

**FINAL ACT  
AND  
DECLARATIONS**

**OF**

**THE SINGLE EUROPEAN ACT**

**LUXEMBOURG**

**17 February 1986**

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:

Declaration on the powers of implementation of the Commission,

Declaration on the Court of Justice,

Declaration on Article 8a of the EEC Treaty,

Declaration on Article 100a of the EEC Treaty,

Declaration on Article 100b of the EEC Treaty,

General Declaration on Articles 13 to 19 of the Single European Act,

Declaration on Article 118a(2) of the EEC Treaty,

Declaration on Article 130d of the EEC Treaty,

Declaration on Article 130r of the EEC Treaty,

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

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.

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),

Political Declaration by the governments of the Member States on the free movement of persons,

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

Declaration by the Commission on Article 28 of the EEC Treaty,

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

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

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

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

Declaration by the Government of the Kingdom of Denmark on European political co-operation.

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.

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## **DECLARATIONS**

### **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 sub-paragraph*

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 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 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.