act shall be without prejudice to the provisions of the instrument 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 1985¹ 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

TREATY PROVISIONS ON EUROPEAN CO-OPERATION
IN THE SPHERE OF FOREIGN POLICY

ARTICLE 30

European Co-operation 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 co-ordination, 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 Co-operation. They may also discuss foreign policy matters within the framework of Political Co-operation on the occasion of meetings of the Council of the European Communities.

(b) The Commission shall be fully associated with the proceedings of Political Co-operation.

¹ European Communities No. 20 (1985), Cmnd. 9549.

(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 Co-operation. 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 Co-operation 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 Co-operation 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 co-operation 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 co-ordinate 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 co-operation 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 Co-operation.

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 co-operation between their representations accredited to third countries and to international organizations.

10. (a) The Presidency of European Political Co-operation 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 co-ordinating and representing the positions of the Member States in relations with third countries in respect of European Political Co-operation activities. It shall also be responsible for the management of Political Co-operation 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 necessary impetus, maintain the continuity of European Political Co-operation 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 Co-operation 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 Co-operation 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 Co-operation 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 formality¹.

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 undersigned Plenipotentiaries have signed this Single European Act.

Done at Luxembourg on the seventeenth day of February in the year one thousand, nine hundred and eighty-six and at The Hague on the twenty-eighth day of February in the year one thousand nine hundred and eighty-six.

[Here follow the signatures of the plenipotentiaries listed on pages 1 and 2].

¹ The Act entered into force on 1 July 1987.

RATIFICATIONS

<i>State</i>	<i>Date of deposit of instrument of ratification</i>
Belgium	25 Aug. 1986
Denmark	13 June 1986
Germany, Federal Republic of*	29 Dec. 1986
Greece	31 Dec. 1986
Spain	18 Dec. 1986
France	29 Dec. 1986
Ireland, Republic of	24 June 1987†
Italy	30 Dec. 1986†
Luxembourg	17 Dec. 1986
Netherlands	24 Dec. 1986
Portugal	31 Dec. 1986
United Kingdom	19 Nov. 1986

* includes Land Berlin

† declarations

DECLARATIONS

IRELAND

On depositing its instrument of ratification the Government of the Republic of Ireland made the following declaration on Article 13 and on Title III:

The Government of Ireland note that the completion of the internal market will have full regard to the terms of Protocol 30, agreed at the time of accession, which recognises that there are certain special problems of concern to Ireland, and that there is a common Community interest in the attainment of the objectives of Ireland's policy of industrialisation and economic development designed to align the standards of living in Ireland with those of the other European nations and to eliminate underemployment while progressively evening out regional differences in levels of development.

The Government of Ireland note that the provisions of Title III do not affect Ireland's long established policy of military neutrality and that co-ordination of positions on the political and economic aspects of security does not include the military aspects of security or procurement for military purposes and does not affect Ireland's right to act or refrain from acting in any way which might affect Ireland's international status of military neutrality.

ITALY

On signing the Act the Government of the Republic of Italy made the following declaration repeated on depositing its instrument of ratification:

Unofficial translation

Original: Italian

The Italian Government has always considered, and its actions have been motivated by this conviction, that the calling of the Intergovernmental Conference to amend the Treaties of Paris and Rome should be a historic opportunity to revive the process of European integration on the basis of the Community acquis, the Solemn Declaration of Stuttgart on European Union and the conclusions of the Dooge and Adonnino Reports, this being in keeping with the spirit and thinking of the Draft Treaty on European Union approved by the European Parliament.

Italy has set out the following priority objectives for common action: the creation of a large market including a "space without frontiers"; the adoption as a general rule of majority voting in Council decisions and the streamlining of the relative procedures; the strengthening of the institutional framework having regard, in particular, to the granting of a power of co-decision to the European Parliament (as recommended in the above-mentioned Dooge Report); the increase of the Commission's powers of management and execution; the extension of the scope of the Treaty of Rome to cover new fields of action.

The Italian Government will continue to pursue these objectives in the conviction that their attainment will enable the European Community to meet the real needs of its peoples. We shall be strengthened in our determination by the fact that these objectives are shared not only by the European Parliament but also by many Member States and the Commission.

An objective examination of the results of the Intergovernmental Conference points to the fact that the Single European Act constitutes a partial and unsatisfactory response to the requirements for substantial progress in the direction indicated by the European Parliament and in the reports by the Dooge and Adonnino Committees.

In fact, as far as the powers of the European Parliament are concerned, the Act provides for a system of second reading which does not amount to the power of co-decision hoped for by the European Parliament and the Italian Parliament.

With regard to the commitment to achieve the internal market by 31 December 1992, I would point out that this objective is heavily conditioned by a whole series of exceptions and derogations which significantly reduce its scope.

Moreover, the introduction of majority voting in Council decisions has been limited to a few articles of the Treaty with exceptions and the possibility of derogations in extremely important sectors.

Finally, just as the hoped-for significant progress in the field of Economic and Monetary Union has not been achieved, so the Community has failed to extend its powers in highly important sectors of European life such as culture, health, the fight against terrorism, organised crime and drugs.

The Single European Act does not therefore represent the implementation of that organic reform of the European Community for which the Italian Government has worked and which was desired by the Italian Parliament in line with the thinking of the Strasbourg Parliament.

The Italian Government remains of the view that the Intergovernmental Conference held in the wake of the European Council in Milan has neither known how to, nor wished to, exploit the opportunities available to it to accomplish a qualitative leap forward in the Community. It cannot therefore but express its profound dissatisfaction. Thus Italy, on depositing its instrument of ratification of the Single European Act, reaffirms its determination to work not only for the introduction in their entirety of the limited reforms agreed upon but also, and more especially, for their implementation in a forward-thinking manner. In this connection the Italian Government, in line with the requests from the European Parliament to the Governments of Member States, asks the Presidency in office of the Council to proceed without delay to implement the changes in the rules of procedure of the Council so as to make the taking of a vote possible whenever requested by the Commission or by three Member States.

Moreover the Italian Government requests the Governments of Community countries to take the necessary steps so that by 1 January 1988 all the Institutions of the Community can embark on an examination of the implementation and operation of the decisions adopted by the Intergovernmental Conference to ascertain their validity and increase their scope, especially as regards greater participation of the European Parliament in the legislative process, thereby allowing the planned reform of the European Community to continue on its way.

Finally the Italian Government states that it will take every possible action to make its citizens, parties and lobbies aware of the problems of European Union and the appropriate steps to achieve it.

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 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 8A of the EEC Treaty
4. Declaration on Article 100A of the EEC Treaty
5. Declaration on Article 100B 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 130D of the EEC Treaty
9. Declaration on Article 130R 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)(g) 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 8A 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 Co-operation.

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 define 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 100A 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 168A(1) of the EEC Treaty and Article 140A(1) of the EAEC Treaty do not prejudice any conferral of judicial competence likely to be provided for in the context of agreements concluded between the Member States.

DECLARATION ON ARTICLE 8A OF THE EEC TREATY

The Conference wishes by means of the provisions in Article 8A 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 100A OF THE EEC TREATY

In its proposals pursuant to Article 100A(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 100B OF THE EEC TREATY

The Conference considers that, since Article 8C of the EEC Treaty is of general application, it also applies to the proposals which the Commission is required to make under Article 100B 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 118A(2) OF THE EEC TREATY

The Conference notes that in the discussions on Article 118A(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 130D 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 130R 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 130R(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 Co-operation 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 co-operation.

DECLARATION ON ARTICLE 30(10)(g) OF THE SINGLE EUROPEAN ACT

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

In order to promote the free movement of persons, the Member States shall co-operate, 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 co-operate 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 8A 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 EEC 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 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 100A OF THE EEC TREATY**

The Danish Government notes that in cases where a Member State is of the opinion that measures adopted under Article 100A 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 100A(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 CO-OPERATION**

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

Done at Luxembourg on the seventeenth day of February in the year one thousand, nine hundred and eighty-six and at The Hague on the twenty-eighth day of February in the year one thousand, nine hundred and eighty-six.

[Here follow the signatures of the plenipotentiaries listed on pages 1 and 2.]



**HMSO
BOOKS**

HMSO publications are available from:

HMSO Publications Centre

(Mail and telephone orders only)

PO Box 276, London SW8 5DT

Telephone orders 01-622 3316

General enquiries 01-211 5656

(queuing system in operation for both numbers)

HMSO Bookshops

49 High Holborn, London, WC1V 6HB 01-211 5656 (Counter service only)

258 Broad Street, Birmingham, B1 2HE 021-643 3740

Southey House, 33 Wine Street, Bristol, BS1 2BQ (0272) 264306

9-21 Princess Street, Manchester, M60 8AS 061-834 7201

80 Chichester Street, Belfast, BT1 4JY (0232) 238451

71 Lothian Road, Edinburgh, EH3 9AZ 031-228 4181

HMSO's Accredited Agents

(see Yellow Pages)

and through good booksellers