PART THREE: THE TREATY ESTABLISHING THE EUROPEAN COMMUNITY

Chapter 11: General Aim and Structure of the Treaty

General aim of the Treaty

11-1 Originally it was the aim of what was then the Treaty establishing the European Economic Community to create a Community of European states for the purpose of promoting economic and social progress by common action to eliminate the barriers dividing Europe.[1] This aim was substantially widened as the result of the Treaty on European Union, under which political and other provisions were added to the Community's powers and the restrictive word "Economic" removed from the title of the Community.[2]

General Structure of the Treaty

11-2 In the Treaty establishing the European Community[3], there are nine components, as follows:
- the Preamble (comprising nine Recitals),
- Part One (Principles) (Articles 1 to 16),
- Part Two (Citizenship of the [European] Union) (Articles 17 to 22),
- Part Three (Community Policies) (Articles 23 to 181),
- Part Four (Association of Overseas Countries and Territories) (Articles 182 to 188),
- Part Five (Institutions of the Community) (Articles 189 to 280),
- Part Six (General and Final Provisions) (Articles 281 to 314),
- the Annexes (of which there are two) and
- the Protocols (of which there are thirty-three).

Declarations are also annexed to the Treaty but have no legal force.

11-3 To show how the Treaty is sub-divided into Parts, Parts into Titles, Titles into Chapters, Chapters into Sections and Sections into Articles, the full structure is set out in Annex B at the end of this chapter. Parts, Titles, Chapters and Sections all have short titles or descriptions. Articles do not, unless they form the whole of a Title or Section.[4] The subjects of the Articles are given in Annex B: they are informal and for guidance only.[5] Where Articles are singled out in this book for special consideration from a constitutional point of view, they are so indicated in the list. All the Articles in the Chapter entitled The Institutions are so marked; relatively few Articles in Part Three of the Treaty, on Community Policies, are discussed from the strictly constitutional standpoint, though some of the case-law covering points of constitutional law originated from litigation based on Articles in Part Three.[6]

The Preamble

11-4 Most of the remarks on the Preamble to the Treaty on European Union apply *mutatis mutandis* to the Treaty establishing the European Community.[7] The Preamble is shorter, less political and more idealistic in tone. In strictly legal terms it adds little to the text, but does help to explain the economic and constitutional objectives of what was, in 1958, a remarkable and

profoundly important experiment in international cooperation.[8]

Principles

11-5 Part One of the Treaty, "Principles"[9], comprises sixteen Articles covering the following matters:

- the establishment of the European Community[10];
- a statement of the "task" of the Community[11];
- an inclusive list of the activities of the Community[12];
- an additional list of activities, mainly in the context of economic and monetary affairs[13];
- *vires* and subsidiarity[14];
- the integration of environmental protection[15];
- a list of the five Institutions and the two advisory Committees[16];
- the establishment of the European System of Central Banks and the European Central Bank[17];
- the establishment of the European Investment Bank[18];
- the general obligations of the Member States towards the Community[19];
  closer cooperation between Member States[20];
- the prohibition of discrimination on grounds of nationality[21];
- combating other forms of discrimination[22];
- the progressive establishment of the internal market[23];
- differences in development of certain economies;[24] and
- services of general economic interest.[25]

Citizenship of the European Union

11-6 Part Two of the Treaty, "Citizenship of the Union", comprises six Articles, which provide that every person holding the nationality of a Member State is a citizen of the European Union.[26] The Articles refer in general terms to the citizens' rights and duties and specify some additional rights other than those conferred directly or indirectly by other provisions of the Treaty.[27]

Community Policies

11-7 Part Three of the Treaty, on "Community Policies", covers substantive policies, not all of which have a constitutional importance, except where litigation based on a policy issue has resulted in a Court decision having constitutional implications. The 178 Articles in Part Three cover the following matters:

- the free movement of goods[28],
- the free movement of persons, services and capital[29],
- visas, asylum, immigration and other policies related to free movement of persons[30];
- the common agricultural policy[31],
- the common transport policy[32],
- the rules on competition[33],
- taxation[34],

- the "approximation" (harmonisation) of laws[35],
- economic and monetary policy[36],
- employment[37];
- the common commercial policy[38],
- social policy, education, vocational training and youth[39],.
- culture[40],
- public health[41],
- consumer protection[42],
- trans-European networks[43],
- industry[44],
- economic and social cohesion[45],
- research and technological development[46],
- environment[47] and
- development cooperation.[48]

Association of Overseas Countries and Territories

11-8 Part Four comprises special provisions governing the relationship between the European Community and the former colonies or dependencies of Belgium, Denmark, France, the Netherlands and the United Kingdom.[49]

Institutions of the Community

11-9 Part Five of the Treaty, most of which is of particular importance from a constitutional point of view, covers the five Institutions of the Community, properly so called; certain provisions, mainly legislative, common to several Institutions; three other bodies; and financial matters. More specifically, the provisions of Part Five deal with:
- the European Parliament[50],
- the Council[51],
- the Commission[52],
- the Court of Justice[53],
- the Court of Auditors[54],
- provisions common to several Institutions[55],.
- the Economic and Social Committee[56],
- the Committee of the Regions[57],
- the European Investment Bank[58] and
- financial provisions.[59]

General and Final Provisions

11-10 Part Six of the Treaty sets out a mixed collection of provisions, ranging from the legal personality of the Community to the language and deposit of authentic versions of the Treaty. Many of these provisions have constitutional importance and are discussed in detail below.[60]

Annexes

11-11 There are two Annexes to the Treaty. The first comprises a list of agricultural products for the purposes of the common agricultural policy.[61] The second comprises a list of the overseas countries and territories to which the provisions of Part Four of the Treaty apply.[62]

Protocols

11-12 There are thirty-three Protocols to the Treaty. These are listed in the Annex at the end of this chapter and are the subject of discussion later in this book.[63] They range in constitutional importance from the Protocol on the application of the principles of subsidiarity and proportionality[64] to special provisions for individual Member States, whose constitutional interest lies in the breach of the principle of uniformity of European Union law.[65]

ANNEX B: Articles of the Treaty establishing the European Community

(Note. Articles marked with an asterisk are referred to in this book for their constitutional content; other Articles are referred to in this book only to indicate the scope of the European Union's activities or if the Articles concerned were the subject of litigation giving rise to Court judgments having constitutional importance. Former Article numbers are in square brackets.)

Part One: Principles

1	[1]	*Establishment of a European Community
2	[2]	*The task of the Community
3	[3]	*The activities of the Community
4	[3a]	*The economic policy of the Community
5	[3b]	*Vires and subsidiarity
6	[3c]	Integration of environmental protection requirements
7	[4]	*The institutions of the Community (and the Advisory Committees)
8	[4a]	*The European Central Bank
9	[4b]	*The European Investment Bank
10	[5]	*Member States' obligations
11	[5a]	Closer cooperation among Member States
12	[6]	*Prohibition of discrimination on grounds of nationality
13	[6a]	Action to combat discrimination
14	[7a]	*Establishment of the internal market
15	[7c]	Differences in development during establishment of the internal market
16	[7d]	Services of general economic interest

Part Two: Citizenship of the Union

17	[8]	*Establishment of citizenship of the {European] Union
18	[8a]	*Citizens' right to move and reside freely within the Member States
19	[8b]	*Citizens' right to vote in municipal elections and in elections to the European Parliament
20	[8c]	*Citizens' right to protection by Member States' diplomatic and consular services
21	[8d]	*Citizens' right to petition European Parliament and apply to Ombudsman
22	[8e]	*Reports on and progress in applying citizenship provisions

Part Three: Community Policies
Title I: Free Movement of Goods

23	[9]	*Customs Union
24	[10]	*"Free circulation"

Chapter 1: Customs Union

25	[12]	Prohibition of new and increased customs duties between Member States

[13-27] Customs duties and tariffs [repealed]
26 [28] Alteration or suspension of duties in common customs tariff
27 [29] *Guidelines for Commission in setting up the common customs tariff

Chapter 2: Elimination of Quantitative Restrictions between Member States

28 [30] *Prohibition of quantitative restrictions on imports and measures having equivalent effect
[31-3] Miscellaneous provisions on quantitative restrictions [repealed]
29 [34] Prohibition of quantitative restrictions on exports and measures having equivalent effect
[35] Miscellaneous provisions on quantitative restrictions [repealed]
30 [36] *Exceptions to the rules in Articles 30 to 34
31 [37] *State monopolies

Title II: Agriculture

32 [38] *Common market in agriculture and establishment of common agricultural policy
33 [39] Objectives of the common agricultural policy
34 [40] Common organisation of agricultural markets
35 [41] Special measures within the framework of the common agricultural policy
36 [42] Limited application of Rules of Competition to common agricultural policy
37 [43] *Regulations, Directives and Decisions to promote the common agricultural policy
[44-5] Transitional provisions on agriculture [repealed]
38 [46] Countervailing charges against agricultural products
[47] Role of Economic and Social Committee in agriculture [repealed]

Title III: Free Movement of Persons, Services and Capital
Chapter 1: Workers

39 [48] Free movement of workers
40 [49] *Regulations and Directives to promote free movement of workers
41 [50] Encouragement of the exchange of young workers
42 [51] *Social security measures to encourage free movement of workers

Chapter 2: Right of Establishment

43 [52] Freedom of establishment of nationals of Member States in other Member States
[53] Prohibition of new restrictions on right of establishment [repealed]
44 [54] General programme for abolition of restrictions on freedom of establishment
45 [55] Exclusion of official activity from right of establishment
46 [56] *Considerations of public policy, public security or public health
47 [57] *Directives on mutual recognition of diplomas
48 [58] *Companies or firms to have right of establishment
Chapter 3: Services

49 [59] Freedom to provide services

50 [60] Meaning of "services"
51 [61] Special rules on services in the transport field
[62] Prohibition of new restrictions on freedom to provide services [repealed]
52 [63] General programme for abolition of restrictions on freedom to provide services
53 [64] Accelerated liberalisation of services
54 [65] Prohibition of discrimination in provision of services
55 [66] *Application of Articles 55 to 58 to freedom to provide services

Chapter 4: Capital

[67-73] Free movement of capital and payments (see Articles 56 to 60) [repealed]
56 [73b] Prohibition of restrictions on movements of capital between Member States
57 [73c] Exceptions to and special measures on liberalisation of capital movements
58 [73d] Exceptions based on considerations of tax, public policy and public security
[73e] Transitional provision [repealed]
59 [73f] Exceptional circumstances causing serious difficulties for economic and monetary union
60 [73g] *Economic sanctions against non-member states
[73h] Transitional provisions [repealed]

Title IV: Visas, asylum, immigration and other policies related to free movement of persons

61 [73i] Measures to establish an area of freedom, security and justice
62 [73j] Measures on the crossing of national borders
63 [73k] Asylum
64 [73l] Member States' responsibilities for internal security
65 [73m] Judicial cooperation in civil matters having cross-border implications
66 [73n] Cooperation between Member States' administrations
67 [73o] Transitional arrangements
68 [73p] *Role of the Court of Justice
69 [73q] Special provisions applying to the United Kingdom, Ireland and Denmark

Title V: Transport

70 [74] Creation of a common transport policy
71 [75] *Council measures in connection with the common transport policy
72 [76] Prohibition of discrimination in transport matters
73 [77] State aids to transport
74 [78] Transport rates and conditions
75 [79] Differential rates and conditions for transport services
76 [80] Discriminatory aids, rates and conditions for transport services
77 [81] Charges for crossing frontiers
78 [82] *Special rule in favour of the Federal Republic of Germany
79 [83] *Advisory Committee on Transport and relationship to Economic and Social Committee
80 [84] Scope of transport policy

Title VI: Common Rules on Competition, Taxation and Approximation of Laws
Chapter 1: Rules on Competition
Section 1: Rules applying to Undertakings

81	[85]	Prohibition of restrictive practices
82	[86]	Prohibition of an abuse of a dominant position
83	[87]	*Council Regulations or Directives to enforce Rules on Competition
84	[88]	Transitional provisions
85	[89]	*Role of the Commission in applying Rules on Competition
86	[90]	Application of the Rules on Competition to public undertakings

Section 2: Dumping

	[91]	Dumping (between Member States) [repealed]

Section 3: Aids granted by States

87	[92]	State aids: prohibition and exceptions
88	[93]	*Procedure for enforcing rules on state aids
89	[94]	Council Regulations on state aids

Chapter 2: Tax Provisions

90	[95]	Prohibition of discrimination in taxes on other Member States' products
91	[96]	Repayment of internal taxation
	[97]	Application of Articles 95 and 96 to turnover taxes [repealed]
92	[98]	Prohibition of remissions, repayments and countervailing charges
93	[99]	*Harmonisation of legislation on turnover taxes, excise duties and other indirect taxation

Chapter 3: Approximation of Laws

94	[100]	*Approximation of laws affecting the common market
95	[100a]	*Approximation of laws affecting the internal market
	[100b]	*Inventory of laws not yet subject to appromixation [repealed]
	[100c]	*Visas, immigration and other matters of justice and home affairs [repealed]
	[100d]	*Coordinating Committee [repealed]
96	[101]	*Differences in national laws causing distortions of competition
97	[102]	*Adoption of national laws likely to cause distortions of competition

Title VII: Economic and Monetary Policy
Chapter 1: Economic Policy

98	[102a]	Member States conduct of their economic policy
99	[103]	Coordination of Member States' economic policies

[103a] Council measures appropriate to the economic situation
[104] Credit facilities with the European Central Bank or with national central banks
[104a] Prohibition of privileged access to financial institutions
[104b] Liability for commitments of national authorities
[104c] Avoidance of excessive government deficits

Chapter 2: Monetary Policy

[105] Role of the European System of Central Banks
[105a] Exclusive right of the European Central Bank to authorise issue of banknotes
[106] Composition and control of European System of Central Banks
[107] *Independence of the European Central Bank
[108] *Compatibility of Member States' laws with Treaty
[108a] *Legislative and fining powers of the European Central Bank
[109] Agreements with non-member states on exchange rates

Chapter 3: Institutional Provisions

[109a] Governing Council of the European Central Bank
[109b] *Relationship between the Council and Commission and the European Central Bank
[109c] *Monetary Committee / Economic and Financial Committee
[109d] *Commission recommendations and proposals

Chapter 4: Transitional Provisions

[109e] First and second stages of economic and monetary union
[109f] European Monetary Institute
[109g] ECU: currency composition and value
[109h] Procedure for dealing with Member States' balance of payment difficulties
[109i] Protective measures in cases of balance of payment difficulties
[109j] Procedure for proceeding to third stage: the four criteria
[109k] "Member States with a derogation"
[109l] Implementation of third stage
[109m]Member States' exchange-rate policies to be a matter of common interest

Title VIII: Employment

[109n] Coordinated strategy for employment
[109o] Promotion of employment as a matter of common concern
[109p] Community policies to promote high level of employment
[109q] *Role of the European Council in respect of employment
[109r] Incentive measures
[109s] *Establishment of an Emplyment Committee

Title IX: Common Commercial Policy

131 [110] Establishment of a common commercial policy
[111] Transitional provisions [repealed]
132 [112] Harmonisation of export aids
133 [113] Basis and implementation of common commercial policy
[114] [repealed: see Article 300]]
134 [115] Protective measures by Member States

Title X: Customs Cooperation

135 [116] Customs cooperation

Title XI: Social Policy, Education, Vocational Training and Youth
Chapter 1: Social Provisions

136 [117] Improvement of working conditions and of workers' standard of living
137 [118] *Cooperation in social policy and measures to implement it
138 [118a] Commission's task of conciliating between management and labour
139 [118b] Agreements concluded at Community level
140 [118c] Commission's role in encouraging cooperation in fields of social policy
141 [119] Equal pay for equal work
142 [119a] Equivalence between paid holiday schemes
143 [120] Equivalence between paid holiday schemes
144 [121] Implementation of common measures, particularly of social security for migrant workers
145 [122] Commission Reports on social developments

Chapter 2: The European Social Fund

146 [123] Establishment of European Social Fund
147 [124] Administration of European Social Fund
148 [125] Council Decisions on the European Social Fund

Chapter 3: Education, Vocational Training and Youth

149 [126] *Education; incentive measures, excluding harmonisation
150 [127] Vocational training

Title XII: Culture

151 [128] Culture

Title XIII: Public Health

152 [129] Public health

Title XIV: Consumer Protection

153 [129a] Consumer protection

Title XV: Trans-European Networks

154 [129b] Trans-European networks: objects, establishment and development
155 [129c] Trans-European networks: implementation
156 [129d] Trans-European networks: procedure for adopting guidelines and measures

Title XVI: Industry

157 [130] Industry

Title XVII: Economic and Social Cohesion

158 [130a] Development of actions to strengthen economic and social cohesion
159 [130b] Cooperation and reports on progress with economic and social cohesion
160 [130c] Purpose of European Regional Development Fund
161 [130d] Definition of tasks and priorities of European Regional Development Fund
162 [130e] Implementing decisions on European Regional Development Fund

Title XVIII: Research and Technological Development

163 [130f] Strengthening the scientific and technological bases of Community industry
164 [130g] Activities to promote research and technological development
165 [130h] Coordination of Community,s and Member States' activities
166 [130i] Multiannual framework programme
167 [130j] Council implementation of multiannual framework programme
168 [130k] Supplementary programmes
169 [130l] Participation in programmes undertaken by Member States
170 [130m]Cooperation with non-member states or international organisations
171 [130n] Joint undertakings and other structures for encouraging Community research
172 [130o] Procedure for adopting Council measures on research and technology
173 [130p] Commission report on research and technology development activities
[130q] Financinial aspects (now covered by Article 166) [repealed]

Title XIX: Environment

174 [130r] Objectives of Community policy on the environment
175 [130s] Council Decisions and other measures on the environment
176 [130t] *Stringency of protective measures

Title XX: Development Cooperation

177 [130u] Helping developing countries
178 [130v] Policies likely to affect developing countries
179 [130w]Council measures necessary to help developing countries
180 [130x] Community and Member States to coordinate their policies on development cooperation
181 [130y] Community and Member States to cooperate with non-member states and organisations

Part Four: Association of the Overseas Countries and Territories

182 [131] Association of overseas countries and territories having special relations with Europe
183 [132] Objectives of association
184 [133] Customs duties on goods imported from and exported to associated countries
185 [134] Procedure for adopting protective measures
186 [135] Agreements on free movement of workers between Community and associated countries
187 [136] Transitional provisions on associated countries
188 [136a] Special provisions on Greenland

Part Five: Institutions of the Community
Title I: Provisions governing the Institutions
Chapter 1: The Institutions
Section 1: The European Parliament

189 [137] *Composition and powers of European Parliament
190 [138] *Election and numbers of representatives in the European Parliament
191 [138a] *Political parties
192 [138b] *Legislative powers of the European Parliament
193 [138c] *Committees of Inquiry of the European Parliament
194 [138d] *Citizens'right to petition European Parliament
195 [138e] *Appointment and role of Ombudsman
196 [139] *Meetings of the European Parliament
197 [140] *President of European Parliament; roles of Commission and Council
198 [141] *Majority votes and quorum
199 [142] *Rules of procedure; publication of proceedings
200 [143] *Discussion of Commission's annual report
201 [144] *Motion of censure on the Commission

Section 2: The Council

202 [145] *Powers and duties of the Council
203 [146] *Composition of Council; office of President
204 [147] *Meetings of Council
205 [148] *Majority votes
[149] cooperation procedure (now in Article 252) [repealed]
206 [150] *Proxy voting
207 [151] *Committee of Permanent Representatives; Secretariat; Rules of Procedure

208 [152] *Requests to the Commission for studies and proposals
209 [153] *Rules governing Committees
210 [154] *Remuneration of Commission and Court

Section 3: The Commission

211 [155] *Powers and duties of Commission
212 [156] *Commission's annual report
213 [157] *Composition and independence of Commission
214 [158] *Appointment of President and other members of Commission
215 [159] *Death, retirement, resignation or replacement of members of Commission
216 [160] *Compulsory retirement of members of the Commission
217 [161] *Appointment of Vice-Presidents of the Commission
218 [162] *Cooperation between Council and Commission; rules of procedure
219 [163] *Majority votes and quorum

Section 4: The Court of Justice

220 [164] *Duty of the Court of Justice
221 [165] *Composition of Court and chambers
222 [166] *Duties of Advocates-General
223 [167] *Appointment and independence of Judges and Advocates-General
224 [168] *Appointment of Registrar
225 [168a] *The Court of First Instance
226 [169] *Commission action against Member State for failure to fulfil Treaty obligation
227 [170] *Member State action against another Member State for failure to fulfil Treaty obligation
228 [171] *Measures by Member States to comply with judgments of the Court
229 [172] *Regulations giving Court jurisdiction on penalties
230 [173] *Court's power to review the legality of acts of certain institutions
231 [174] *Court's power to declare unlawful act void
232 [175] *Court's power to establish whether certain institutions have wrongly failed to act
233 [176] *Institution's duty to rectify position in accordance with Court's judgment
234 [177] *Court's power to give "preliminary rulings" on Community law
235 [178] *Court's jurisdiction: disputes relating to compensation for damage
236 [179] *Court's jurisdiction: disputes between the Community and its servants
237 [180] *Court's jurisdiction: European Investment Bank and European System of Central Banks
238 [181] *Court's jurisdiction under arbitration clause in any Community contract
239 [182] *Court's jurisdiction: Community disputes between Member States by agreement
240 [183] *National courts and disputes to which the Community is a party
241 [184] *Inapplicability of certain Regulations
242 [185] *Court's power to order suspension of contested act
243 [186] *Court's power to prescribe interim measures
244 [187] *Enforceability of Court's judgments
245 [188] *Statute of the Court; Rules of Procedure

Section 5: The Court of Auditors

246 [188a] *Duty of the Court of Auditors
247 [188b] *Composition and independence of the Court of Auditors
248 [188c] *Detailed powers and duties of the Court of Auditors

Chapter 2: Provisions common to several Institutions

249 [189] *Regulations, directives, decisions, recommendations and opinions
250 [189a] *Legislation: amendment of Commission proposals
251 [189b] *Legislation by means of the co-decision procedure
252 [189c] *Legislation by means of the cooperation procedure
253 [190] *Legislation: statement of reasons on which its is based
254 [191] *Publication of regulations, directives and decisions
255 [191a] *Citizens' right of access to Institutions
256 [192] *Enforcement of Council or Commission decisions imposing pecuniary obligations

Chapter 3: The Economic and Social Committee

257 [193] *Establishment of Economic and Social Committee
258 [194] *Appointment and numbers of members of the Economic and Social Committee
259 [195] *Nominations to the Economic and Social Committee
260 [196] *Chairman, officers, rules of procedure, meetings of the Economic and Social Committee
261 [197] *Specialised sections and sub-committees of the Economic and Social Committee
262 [198] *Consultation of the Economic and Social Committee

Chapter 4: The Committee of the Regions

263 [198a] *Establishment, composition and independence of Committee of the Regions
264 [198b] Officers, rules of procedure and meetings of the Committee of the Regions
265 [198c] *Consultation of the Committee of the Regions

Chapter 5: European Investment Bank

266 [198d] Status, composition and Statute of the European Investment Bank
267 [198e] Task of the European Investment Bank

Title II: Financial Provisions

268 [199] *Community revenue and expenditure to be in estimates and budget
[200] Contributions to budget [repealed]
269 [201] *Community's "own resources"
270 [201a] Budgetary discipline
271 [202] Annual expenditure and classified appropriations
272 [203] The financial year; procedure for approving budget

273 [204] Provisions in the event of the budget not being approved
274 [205] Commission to implement budget
275 [205a] Commission to make annual financial report
276 [206] *European Parliament's discharge to Commission for implementation of budget
[206a] Court of Auditors (see now Article 246) [repealed]
277 [207] Budget to be drawn up in unit of account
278 [208] Currencies held by Commission
279 [209] *Council's power to make regulations on budgetary matters
280 [209a] Member States' duty to take measures to counter financial fraud

Part Six: General and Final Provisions

281 [210] *Legal Personality
282 [211] *Legal capacity
283 [212] *Officials; staff Regulations
284 [213] Collection of information
285 [213a] Protection and quality of statistics
286 [213b] *Personal data in the Institutions
287 [214] Confidentiality
288 [215] Contractual liability of Community
289 [216] *Seat of Institutions
290 [217] *Languages of Community
291 [218] *Privileges and immunities
292 [219] *Disputes over interpretation of Treaty
293 [220] *Negotiations on national treatment; double taxation; companies; judgments
294 [221] National treatment (companies)
295 [222] *Property ownership
296 [223] *Exclusion of national security matters
297 [224] *Mutual consultation in emergencies
298 [225] *Provisions consequent on Articles 223 and 224
[226] Transitional provision on economic difficulties [repealed]
299 [227] *Territorial application of Treaty
300 [228] *Negotiation and conclusion of international agreements
301 [228a] *Urgent measures consequent on Article 228
302 [229] *Relations with UN, specialised agencies and GATT (WTO)
303 [230] *Relations with Council of Europe
304 [231] *Relations with Organisation for European Economic Cooperation (formerly OECD)
305 [232] *Relationship between EC and ECSC and EAEC respectively
306 [233] Benelux
307 [234] *Treaties concluded by Member States before EC Treaty
308 [235] *Reserve powers to take appropriate (legislative) measures
309 [236] *Suspension of Member State's voting rights
[237] Admission of new Member States (see Article 49, EU Treaty) [repealed]
310 [238] *Association agreements

311 [239] *Protocols
312 [240] *Treaty concluded for unlimited period
[241-6]Transitional provisions affecting the start-up of the Institutions [repealed]
313 [247] *Ratification and entry into force
314 [248] *Language and deposit of authentic versions of the Treaty

PROTOCOLS

1 [Attached only to the Treaty on European Union]

Protocols annexed to the Treaty on European Union and to the Treaty establishing the European Community:

2 Integrating the Schengen acquis into the framework of the European Union (1997)
3 On the application of certain aspects of Article 14 of the Treaty establishing the European Community to the United Kingdom and to Ireland (1997)
4 On the position of the United Kingdom and Ireland (1997)
5 On the position of Denmark (1997)

Protocols annexed to the Treaty on European Union and to the Treaties establishing the European Community, the European Coal and Steel Community and the European Atomic Energy Community:

6 Annexed to the Treaty on European Union and to the Treaties establishing the European Communities (1992)
7 On the institutions with the prospect of enlargement of the European Union (1997)
8 On the location of the seats of the institutions and of certain bodies and departments of the European Communities and of Europol (1997)
9 On the role of national parliaments in the European Union (1997)

Protocols annexed to the Treaty establishing the European Community:

10 On the Statute of the European Investment Bank (1957)
11 On the Statute of the Court of Justice of the European Community (1957)
12 On Italy (1957)
13 On goods originating in and coming from certain countries and enjoying special treatment when imported into a Member State (1957)
14 Concerning imports into the European Community of petroleum products refined in the Netherlands Antilles (1962)
15 On special arrangements for Greenland (1985)
16 On the acquisition of property in Denmark (1992)
17 Concerning Article 141 of the Treaty establishing the European Community (1992)
18 On the Statute of the European System of Central Banks and of the European Central Bank (1992)
19 On the Statute of the European Monetary Institute (1992)
20 On the excessive deficit procedure (1992)

21 On the convergence criteria referred to in Article 121 of the Treaty establishing the European Community (1992)
22 On Denmark (1992)
23 On Portugal (1992)
24 On the transition to the third stage of economic and monetary union (1992)
25 On certain provisions relating to the United Kingdom of Great Britain and Northern Ireland (1992)
26 On certain provisions relating to Denmark (1992)
27 On France (1992)
28 On economic and social cohesion (1992)
29 On asylum for nationals of Member States of the European Union (1997
30 On the application of the principles of subsidiarity and proportionality (1997)
31 On external relations of the Member States with regard to the crossing of external borders (1997)
32 On the system of public broadcasting in the Member States (1997)
33 On protection and welfare of animals (1997)

Protocol annexed to the Treaties establishing the European Community, the European Coal and Steel Community and the European Atomic Energy Community:

34 On the privileges and immunities of the European Communities (1965)

1. See the second Recital, described more fully in Chapter 12.

2. Article 8(1) (formerly G(1)), EU Treaty.

3. All references to the Treaty establishing the European Community (EC Treaty) are to the version as amended by the Treaty on European Union and by the Treaty amending the Treaty on European Union.

4. As in Articles 151 (formerly 128) (Culture), 152 (formerly 129) (Public Health), 153 (formerly 129a) (Consumer Protection) and 157 (formerly 130) (Industry).

5. They are the author's descriptions. (The Articles of the Treaty differ in this respect from, for example, the Sections of a British Act of Parliament, which bear formal headings.)

6. For example, the Factortame cases: Case C-213/89, *The Queen v Secretary of State for Transport, ex parte Factortame Ltd*; Case C-221/89, *The Queen v Secretary of State for Transport, ex parte Factortame Ltd.* The substantive rule in these cases was Article 43 (formerly 52), EC Treaty.

7. See chapter 3.

8. The recitals are examined in more detail in chapter 12.

9. Articles 1 to 4 (formerly 3b) and 14 (formerly 7a) are discussed in chapter 12; Articles 10 and 12 (formerly 5 and 6) in chapter 13; Articles 7 to 9 (formerly 4 to 4b) in chapter 15.

10. Article 1, EC Treaty.

11. Article 2, EC Treaty.

12. Article 3, EC Treaty. (Article 2 refers to the "common policies or activities referred to in Articles 3 and 4".)

13. Article 4 (formerly 3a), EC Treaty.

14. Article 5 (formerly 3b), EC Treaty.

15. Article 6 (formerly 3c), EC Treaty.

16. Article 7 (formerly 4), EC Treaty. The Treaty provides for other advisory Committees, which are not referred to in this Article.

17. Article 8 (formerly 4a), EC Treaty.

18. Article 9 (formerly 4b), EC Treaty.

19. Article 10 (formerly 5), EC Treaty.

20. Article 11 (formerly 5a), EC Treaty.

21. Article 12 (formerly 6), EC Treaty.

22. Article 13 (formerly 6a), EC Treaty.

23. Article 14 (formerly 7a), EC Treaty.

24. Article 15 (formerly 7c), EC Treaty.

25. Article 16 (formerly 7d), EC Treaty.

26. Articles 17 to 22 (formerly 8 to 8e), EC Treaty.

27. Citizenship of the Union is discussed in more detail in chapter 14.

28. Articles 23 to 31 (formerly 9 to 37), EC Treaty.

29. Articles 39 to 55 (formerly 48 to 66) and 56 to 60 (formerly 73a to 73h), EC Treaty.

30. Articles 61 to 69, EC Treaty.

31. Articles 32 to 38 (formerly 38 to 47), EC Treaty.

32. Articles 70 to 80 (formerly 74 to 84), EC Treaty.

33. Articles 81 to 89 (formerly 85 to 94), EC Treaty.

34. Articles 90 to 93 (formerly 95 to 99), EC Treaty.

35. Articles 94 to 97 (formerly 100 to 102), EC Treaty.

36. Articles 98 to 124 (formerly 102a to 109m), EC Treaty.

37. Articles 125 to 130, EC Treaty.

38. Articles 131 to 134 (formerly 110, 112, 113 and 115), EC Treaty.

39. Articles 136 to 150 (formerly 117 to 127), EC Treaty

40. Article 151 (formerly 128), EC Treaty.

41. Article 152 (formerly 129), EC Treaty.

42. Article 153 (formerly 129a), EC Treaty.

43. Articles 154 to 156 (formerly 129b to 129d), EC Treaty.

44. Article 157 (formerly 130), EC Treaty.

45. Articles 158 to 162 (formerly 130a to 130e), EC Treaty.

46. Articles 163 to 173 (formerly 130f to 130p), EC Treaty.

47. Articles 174 to 176 (formerly 130r to 130t), EC Treaty.

48. Articles 177 to 181 (formerly 130u to 130y), EC Treaty.

49. Articles 182 to 188 (formerly 131 to 136a), EC Treaty.

50. Articles 189 to 201 (formerly 137 to 144), EC Treaty.

51. Articles 202 to 210 (formerly 145 to 154), EC Treaty.

52. Articles 211 to 219 (formerly 155 to 163), EC Treaty.

53. Articles 220 to 245 (formerly 164 to 188), EC Treaty.

54. Articles 246 to 248 (formerly 188a to 188c), EC Treaty.

55. Articles 249 to 256 (formerly 189 to 192), EC Treaty

56. Articles 257 to 262 (formerly 193 to 198), EC Treaty.

57. Articles 263 to 265 (formerly 198a to 198c), EC Treaty.

58. Articles 266 and 267 (formerly 198d and 198e), EC Treaty.

59. Articles 268 to 280 (formerly 199 to 209a), EC Treaty.

60. See Chapter 24.

61. Annex I (formerly II), EC Treaty. The products are covered by the provisions of the common agricultural policy: Article 32 (formerly 38), EC Treaty.

62. Annex II (formerly IV), EC Treaty. See Article 182 (formerly 131), EC Treaty.

63. See Chapter 24.

64. Protocol 30, EC Treaty (expanding the principles in Article 5 (formerly 3b), EC Treaty. See Chapter 25.

65. See, for example, Protocol 22 on Denmark, which is in effect a derogation from the principle of the free movement of persons.