

or resolutions of, or other positions taken up by, the European Council or the Council and in respect of those concerning the Communities or the Union adopted by common agreement of the Member States; they will accordingly observe the principles and guidelines deriving from those declarations, resolutions or other positions and will take such measures as may be necessary to ensure their implementation.

Article 5

1. The agreements or conventions concluded by any of the Communities, with one or more third States, with an international organization or with a national of a third State, shall, under the conditions laid down in the original Treaties and in this Act, be binding on the new Member States.

2. The new Member States undertake to accede, under the conditions laid down in this Act, to the agreements or conventions concluded by the present Member States and any of the Communities, acting jointly, and to the agreements concluded by those States which are related to those agreements or conventions. The Community and the present Member States, in the framework of the Union, shall assist the new Member States in this respect.

3. The new Member States accede by this Act and under the conditions laid down therein to the internal agreements concluded by the present Member States for the purpose of implementing the agreements or conventions referred to in paragraph 2.

4. The new Member States shall take appropriate measures, where necessary, to adjust their position in relation to international organizations and to those international agreements to which one of the Communities or

to which other Member States are also parties, to the rights and obligations arising from their accession to the Union.

Article 6

Article 234 of the EC Treaty and Articles 105 and 106 of the Euratom Treaty shall apply for the new Member States to agreements or contracts concluded before their accession.

Article 7

The provisions of this Act may not, unless otherwise provided herein, be suspended, amended or repealed other than by means of the procedure laid down in the original Treaties enabling those Treaties to be revised.

Article 8

Acts adopted by the institutions to which the transitional provisions laid down in this Act relate shall retain their status in law; in particular, the procedures for amending those acts shall continue to apply.

Article 9

Provisions of this Act the purpose or effect of which is to repeal or amend acts adopted by the institutions, otherwise than as a transitional measure, shall have the same status in law as the provisions which they repeal or amend and shall be subject to the same rules as those provisions.

Article 10

The application of the original Treaties and acts adopted by the institutions shall, as a transitional measure, be subject to the derogations provided for in this Act.

PART TWO

ADJUSTMENTS TO THE TREATIES

TITLE 1

INSTITUTIONAL PROVISIONS

CHAPTER 1

The European Parliament

Article 11

The following is substituted for Article 2 of the Act concerning the election of the representatives of the European Parliament by direct universal suffrage, which is annexed to Decision 76/787/ECSC, EEC, Euratom:

Article 2

The number of representatives elected in each Member States is as follows:

Belgium	25
Denmark	16
Germany	99
Greece	25
Spain	64
France	87
Ireland	15

Italy	87
Luxembourg	6
Netherlands	31
Norway	15
Austria	21
Portugal	25
Finland	16
Sweden	22
United Kingdom	87

CHAPTER 2

The Council

Article 12

The following is substituted for the second paragraph of Article 27 of the ECSC Treaty, the second paragraph of Article 146 of the EC Treaty and the second paragraph of Article 116 of the Euratom Treaty:

'The office of President shall be held in turn by each Member State in the Council for a term of six months in the order decided by the Council acting unanimously.'

Article 13

The following is substituted for Article 28 of the ECSC Treaty:

Article 28

When the Council is consulted by the Commission, it shall consider the matter without necessarily taking a vote. The minutes of its proceedings shall be forwarded to the Commission.

Wherever this Treaty requires that the assent of the Council be given, that assent shall be considered to have been given if the proposal submitted by the Commission receives the approval:

- of an absolute majority of the representatives of the Member States, including the votes of the representatives of two Member States which each produce at least one tenth of the total value of the coal and steel output of the Community, or
- in the event of an equal division of votes and if the Commission maintains its proposal after a second discussion, of the representatives of three Member States which each produce at least one tenth of the total value of the coal and steel output of the Community.

Wherever this Treaty requires a unanimous decision or unanimous assent, such decision or assent shall have been duly given if all the members of the Council vote in favour. However, for the purposes of applying Articles 21, 32, 32a, 45b and 78h of this Treaty, and Article 16, the third paragraph of Article

20, the fifth paragraph of Article 28 and Article 44 of the Protocol on the Statute of the Court of Justice, abstention by members present in person or represented shall not prevent the adoption by the Council of acts which require unanimity.

Decisions of the Council, other than those for which a qualified majority or unanimity is required, shall be taken by a vote of the majority of its members; this majority shall be considered to be attained if it represents an absolute majority of the representatives of the Member States, including the votes of the representatives of two Member States which each produce at least one tenth of the total value of the coal and steel output of the Community. However, for the purpose of applying Articles 45b, 78 and 78b of this Treaty which require a qualified majority, the votes of the members of the Council are weighted as follows:

Belgium	5
Denmark	3
Germany	10
Greece	5
Spain	8
France	10
Ireland	3
Italy	10
Luxembourg	2
Netherlands	5
Norway	3
Austria	4
Portugal	5
Finland	3
Sweden	4
United Kingdom	10

For their adoption, acts shall require at least 64 votes in favour, cast by not less than 11 members.

Where a vote is taken, any member of the Council may act on behalf of not more than one other member.

The Council shall deal with the Member States through its President.

The acts of the Council shall be published in such a manner as it may decide.'

Article 14

The following is substituted for the fourth paragraph of Article 95 of the ECSC Treaty:

'These amendments shall be proposed jointly by the Commission and the Council, acting by a thirteen

sixteenths majority of its members, and shall be submitted to the Court for its opinion. In considering them, the Court shall have full power to assess all points of fact and of law. If, as a result of such consideration, it finds the proposals compatible with the provisions of the preceding paragraph, they shall be forwarded to the European Parliament and shall enter into force if approved by a majority of three-quarters of the votes cast and two-thirds of the members of the European Parliament.'

Article 15

1. The following is substituted for Article 148 (2) of the EC Treaty and Article 118 (2) of the Euratom Treaty:

'2. Where the Council is required to act by a qualified majority, the votes of its members shall be weighted as follows:

Belgium	5
Denmark	3
Germany	10
Greece	5
Spain	8
France	10
Ireland	3
Italy	10
Luxembourg	2
Netherlands	5
Norway	3
Austria	4
Portugal	5
Finland	3
Sweden	4
United Kingdom	10.

For their adoption, acts of the Council shall require at least:

- 64 votes in favour where this Treaty requires them to be adopted on a proposal from the Commission,
- 64 votes in favour, cast by at least 11 members, in other cases.'

2. The following is substituted for the second subparagraph of Article J.3 (2) of the EU Treaty:

'Where the Council is required to act by a qualified majority pursuant to the preceding subparagraph, the votes of its members shall be weighted in accordance

with Article 148 (2) of the Treaty establishing the European Community, and, for their adoption, acts of the Council shall require at least 64 votes in favour, cast by at least 11 members.'

3. The following is substituted for the second subparagraph of Article K.4 (3) of the EU Treaty:

'Where the Council is required to act by a qualified majority, the votes of its members shall be weighted as laid down in Article 148 (2) of the Treaty establishing the European Community, and for their adoption, acts of the Council shall require at least 64 votes in favour, cast by at least 11 members.'

4. The following is substituted for the first sentence of the second subparagraph of point 2 of the Protocol on social policy annexed to the EC Treaty:

'By way of derogation from Article 148 (2) of the Treaty, acts of the Council which are made pursuant to this Protocol and which must be adopted by qualified majority shall be deemed adopted if they have received at least 54 votes in favour.'

CHAPTER 3

The Commission

Article 16

The following is substituted for the first subparagraph of Article 9 (1) of the ECSC Treaty, the first subparagraph of Article 157 (1) of the EC Treaty and the first subparagraph of Article 126 (1) of the Euratom Treaty:

'1. The Commission shall consist of 21 members, who shall be chosen on the grounds of their general competence and whose independence is beyond doubt.'

CHAPTER 4

The Court of Justice

Article 17

1. The following is substituted for the first paragraph of Article 32 of the ECSC Treaty, the first paragraph of Article 165 of the EC Treaty and the first paragraph of Article 137 of the Euratom Treaty:

'The Court of Justice shall consist of 17 Judges.'

2. The following is substituted for the first paragraph of Article 2 of Council Decision (88/591/ECSC/EEC/Euratom):

'The Court of First Instance shall consist of 16 Judges.'

Article 18

The following shall be substituted for the second paragraph of Article 32 of the ECSC Treaty, the second paragraph of Article 165 of the EC Treaty, the second paragraph of Article 137 of the Euratom Treaty and the first paragraph of Article 18 of the Protocol on the Statute of the Court of Justice of the ECSC:

'The Court of Justice shall sit in plenary session. It may, however, form chambers, each consisting of three, five or seven Judges, either to undertake certain preparatory inquiries or to adjudicate on particular categories of cases in accordance with rules laid down for these purposes.'

Article 19

The following shall be substituted for the second paragraph of Article 18 of the Protocol on the Statute of the Court of Justice of the European Coal and Steel Community, Article 15 of the Protocol on the Statute of the Court of Justice of the European Community and Article 15 of the Protocol on the Statute of the Court of Justice of the European Atomic Energy Community:

'Decisions of the Court shall be valid only when an uneven number of its members is sitting in the deliberations. Decisions of the full Court shall be valid if nine members are sitting. Decisions of the Chambers consisting of three or five Judges shall be valid only if three Judges are sitting. Decisions of the Chambers consisting of seven Judges shall be valid only if five Judges are sitting. In the event of one of the Judges of a Chamber being prevented from attending, a Judge of another Chamber may be called upon to sit in accordance with conditions laid down in the Rules of Procedure.'

Article 20

The following is substituted for the first paragraph of Article 32a of the ECSC Treaty, the first paragraph of Article 166 of the EC Treaty and the first paragraph of Article 138 of the Euratom Treaty:

'The Court of Justice shall be assisted by eight Advocates-General.'

Article 21

The following is substituted for the second and third paragraphs of Article 32b of the ECSC Treaty, the second and third paragraphs of Article 167 of the EC Treaty and the second and third paragraphs of Article 139 of the Euratom Treaty:

'Every three years there shall be a partial replacement of the Judges. Nine and eight Judges shall be replaced alternately.

Every three years there shall be a partial replacement of the Advocates-General. Four Advocates-General shall be replaced on each occasion.'

*CHAPTER 5**The Court of Auditors**Article 22*

The following is substituted for Article 45b (1) of the ECSC Treaty, Article 188b (1) of the EC Treaty and Article 160b (1) of the Euratom Treaty:

'1. The Court of Auditors shall consist of 16 members.'

*CHAPTER 6**The Economic and Social Committee**Article 23*

The following is substituted for the first paragraph of Article 194 of the EC Treaty and the first paragraph of Article 166 of the Euratom Treaty:

'The number of members of the Economic and Social Committee shall be as follows:

Belgium	12
Denmark	9
Germany	24
Greece	12
Spain	21
France	24
Ireland	9
Italy	24
Luxembourg	6
Netherlands	12
Norway	9
Austria	12
Portugal	12
Finland	9
Sweden	12
United Kingdom	24

*CHAPTER 7**The Committee of the Regions**Article 24*

The following is substituted for the second paragraph of Article 198a of the EC Treaty:

'The number of members of the Committee of the Regions shall be as follows:

Belgium	12
Denmark	9
Germany	24

Greece	12
Spain	21
France	24
Ireland	9
Italy	24
Luxembourg	6
Netherlands	12
Norway	9
Austria	12
Portugal	12
Finland	9
Sweden	12
United Kingdom	24'.

CHAPTER 8

The ECSC Consultative Committee

Article 25

The following is substituted for the first paragraph of Article 18 of the ECSC Treaty:

'A Consultative Committee shall be attached to the Commission. It shall consist of not less than 87 and not more than 111 members and shall comprise equal numbers of producers, of workers and of consumers and dealers.'

CHAPTER 9

The Scientific and Technical Committee

Article 26

The following is substituted for the first subparagraph of Article 134 (2) of the Euratom Treaty:

'2. The Committee shall consist of 39 members, appointed by the Council after consultation with the Commission.'

TITLE II

OTHER ADJUSTMENTS

Article 27

The following is substituted for Article 227 (1) of the EC Treaty:

'1. This Treaty shall apply to 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 Kingdom of Norway, the Republic of Austria, the Portuguese Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.'

Article 28

The following shall be inserted in Article 227 (5) of the EC Treaty as paragraph (d), in Article 79 of the ECSC Treaty as paragraph (d) and in Article 198 of the Euratom Treaty as paragraph (e):

'This Treaty shall not apply to the Åland islands. The Government of Finland may, however, give notice, by a declaration deposited when ratifying this Treaty with the Government of the Italian Republic, that the Treaty shall apply to the Åland islands in accordance with the provisions set out in Protocol No 2 to the Act concerning the accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union. The Government of the Italian Republic shall transmit a certified copy of any such declaration to the Member States.'

PART THREE

ADAPTATIONS TO ACTS ADOPTED BY THE INSTITUTIONS

Article 29

The acts listed in Annex I to this Act shall be adapted as specified in that Annex.

Article 30

The adaptations to the acts listed in Annex II to this Act made necessary by accession shall be drawn up in conformity with the guidelines set out in that Annex and in accordance with the procedure and under the conditions laid down in Article 169.