



Single European Act (*)

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(*)OJ L 169, 29. 6. 1987.

1. Text of the Treaty

HIS MAJESTY THE KING OF THE BELGIANS, HER MAJESTY THE QUEEN OF DENMARK, THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY, THE PRESIDENT OF THE HELLENIC REPUBLIC, HIS MAJESTY THE KING OF SPAIN, THE PRESIDENT OF THE FRENCH REPUBLIC, THE PRESIDENT OF IRELAND, THE PRESIDENT OF THE ITALIAN REPUBLIC, HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG, HER MAJESTY THE QUEEN OF THE NETHERLANDS, THE PRESIDENT OF THE PORTUGUESE REPUBLIC, HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

MOVED by the will to continue the work undertaken on the basis of the Treaties establishing the European Communities and to transform relations as a whole among their States into a European Union, in accordance with the Solemn Declaration of Stuttgart of 19 June 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 cooperation among the signatory States in the sphere of foreign policy and to invest this Union with the necessary means of action,

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

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

AWARE of the responsibility incumbent upon Europe to aim at speaking ever increasingly with one voice and to act with consistency and solidarity in order more effectively to protect its common interests and independence, in particular to display the principles of democracy and compliance with the law and with human rights to which they are attached, so that together they may make their own contribution to the preservation of international peace and security in accordance with the undertaking entered into by them within the framework of the United Nations Charter,

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

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

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

HAVE DECIDED to adopt this Act and to this end have designated as their Plenipotentiaries:

HIS MAJESTY THE KING OF THE BELGIANS:

Mr Leo TINDEMANS, Minister for External Relations;

HER MAJESTY THE QUEEN OF DENMARK:

Mr Uffe ELLEMANN JENSEN, Minister for Foreign Affairs;

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY:

Mr Hans Dietrich GENSCHER, Federal Minister for Foreign Affairs;

THE PRESIDENT OF THE HELLENIC REPUBLIC:

Mr Karolos PAPOULIAS, Minister for Foreign Affairs;

HIS MAJESTY THE KING OF SPAIN:

Mr Francisco FERNÁNDEZ ORDÓÑEZ, Minister for Foreign Affairs;

THE PRESIDENT OF THE FRENCH REPUBLIC:

Mr Roland DUMAS, Minister for External Relations;

THE PRESIDENT OF IRELAND:

Mr Peter BARRY, TD, Minister for Foreign Affairs;

THE PRESIDENT OF THE ITALIAN REPUBLIC:

Mr Giulio ANDREOTTI, Minister for Foreign Affairs;

HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG:

Mr Robert GOEBBELS, State Secretary, Minister 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 for Foreign and Commonwealth Affairs;

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

TITLE I

Common provisions

Article 1

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

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

Political cooperation shall be governed by Title III. The provisions of 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.

Article 2

(Repealed) (*)

** See Article P(2) TEU.*

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. **(Repealed) (*)**

() See Article P(2) TEU.*

TITLE II

Provisions amending the Treaties establishing the European Communities (*)

(*) For the record.

The amendments made by this Title are incorporated in the Treaties establishing the European Communities.

TITLE III

Treaty provisions on European cooperation in the sphere of foreign policy

(Repealed) (*)

() See Article P(2) TEU.*

TITLE IV

General and final provisions

Article 31

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

Article 32

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

Article 33

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

Government of the Italian Republic.

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

Article 34

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

IN WITNESS WHEREOF, the 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.

Leo TINDEMANS	Peter BARRY
Uffe ELLEMANN JENSEN	Giulio ANDREOTTI
Hans Dietrich GENSCHER	Robert GOEBBELS
Karolos PAPOULIAS	Hans VAN DEN BROEK
Francisco FERNÁNDEZ ORDÓÑEZ	Pedro PIRES DE MIRANDA
Roland DUMAS	Lynda CHALKER

2. 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

cooperation.

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.

Leo TINDEMANS	Peter BARRY
Uffe ELLEMANN JENSEN	Giulio ANDREOTTI
Hans Dietrich GENSCHER	Robert GOEBBELS
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DECLARATION

on the powers of implementation of the Commission

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

In this connection the Conference requests the Council to give the Advisory Committee procedure in particular a predominant place in the interests of speed and efficiency in the decision making process, for the exercise of the powers of implementation conferred on the Commission within the field of Article 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 cooperation reaffirm their openness to other European nations which share the same ideals and objectives. They agree in particular to strengthen their links with the member countries of the Council of Europe and with other democratic European countries with which they have friendly relations and close cooperation.

DECLARATION

on Article 30(10)(g) 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 movement of persons

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

DECLARATION BY THE GOVERNMENT OF THE HELLENIC REPUBLIC

on Article 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 the other Member States of the Community should Ireland later find itself in a situation where the Government of Ireland considers it necessary to have special provision made for the position of the industry in Ireland.

DECLARATION BY THE GOVERNMENT OF THE PORTUGUESE REPUBLIC

on Articles 59, second paragraph, and 84 of the EEC Treaty

Portugal considers that as the change from unanimous to qualified majority voting in Articles 59, second paragraph, and 84 was not contemplated in the negotiations for the accession of

Portugal to the Community and substantially alters the Community acquis, it must not damage sensitive and vital sectors of the Portuguese economy, and, wherever necessary, appropriate and specific transitional measures should be introduced to forestall the adverse consequences that could ensue for these sectors.

DECLARATION BY THE GOVERNMENT OF THE KINGDOM OF DENMARK

on Article 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 cooperation

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

Internet Source:



<http://europa.eu.int/abc/obj/treaties/en/entoc113.htm>