

Treaty establishing the EEC - Annex I: Lists A to G referred to in Articles 19 and 20 of the Treaty

LIST A. List of tariff headings in respect of which the rates of duty listed in column 3 below are to be taken into account in calculating the arithmetical average

List A

LIST B. List of tariff headings in respect of which the rates of duty in the common customs tariff may not exceed 3%

List B

LIST C. List of tariff headings in respect of which the rates of duty in the common customs tariff may not exceed 10%

List C

LIST D. List of tariff headings in respect of which the rates of duty in the common customs tariff may not exceed 15%

List D

LIST E. List of tariff headings in respect of which the rates of duty in the common customs tariff may not exceed 25%

List E

LIST F. List of tariff headings in respect of which the rates of duty in the common customs tariff have been determined by common accord

List F

LIST G. List of tariff headings in respect of which the rates of duty in the common customs tariff are to be negotiated between the Member States

List G

Treaty establishing the EEC - Annex II: List referred to in Article 38 of this Treaty

Treaty establishing the EEC - Annex III: List of invisible transactions referred to in Article 106 of this Treaty

- Maritime freights, including chartering, harbour expenses, disbursements for fishing vessels, etc.
- Inland waterway freights, including chartering.
- Road transport: passengers and freights, including chartering.
- Air transport: passengers and freights, including chartering.

Payment by passengers of international air tickets and excess luggage charges; payment of international air freight charges and chartered flights.

Receipts from the sale of international air tickets, excess luggage charges, international air freight charges, and chartered flights.

- For all means of maritime transport: harbour services (bunkering and provisioning, maintenance, repairs, expenses for crews, etc.).

For all means of inland waterway transport: harbour services (bunkering and provisioning, maintenance and minor repairs of equipment, expenses for crews, etc.).

For all means of commercial road transport: fuel, oil, minor repairs, garaging, expenses for drivers and crews, etc.

For all means of air transport: operating costs and general overheads, including repairs to aircraft and to air transport equipment.

- Warehousing and storage charges, customs clearance,
- Customs duties and fees.
- Transit charges.
- Repair and assembly charges.

Processing, finishing, processing of work under contract, and other services of the same nature.

- Repair of ships.

Repair of means of transport other than ships and aircraft.

- Technical assistance (assistance relating to the production and distribution of goods and services at all stages, given over a period limited according to the specific purpose of such assistance, and including e.g. advice or visits by experts, preparation of plans and blueprints, supervision of manufacture, market research, training of personnel).

- Commission and brokerage.

Profits arising out of transit operations or sales of trans-shipment.

Banking commissions and charges.

Representation expenses.

- Advertising by all media.
- Business travel.
- Participation by subsidiary companies and branches in overhead expenses of parent companies situated abroad and vice-versa.
- Contracting (construction and maintenance of buildings, roads, bridges, ports, etc. carried out by specialised firms, and, generally, at fixed prices after open tender).
- Differences, margins and deposits due in respect of operations on commodity terminal markets in conformity with normal bona fide commercial practice.
- Tourism.
- Travel for private reasons (education),
- Travel for private reasons (health).
- Travel for private reasons (family).
- Subscriptions to newspapers, periodicals, books, musical publications.

Newspapers, periodicals, books, musical publications and records.

- Printed films, commercial, documentary, educational, etc. (rentals, dues, subscriptions, reproduction and synchronisation fees, etc.).
- Membership fees.
- Current maintenance and repair of private property abroad.
- Government expenditure (official representation abroad, contributions to international organisations).
- Taxes, court expenses, registration fees for patents and trade marks. Claims for damages.

Refunds in the case of cancellation of contracts and refunds of uncalled-for payments.

Fines.

- Periodical settlements in connection with public transport and postal, telegraphic and telephone services.
- Exchange authorisations granted to own or foreign nationals emigrating.

Exchange authorisations granted to own or foreign nationals returning to their country of origin.

- Salaries and wages (of frontier or seasonal workers and of other non-residents, without prejudice to the right of a country to regulate terms of employment of foreign nationals).
- Emigrants' remittances (without prejudice to the right of a country to regulate immigration).
- Fees.
- Dividends and shares in profits.
- Interest on debentures, mortgages, etc.
- Rent.
- Contractual amortisation (with the exception of transfers in connection with amortisation having the character either of anticipated repayments or of the discharge of accumulated arrears).
- Profits from business activity.
- Authors' royalties.

Patents, designs, trade marks and inventions (the assignment and licensing of patent rights, designs, trade marks and inventions, whether or not legally protected, and transfers arising out of such assignment or licensing).

- Consular receipts.
- Pensions and other income of a similar nature.

Maintenance payments resulting from a legal obligation or from a decision of a court and financial assistance in cases of hardship.

Transfers by instalments of assets deposited in one member country by persons residing in another member country whose personal income in that country is not sufficient to cover their living expenses.

- Transactions and transfers in connection with direct insurance.
- Transactions and transfers in connection with reinsurance and retrocession.
- Opening and reimbursement of commercial or industrial credits.
- Transfers of minor amounts abroad.
- Charges for documentation of all kinds incurred on their own account by authorised dealers in foreign exchange.
- Sports prizes and racing earnings.
- Inheritances.
- Dowries.

Treaty establishing the EEC - Annex IV: Overseas countries and territories to which the provisions of Part IV of the Treaty apply

French West Africa: Senegal, French Sudan, French Guinea, Ivory Coast, Dahomey, Mauritania, Niger, and Upper Volta;

French Equatorial Africa: Middle Congo, Ubangi-Shari, Chad and Gabon;

Saint Pierre and Miquelon, the Comoro Archipelago, Madagascar and dependencies, French Somaliland, New Caledonia and dependencies, French Settlements in Oceania, Southern and Antarctic Territories;

The Autonomous Republic of Togoland;

The trust territory of the Cameroons under French administration;

The Belgian Congo and Ruanda-Urundi;

The trust territory of Somaliland under Italian administration;

Netherlands New Guinea

Treaty establishing the EEC - Protocol on the Statute of the European Investment Bank

THE HIGH CONTRACTING PARTIES,

DESIROUS Of laying down the Statute of the European Investment Bank provided for in Article 129 of this Treaty,

HAVE AGREED On the following provisions which shall be annexed to this Treaty:

Article 1

The European Investment Bank established by Article 129 of this Treaty, hereinafter referred to as “the Bank”, shall be constituted and carry out its functions and activities in conformity with the provisions of this Treaty and of this Statute.

The seat of the Bank shall be fixed by the Governments of the Member States acting in common agreement.

Article 2

The purposes of the Bank shall be those laid down in Article 130 of this Treaty.

Article 3

In accordance with Article 129 of this Treaty, the following shall be members of the Bank:

- the Kingdom of Belgium;
- the Federal Republic of Germany;
- the French Republic;
- the Italian Republic;
- the Grand Duchy of Luxembourg; and
- the Kingdom of the Netherlands.

Article 4

1. The Bank shall be provided with a capital of one thousand million units of account subscribed by the Member States in the following amounts:

Germany	300 million
France	300 million
Italy	240 million
Belgium	86.5 million
Netherlands	71.5 million
Luxembourg	2 million

The value of one unit of account shall be 0.88867088 grammes of fine gold.

The Member States shall be responsible only up to the amount of their share of the capital subscribed and not paid up.

2. The admission of a new member shall entail an increase in the subscribed capital corresponding to the additional capital brought in by the new member.

3. The Board of Governors, acting by means of a unanimous vote, may decide to increase the subscribed capital.

4. The share of the subscribed capital may not be ceded or given as collateral security and shall not be attachable.

Article 5

1. The Member States shall pay up 25 per cent of the subscribed capital, by five equal payments to be made not later than two months, nine months, sixteen months, twenty-three months and thirty months, respectively, after the date of the entry into force of this Treaty.

Each payment shall be made as to one-quarter in gold or a freely convertible currency and as to three-quarters in national currency.

2. The Board of Directors may require that the remaining 75 per cent of the subscribed capital be paid up, to the extent that such payment becomes necessary in order to meet the obligations of the Bank towards those who have provided its funds.

Each Member State shall pay an amount proportionate to its share of the subscribed capital in the currencies needed by the Bank in order to meet such obligations.

Article 6

1. The Board of Governors, acting by means of a qualified majority vote on a proposal of the Board of Directors, may decide that Member States shall grant to the Bank special interest-bearing loans if and in so far as the Bank shall need such loans in order to finance specific projects, provided that the Board of Directors shows that the Bank is unable to obtain the necessary resources in the capital markets on conditions which are suitable, having regard to the nature and object of the projects to be financed.

2. Special loans may not be demanded until the beginning of the fourth year after the date of the entry into force of this Treaty. They shall not exceed 400 million units of account in toto, or 100 million units of account per annum.

3. The duration of special loans shall be fixed in accordance with the duration of the loans or guarantees which the Bank proposes to grant by means of such special loans; it shall not exceed a period of twenty years. The Board of Governors, acting by means of a qualified majority vote on a proposal of the Board of Directors, may decide upon anticipated repayment of such special loans.

4. Special loans shall bear interest at the rate of 4 per cent per annum, unless the Board of Governors, taking due account of the trend and level of rates of interest in the capital markets, decides to fix a different rate.

5. Special loans shall be granted by the Member States prorata to their subscription to the capital; they shall be paid in national currency within a period of six months after having been called.

6. In the event of the liquidation of the Bank, the special loans by Member States shall be repaid only after settlement of the other debts of the Bank.

Article 7

1. Where the par value of the currency of a Member State in relation to the unit of account as defined in Article 4 is reduced, the amount of that State's share of the capital paid up by it in its national currency shall be adjusted, proportionately to the change occurring in the par value, by a complementary payment made to the credit of the Bank by the State concerned. The amount subject to adjustment may not, however, exceed the total amount of loans granted by the Bank in the currency concerned and the Bank's holdings in that currency. The complementary payment shall be made within a period of two months or, to the extent that it corresponds to such loans, on the dates on which such loans fall due.

2. Where the par value of the currency of a Member State in relation to the unit of account as defined in Article 4 is increased, the amount of that State's share of the capital paid up by it in its national currency shall be adjusted, proportionately to the change occurring in the par value, by a repayment made to the credit of that State by the Bank. The amount subject to such adjustment may not, however, exceed the total amount of loans granted by the Bank in the currency concerned and the Bank's holdings in that currency. The repayment shall be made within a period of two months or, to the extent that it corresponds to loans, on the dates on which such loans fall due.

3. The par value of the currency of a Member State in relation to the unit of account as defined in Article 4 shall be the relation between the weight of fine gold contained in the unit of account and the weight of fine gold corresponding to the par value of such currency as declared to the International Monetary Fund. Failing this, the par value shall be taken from the rate of exchange in relation to a currency either quoted in or convertible into gold, as applied by the Member State for current payments.

4. The Board of Governors may decide that the rules laid down in paragraphs 1 and 2 shall not be applied in the event of a uniformly proportionate adjustment being made in the par value of all the currencies of the countries members of the International Monetary Fund or of the members of the Bank.

Article 8

The Bank shall be administered and managed by a Board of Governors, a Board of Directors and a Management Committee.

Article 9

1. The Board of Governors shall be composed of Ministers appointed by the Member States.

2. The Board of Governors shall lay down general directives concerning the credit policy of the Bank, particularly with regard to those objectives which will call for consideration during the progressive realisation of the Common Market.

The Board of Governors shall ensure the implementation of these directives.

3. In addition, the Board of Governors shall:

- (a) decide, in accordance with Article 4, paragraph 3, on any increase of the subscribed capital;
- (b) exercise the powers provided for in Article 6 with regard to special loans;
- (c) exercise the powers provided for in Articles 11 and 13 with regard to the appointment and removal from office of members of the Board of Directors and the Management Committee;
- (d) authorise the derogation provided for in Article 18, paragraph 1 ;
- (e) approve the annual report drawn up by the Board of Directors;
- (f) approve the annual balance sheet and the profit and loss account;
- (g) exercise the powers and competence provided for in Articles 7, 14, 17, 26 and 27; and
- (h) approve the rules of procedure of the Bank.

4. The Board of Governors, acting by means of a unanimous vote, is empowered to take, within the framework of this Treaty and this Statute, any decisions in regard to suspension of the Bank's activities and its possible liquidation.

Article 10

Except where otherwise provided for in this Statute, the decisions of the Board of Governors shall be taken by means of a majority vote of its members. Voting by the Board of Governors shall be governed by the provisions of Article 148 of this Treaty.

Article 11

1. The Board of Directors shall have exclusive powers of decision in respect of the granting of loans and guarantees and of the raising of loans; it shall fix the rates of interest for loans granted and the guarantee commissions; it shall supervise and ensure the sound administration of the Bank; it shall ensure that the Bank is managed in conformity with the provisions of this Treaty and Statute and with the general directives laid down by the Board of Governors.

The Board of Directors shall submit a report as at the end of the financial year to the Board of Governors and shall publish it after approval.

2. The Board of Directors shall be composed of twelve directors and twelve alternates.

The directors shall be appointed by the Board of Governors for a term of five years, on nomination by the Member States and the Commission respectively, as follows:

3 directors nominated by the Federal Republic of Germany;

3 directors nominated by the French Republic;

3 directors nominated by the Italian Republic;

2 directors nominated by the Benelux countries acting in common agreement ; and

1 director nominated by the Commission.

Their term of office shall be renewable.

Each director shall be assisted by an alternate appointed under the same conditions and according to the same procedure as the directors.

The alternates may take part in the meetings of the Board of Directors; they shall not have a right to vote unless replacing a director when the latter is unable to carry out his duties.

The Chairman or, in his absence, one of the Vice-Chairmen of the Management Committee shall preside over meetings of the Board of Directors, but shall not vote.

The members of the Board of Directors shall be chosen from among persons of indisputable independence and competence; they shall be responsible only to the Bank.

3. A director may be removed from office by the Board of Governors, acting by means of a qualified majority vote, only in the case where he no longer fulfils the conditions necessary for the exercise of his functions.

The non-approval of the annual report shall entail the resignation of the Board of Directors.

4. In the event of any vacancy arising as a result of death or of individual or collective resignation or of removal from office, such vacancy shall be filled according to the rules laid down in paragraph 2. Save in cases of entire renewal, members shall be replaced for the remainder of their term of office.

5. The Board of Governors shall fix the remuneration of members of the Board of Directors. The Board of Governors, acting by means of a unanimous vote, shall determine what matters are incompatible with regard to the functions of a director or an alternate.

Article 12

1. Each director shall have one vote on the Board of Directors.

2. Unless otherwise provided for in this Statute, the Board of Directors shall take its decisions by simple majority of the members of the Board entitled to vote. A qualified majority shall mean a majority of at least eight votes. The rules of procedure of the Bank shall fix the quorum necessary for the deliberations of the Board of Directors.

Article 13

1. The Management Committee shall be composed of a Chairman and two Vice-Chairmen appointed for a term of six years by the Board of Governors on a proposal of the Board of Directors. Their term of office shall be renewable.

2. On a proposal of the Board of Directors, acting by means of a qualified majority vote, the Board of Governors, acting in its turn by means of a qualified majority vote, may remove members of the Management Committee from office.

3. The Management Committee shall be responsible for the management of the current affairs of the Bank, under the authority of the Chairman and under the supervision of the Board of Directors.

It shall prepare the decisions of the Board of Directors with regard, in particular, to the raising of loans and the granting of loans and guarantees; it shall be responsible for the implementation of such decisions.

4. The Management Committee, acting by means of a majority vote, shall formulate its opinions concerning projects for the granting of loans and guarantees and for the raising of loans.

5. The Board of Governors shall fix the remuneration of the members of the Management Committee and shall determine what matters are incompatible with their functions.

6. The Chairman, or, if he is unable to carry out his duties, one of the Vice-Chairmen shall represent the Bank in legal or non-legal matters.

7. The officials and other employees of the Bank shall be under the authority of the Chairman. They shall be engaged and dismissed by him. In the choice of staff, due account shall be taken not only of personal ability and professional qualifications but also of an equitable representation of the nationals of Member States.

8. The Management Committee and the staff of the Bank shall be responsible only to the Bank and shall be completely independent in the exercise of their functions.

Article 14

1. A Committee composed of three members, appointed on grounds of their competence by the Board of Governors, shall annually verify that the operations of the Bank are properly conducted and the books properly kept.

2. The Committee shall confirm that the balance sheet and profit and loss account are in conformity with the accounts and vouchers and faithfully reflect the situation of the Bank in regard to assets and liabilities.

Article 15

The Bank shall communicate with each Member State through the channel of the authority designated by the State concerned. In the conduct of financial operations, the Bank shall have recourse to the bank of issue of the Member State concerned or to other financial institutions approved by the latter.

Article 16

1. The Bank shall co-operate with all international organisations whose fields of activity are similar to its own.

2. The Bank shall seek all suitable contacts with a view to co-operating with the banking and financial institutions of the countries to which it extends its operations.

Article 17

The Board of Governors shall, at the request of a Member State or of the Commission or ex officio, interpret or supplement, under the same conditions as those under which they were adopted, the directives laid down by the Board under the terms of Article 9 of this Statute.

Article 18

1. The Bank shall, within the framework of the task defined in Article 130 of this Treaty, grant loans to its members or to public or private enterprises for investment projects to be carried out within the European territories of Member States, to the extent that means from other sources are not available on reasonable terms.

The Bank may, however, by way of an exception, authorised unanimously by the Board of Governors on a proposal of the Board of Directors, grant loans for investment projects to be carried out, in whole or in part, outside the European territories of Member States.

2. The granting of loans shall, as far as possible, be made subject to the employment of other means of financing.

3. The Bank shall, when it has approved a loan to an enterprise or body other than a Member State, make the granting of such loan subject either to a guarantee from the Member State, within whose territory the project is to be carried out, or to other adequate guarantees.

4. The Bank may guarantee loans raised by public or private enterprises or other bodies for the purpose of carrying out the operations provided for in Article 130 of this Treaty.

5. The total of outstanding loans and guarantees granted by the Bank shall not exceed 250 per cent of the amount of the subscribed capital.

6. The Bank shall protect itself against exchange risks by including in contracts for loans or guarantees such clauses as it considers appropriate.

Article 19

1. The rates of interest on loans to be granted by the Bank and the guarantee commissions shall be adapted to conditions prevailing in the capital market and shall be calculated in such a manner that the receipts resulting therefrom shall enable the Bank to meet its obligations, to cover its expenses and to constitute a reserve fund as provided for in Article 24.

2. The Bank shall not grant any reduction in rates of interest. Where a reduction in the rate of interest appears desirable, having regard to the particular nature of the project to be financed, the Member State concerned or a third party may grant a rebate on the interest to the extent that the grant of such rebate is compatible with the rules laid down in Article 92 of this Treaty.

Article 20

In its operations relating to loans and guarantees, the Bank shall observe the following principles:

1. It shall ensure that its funds are employed in the most rational manner in the interest of the Community.

It may grant loans or provide guarantees for raising loans only:

(a) where the service of interest and amortisation is guaranteed, in the case of projects carried out by enterprises in the sector of production by earnings, or in the case of other projects by an obligation of the State in which the project is carried out or by any other means; and

(b) where the execution of the project contributes to the increase of economic productivity in general and promotes the development of the Common Market.

2. It shall not acquire any interest in enterprises or undertake any responsibility in the management thereof unless the protection of its rights so requires in order to assure recovery of the debt concerned.

3. It may dispose of its claims in the capital market and may, for this purpose, require its debtors to issue bonds or other securities.

4. Neither the Bank nor the Member States shall impose any conditions according to which the sums lent by the Bank shall be expended within the territory of any specific Member State.

5. It may subject the granting of such loans to the inviting of international tenders.

6. It shall not finance, either in whole or in part, any project which is opposed by the Member State within whose territory it is to be carried out.

Article 21

1. Applications for loans or guarantees may be addressed to the Bank either through the intermediary of the Commission or through the intermediary of the Member State in whose territory the project is to be carried out. An enterprise may also apply directly to the Bank for a loan or guarantee.

2. Applications made through the intermediary of the Commission shall be submitted for an opinion to the Member State in whose territory the project is to be carried out. Applications made through the intermediary of the State shall be submitted for an opinion to the Commission. Applications made direct by an enterprise shall be submitted to the Member State concerned and to the Commission.

The Member States concerned and the Commission shall give their opinions within a period of not more than two months. Failing a reply within this time-limit, the Bank may assume that the project concerned does not give rise to any objections.

3. The Board of Directors shall rule as to applications for loans or guarantees which are submitted to it by the Management Committee.

4. The Management Committee shall examine whether applications for loans or guarantees submitted to it are in conformity with the provisions of this Statute, in particular, of Article 20. If the Management Committee rules in favour of granting the

loan or guarantee, it shall submit the draft contract to the Board of Directors; the Committee may make its favourable opinion subject to such conditions as it thinks essential. If the Committee rules against the granting of the loan or guarantee, it shall submit to the Board of Directors the relevant documents together with its opinion.

5. Where the Management Committee gives an unfavourable opinion, the Board of Directors may only grant such loan or guarantee by means of a unanimous vote.

6. Where the Commission gives an unfavourable opinion, the Board of Directors may only grant such loan or guarantee by means of a unanimous vote, the director appointed on nomination by the Commission abstaining from voting on this occasion.

7. Where both the Management Committee and the Commission give an unfavourable opinion, the Board of Directors may not grant such loan or guarantee.

Article 22

1. The Bank shall borrow in the international capital markets the funds necessary to the accomplishment of its tasks.

2. The Bank may borrow in the capital market of a Member State within the framework of the legal provisions applying to internal issues or, failing such provisions in a Member State, after the Member State concerned and the Bank have consulted together and reached an agreement concerning the loan contemplated by the latter.

The assent of the competent agencies in the Member State may only be refused if serious disturbances in the capital market of that State are to be feared.

Article 23

1. The Bank may employ any available funds which it does not immediately need in order to meet its obligations, under the following conditions:

(a) it may make investments in the money markets;

(b) it may, subject to the provisions of Article 20, paragraph 2, buy and sell securities issued by itself or by its debtors; or

(c) it may effect any other financial operation relating to its objective.

2. Without prejudice to the provisions of Article 25, the Bank shall not, in managing its investments, engage in any currency arbitrage which is not directly necessitated by the realisation of its loans or by the fulfilment of the obligations which it has contracted by reason of loans floated or guarantees granted by it.

3. The Bank shall, in the sphere referred to in this Article, act in agreement with the competent authorities of the Member States or with their respective bank of issue.

Article 24

1. A reserve fund, amounting to 10 per cent of the capital subscribed, shall be built up progressively. If the position of the Bank's obligations justifies it, the Board of Directors may decide upon the constitution of additional reserves. For as long as this reserve fund has not been completely built up, it shall be fed by:

(a) receipts from interest on loans granted by the Bank out of the amounts to be paid up by Member States under Article 5; and

(b) receipts from interest on loans granted by the Bank out of the funds derived from repayment to it of the loans referred to in subparagraph (a),

to the extent that these receipts from interest are not required to meet the obligations of the Bank or to cover its expenses.

2. The amounts in the reserve fund shall be invested so as to be at any time available to meet the purpose of that fund.

Article 25

1. The Bank shall at all times be authorised to transfer its holdings in the currency of one of the Member States into the currency of another Member State in order to carry out financial operations in conformity with its task as defined in Article 130 of this Treaty and due account being taken of the provisions of Article 23 of this Statute. The Bank shall, as far as possible, avoid making such transfers if it possesses holdings available directly or on call in the currency needed by it.

2. The Bank may not convert its holdings in the currency of one of the Member States into the currency of a third country without the agreement of the Member State concerned.

3. The Bank may freely dispose both of that part of its capital which is paid up in gold or convertible currencies and of foreign currencies borrowed in markets outside the Community.

4. The Member States undertake to make available to the Bank's debtors the foreign currency necessary for the repayment of capital and interest on loans granted or guaranteed by the Bank for projects to be carried out in their territories.

Article 26

If a Member State fails to fulfil the obligations of membership resulting from this Statute and, in particular, that of paying up its share of the subscribed capital or its special loans or of ensuring the service of its borrowings to it, the granting of loans or guarantees to that Member State or to its nationals may be suspended by a decision of the Board of Governors acting by means of a qualified majority vote.

Such decision shall not release either the State itself or its nationals from their obligations towards the Bank.

Article 27

1. If the Board of Governors decides to suspend the activities of the Bank, all these activities shall immediately cease, with the exception of operations necessary to ensure the due utilisation, protection and conservation of its assets and the settlement of its obligations.

2. In the event of liquidation, the Board of Governors shall appoint the liquidators and give them instructions for carrying out the liquidation.

Article 28

1. The Bank shall, in each of the Member States, possess the most extensive legal capacity accorded to legal persons under their respective municipal law; it may, in particular, acquire and transfer movable and immovable property and may sue and be sued in its own name.

The privileges and immunities to be granted to the Bank shall be laid down in the Protocol provided for in Article 218 of this Treaty.

2. The property of the Bank shall be exempt from requisitioning or expropriation in any form whatsoever.

Article 29

Any litigation between the Bank, on the one hand, and its creditors or debtors or any third parties, on the other hand, shall, subject to the competence conferred upon the Court of Justice, be decided upon by the competent domestic courts or tribunals.

The Bank shall elect domicile in each of the Member States. It may, however, in any contract, elect a special domicile or provide for an arbitration procedure.

The property and assets of the Bank shall not, except by judicial decision, be subject to seizure or to forced execution.

Done at Rome, on the twenty-fifth day of March in the year one thousand-nine hundred and fifty-seven.

P. H. SPAAK.	J. CH. SNOY et d'OPPUERS.
ADENAUER.	HALLSTEIN.
PINEAU.	M. FAURE.
Antonio SEGNI.	Gaetano MARTINO.
BECH.	Lambert SCHAUS.
J. LUNS.	J. LINTHORST HOMAN.

Treaty establishing the EEC - Protocol on German internal trade and connected problems

THE HIGH CONTRACTING PARTIES,

CONSIDERING the conditions at present existing by reason of the division of Germany,

HAVE AGREED upon the following provisions, which shall be annexed to this Treaty:

1. Since trade between the German territories subject to the Basic Law for the Federal Republic of Germany and the German territories in which the Basic Law does not apply is a part of German internal trade, the application of this Treaty in Germany requires no change in the treatment currently accorded this trade,
2. Each Member State shall inform the other Member States and the Commission of any agreements relating to trade with the German territories in which the Basic Law for the Federal Republic of Germany does not apply, and of any implementing provisions. Each Member State shall ensure that the implementation of such agreements does not conflict with the principles of the common market and shall in particular take appropriate measures to avoid harming the economies of the other Member States.
3. Each Member State may take appropriate measures to prevent any difficulties arising for it from trade between another Member State and the German territories in which the Basic Law for the Federal Republic of Germany does not apply.

Done at Rome this twenty-fifth day of March in the year one thousand nine hundred and fifty-seven.

P. H. Spaak.	J. Ch. Snoy et d'Oppuers.
Adenauer.	Hallstein.
Pineau.	M. Faure.
Antonio Segni.	Gaetano Martino.
Bech.	Lambert Schaus.
J. Luns.	J. Linthorst Homan.

Treaty establishing the EEC - Protocol on certain provisions relating to France

THE HIGH CONTRACTING PARTIES,

DESIRING to settle in accordance with the general objectives of this Treaty certain particular problems existing at the present time,

HAVE AGREED upon the following provisions, which shall be annexed to this Treaty:

I. CHARGES AND AIDS

1. The Commission and the Council shall annually examine the system of aid to exports and of special charges on imports in force in the franc area.

The French Government shall, at the time of this examination, make known the measures it proposes to take to reduce and rationalise the level of the aids and charges.

It shall also inform the Council and the Commission of any new charges which it intends to introduce as a result of further liberalisation and of any adjustments to the aids and charges which it intends to make within the limit of the maximum rate of charge in force on 1 January 1957. These various measures may be discussed within those institutions.

2. If it considers that the lack of uniformity is prejudicial to certain sectors of industry in other Member States, the Council may, acting by a qualified majority on a proposal from the Commission, request the French Government to take certain measures to standardise the charges and aids in each of the following three categories: raw materials, semi-finished products and finished products. If the French Government does not take such measures, the Council shall, again by a qualified majority, authorise the other Member States to take protective measures, the conditions and details of which it shall determine.

3. Where the balance of current payments of the franc area has remained in equilibrium for more than one year, and where its monetary reserves have reached a level which is to be considered satisfactory, in particular as regards the volume of its external trade, the Council may, acting by a qualified majority on a proposal from the Commission, decide that the French Government must abolish the system of charges and aids.

If the Commission and the French Government do not agree on the question whether the level of the monetary reserves of the franc area can be considered satisfactory, they shall refer the matter for an opinion to a person or body chosen by common accord as arbitrator. In the event of disagreement, the arbitrator shall be designated by the President of the Court of Justice.

If it is decided that the system of charges and aids must be abolished, this shall be done in such a manner as to avoid risk of disturbance to the equilibrium of the balance of payments; it may, in particular, be done progressively. Once the system has been abolished, the provisions of this Treaty shall apply in their entirety.

The expression "balance of current payments" shall have the meaning given to it by international organisations and by the International Monetary Fund; it shall comprise

the trade balance and the invisible transactions which have the character of income or services.

II. PAYMENT FOR OVERTIME

1. The Member States consider that the establishment of the common market will result, by the end of the first stage, in a situation in which the basic number of hours beyond which overtime is paid for and the average rate of additional payment for overtime in industry will correspond to the average obtaining in France in 1956.

2. If this situation does not come about by the end of the first stage, the Commission shall authorise France to take, in respect of the sectors of industry affected by disparities in the method of payment for overtime, protective measures, the conditions and details of which the Commission shall determine, unless, during this stage, the average increase in the wage level in the same sectors of industry in other Member States, by comparison with the average for 1956, exceeds the increase which has occurred in France by a percentage fixed by the Commission with the approval of the Council acting by a qualified majority.

Done at Rome this twenty-fifth day of March in the year one thousand nine hundred and fifty-seven.

P. H. Spaak.	J. Ch. Snoy et d'Oppuers.
Adenauer.	Hallstein.
Pineau.	M. Faure.
Antonio Segni.	Gaetano Martino.
Bech.	Lambert Schaus.
J. Luns.	J. Linthorst Homan.

Treaty establishing the EEC - Protocol on Italy

THE HIGH CONTRACTING PARTIES,

DESIRING to settle certain particular problems relating to Italy,

HAVE AGREED upon the following provisions, which shall be annexed to this Treaty:

THE MEMBER STATES OF THE COMMUNITY

TAKE NOTE of the fact that the Italian Government is carrying out a ten-year programme of economic expansion designed to rectify the disequilibria in the structure of the Italian economy, in particular by providing an infrastructure for the less developed areas in Southern Italy and in the Italian islands and by creating new jobs in order to eliminate unemployment;

RECALL that the principles and objectives of this programme of the Italian Government have been considered and approved by organisations for international cooperation of which the Member States are members;

RECOGNISE that it is in their common interest that the objectives of the Italian programme should be attained;

AGREE, in order to facilitate the accomplishment of this task by the Italian Government, to recommend to the institutions of the Community that they should employ all the methods and procedures provided in this Treaty and, in particular, make appropriate use of the resources of the European Investment Bank and the European Social Fund;

ARE OF THE OPINION that the institutions of the Community should, in applying this Treaty, take account of the sustained effort to be made by the Italian economy in the coming years and of the desirability of avoiding dangerous stresses in particular within the balance of payments or the level of employment, which might jeopardise the application of this Treaty in Italy;

RECOGNISE that in the event of Articles 108 and 109 being applied it will be necessary to take care that any measures required of the Italian Government do not prejudice the completion of its programme for economic expansion and for raising the standard of living of the population.

Done at Rome this twenty-fifth day of March in the year one thousand nine hundred and fifty-seven.

P. H. Spaak.	J. Ch. Snoy et d'Oppuers.
Adenauer.	Hallstein.
Pineau.	M. Faure.
Antonio Segni.	Gaetano Martino.
Bech.	Lambert Schaus.
J. Luns.	J. Linthorst Homan.

Treaty establishing the EEC - Protocol on the Grand Duchy of Luxembourg

THE HIGH CONTRACTING PARTIES,

DESIRING to settle certain particular problems relating to the Grand Duchy of Luxembourg,

HAVE AGREED upon the following provisions, which shall be annexed to this Treaty :

Article 1

1. By reason of the special position of its agriculture, the Grand Duchy of Luxembourg is hereby authorised to maintain quantitative restrictions on imports of the products included in the list annexed to the Decision of the Contracting Parties to the General Agreement on Tariffs and Trade of 3 December 1955 concerning the agriculture of Luxembourg.

Belgium, Luxembourg and the Netherlands shall apply the system provided for in the third paragraph of Article 6 of the Convention on the Economic Union of Belgium and Luxembourg of 25 July 1921.

2. The Grand Duchy of Luxembourg shall take all measures of a structural, technical or economic nature that will make possible the progressive integration of its agriculture in the common market. The Commission may make recommendations to the Grand Duchy concerning the measures to be taken.

At the end of the transitional period the Council shall, acting by a qualified majority on a proposal from the Commission, decide to what extent the derogations accorded the Grand Duchy of Luxembourg shall be maintained, altered or terminated.

Any Member State concerned may appeal against this decision to an arbitration board appointed in accordance with Article 8 (4) of this Treaty.

Article 2

When framing the regulations on freedom of movement for workers provided for in Article 48 (3) of this Treaty, the Commission shall take account, as regards the Grand Duchy of Luxembourg, of the special demographic situation in that country.

Done at Rome this twenty-fifth day of March in the year one thousand nine hundred and fifty-seven.

P. H. Spaak.	J. Ch. Snoy et d'Oppuers.
Adenauer.	Hallstein.
Pineau.	M. Faure.
Antonio Segni.	Gaetano Martino.
Bech.	Lambert Schaus.
J. Luns.	J. Linthorst Homan.

Treaty establishing the EEC - Protocol on goods originating in and coming from certain countries and enjoying special treatment when imported into a Member State

THE HIGH CONTRACTING PARTIES,

DESIRING to define in greater detail the application of this Treaty to certain goods originating in and coming from certain countries and enjoying special treatment when imported into a Member State,

HAVE AGREED upon the following provisions, which shall be annexed to this Treaty:

1. The application of the Treaty establishing the European Economic Community shall not require any alteration in the customs treatment applicable, at the time of the entry into force of this Treaty, to imports:

- (a) into the Benelux countries of goods originating in and coming from Surinam or the Netherlands Antilles;
- (b) into France of goods originating in and coming from Morocco, Tunisia, the Republic of Vietnam, Cambodia or Laos. This shall also apply to the French Settlements in the Condominium of the New Hebrides;
- (c) into Italy of goods originating in and coming from Libya or the Trust Territory of Somaliland currently under Italian administration.

2. Goods imported into a Member State and benefiting from the treatment referred to above shall not be considered to be in free circulation in that State within the meaning of Article 10 of this Treaty when re-exported to another Member State,

3. Before the end of the first year after the entry into force of this Treaty, Member States shall communicate to the Commission and to the other Member States their rules governing the special treatment referred to in this Protocol, together with a list of the goods entitled to such treatment.

They shall also inform the Commission and the other Member States of any changes subsequently made in those lists or in the treatment.

4. The Commission shall ensure that the application of these rules cannot be prejudicial to other Member States; to this end it may take any appropriate measures as regards relations between Member States.

Done at Rome this twenty-fifth day of March in the year one thousand nine hundred and fifty-seven.

P. H. Spaak.	J. Ch. Snoy et d'Oppuers.
Adenauer.	Hallstein.
Pineau.	M. Faure.
Antonio Segni.	Gaetano Martino.
Bech.	Lambert Schaus.
J. Luns.	J. Linthorst Homan.

Treaty establishing the EEC - Protocol on the treatment to be applied to products from the European Coal and Steel Community in relation to Algeria and overseas departments of the French Republic

THE HIGH CONTRACTING PARTIES,

CONSCIOUS of the fact that the provisions of this Treaty relating to Algeria and the overseas departments of the French Republic raise the problem of the treatment to be applied, in respect of Algeria and those departments, to products covered by the Treaty establishing the European Coal and Steel Community.

DESIRING to seek an appropriate solution in harmony with the principles of the two Treaties,

UNDERTAKE to settle this problem in a spirit of mutual cooperation within the shortest possible time and not later than the first revision of the Treaty establishing the European Coal and Steel Community.

Done at Rome this twenty-fifth day of March in the year one thousand nine hundred and fifty-seven.

P. H. Spaak.	J. Ch. Snoy et d'Oppuers.
Adenauer.	Hallstein.
Pineau.	M. Faure.
Antonio Segni.	Gaetano Martino.
Bech.	Lambert Schaus.
J. Luns.	J. Linthorst Homan.

Treaty establishing the EEC - Protocol on mineral oils and certain of their derivatives

THE HIGH CONTRACTING PARTIES,

HAVE AGREED upon the following provisions, which shall be annexed to this Treaty:

1. Each Member State may, for a period of six years after this Treaty enters into force, maintain in regard to other Member States and third countries the customs duties and charges having equivalent effect applied to products falling within headings Nos. 27.09, 27.10, 27.11, 27.12 and ex 27.13 (paraffin wax, macrocrystalline wax, slack wax and scale wax) of the Brussels Nomenclature on 1 January 1957 or, if lower, on the date when this Treaty enters into force. The duty to be maintained on crude oils shall not, however, be such as to result in an increase of more than 5 per cent in the difference existing on 1 January 1957 between the duties on crude oils and those on the derivatives referred to above. Where no such difference exists, any difference subsequently introduced shall not exceed 5% of the duty which applied on 1 January 1957 to products falling within heading No. 27.09. If, before the end of this period of six years, a reduction is made in the customs duties or charges having equivalent effect in respect of products falling within heading No. 27.09, a corresponding reduction shall be made in any customs duties or charges having equivalent effect imposed on the other products referred to above.

At the end of this period, the duties maintained in accordance with the preceding subparagraph shall be completely abolished in respect of other Member States. At the same time, the common customs tariff shall be applicable to third countries.

2. Any aids to the production of mineral oils falling within heading No. 27.09 of the Brussels Nomenclature shall, where such aids prove necessary in order to bring the price of crude oils down to the world market price c.i.f. European port of a Member State, be governed by Article 92 (3)(c) of this Treaty. The Commission shall, during the first two stages, make use of the powers provided under Article 93 only to the extent required to prevent such aids being misused.

Done at Rome this twenty-fifth day of March in the year one thousand nine hundred and fifty-seven.

P. H. Spaak.	J. Ch. Snoy et d'Oppuers.
Adenauer.	Hallstein.
Pineau.	M. Faure.
Antonio Segni.	Gaetano Martino.
Bech.	Lambert Schaus.
J. Luns.	J. Linthorst Homan.

Treaty establishing the EEC - Protocol on the application of the Treaty establishing the European Economic Community to the non European parts of the Kingdom of the Netherlands

THE HIGH CONTRACTING PARTIES,

ANXIOUS, at the time of signature of the Treaty establishing the European Economic Community, to define the scope of the provisions of Article 227 of this Treaty in respect of the Kingdom of the Netherlands,

HAVE AGREED upon the following provisions, which shall be annexed to this Treaty:

The Government of the Kingdom of the Netherlands, by reason of the constitutional structure of the Kingdom resulting from the Statute of 29 December 1954, shall, by way of derogation from Article 227, be entitled to ratify the Treaty on behalf of the Kingdom in Europe and Netherlands New Guinea only.

Done at Rome this twenty-fifth day of March in the year one thousand nine hundred and fifty-seven.

P. H. Spaak.	J. Ch. Snoy et d'Oppuers.
Adenauer.	Hallstein.
Pineau.	M. Faure.
Antonio Segni.	Gaetano Martino.
Bech.	Lambert Schaus.
J. Luns.	J. Linthorst Homan.

Treaty establishing the EEC - Implementing convention on the association of the overseas countries and territories with the Community

THE HIGH CONTRACTING PARTIES,

DESIRING to enter into the Implementing Convention provided for in Article 136 of this Treaty,

HAVE AGREED upon the following provisions, which shall be annexed to this Treaty:

Article 1

The Member States shall, under the conditions laid down below, participate in measures which will promote the social and economic development of the countries and territories listed in Annex IV to this Treaty, by supplementing the efforts made by the authorities responsible for those countries and territories.

For this purpose, a Development Fund for the Overseas Countries and Territories is hereby established, into which the Member States shall, over a period of five years, pay the annual contributions set out in Annex A to this Convention.

The Fund shall be administered by the Commission.

Article 2

The authorities responsible for the countries and territories shall, in agreement with the local authorities or with the representatives of the peoples of the countries and territories concerned, submit to the Commission the social or economic projects for which financing by the Community is requested.

Article 3

The Commission shall draw up annually general programmes for allocation to the different classes of project of the funds made available in accordance with Annex B to this Convention.

The general programmes shall contain projects for financing:

- (a) certain social institutions, in particular hospitals, teaching or technical research establishments and institutions for vocational guidance and advancement among the peoples concerned;
- (b) economic investments which are in the public interest and are directly connected with the implementation of a programme containing specific productive development projects.

Article 4

At the beginning of each financial year the Council shall, acting by a qualified majority after consulting the Commission, determine what funds will be devoted to financing:

- (a) the social institutions referred to in Article 3 (a);
- (b) the economic investments in the public interest referred to in Article 3 (b).

The decision of the Council shall aim at a rational geographical distribution of the funds made available.

Article 5

1. The Commission shall determine how the funds made available under Article 4 (a) shall be allocated according to the various requests received for the financing of social institutions.

2. The Commission shall draw up proposals for financing the economic investment projects which it is considering under Article 4 (b).

It shall submit these proposals to the Council.

If, within one month, no Member State requests that the Council examine the proposals, they shall be deemed to be approved.

If the Council examines the proposals, it shall act by a qualified majority within two months.

3. Any funds not allocated during any one year shall be carried forward to the following years.

4. The funds allocated shall be made available to the authorities responsible for carrying out the work concerned. The Commission shall ensure that such funds are used for the purposes which have been decided upon, and are expended to the best economic advantage.

Article 6

Within six months of the entry into force of this Treaty, the Council shall, acting by a qualified majority on a proposal from the Commission, lay down rules for the collection and transfer of financial contributions, for budgeting and for the administration of the resources of the Development Fund.

Article 7

The qualified majority referred to in Article 4, 5 und 6 shall be 67 votes. Member States shall have the following number of votes:

Belgium	11 votes
Germany	33 votes
France	33 votes
Italy	11 votes
Luxembourg	1 vote
Netherlands	11 votes

Article 8

The right of establishment shall, in each country or territory, be progressively extended to nationals, companies or firms of Member States other than the State which has special relations with the country or territory concerned. During the first year in which this Convention is applied, the manner in which this is to be effected shall be so determined by the Council, acting by a qualified majority on a proposal from the Commission, as to ensure the progressive abolition during the transitional period of any discrimination.

Article 9

The customs treatment to be applied to trade between Member States and the countries and territories shall be that provided for in Articles 133 and 134 of this Treaty.

Article 10

For the duration of this Convention, Member States shall apply to their trade with the countries and territories those provisions of the Chapter of this Treaty relating to the elimination of quantitative restrictions between Member States which they apply to trade with one another during the same period.

Article 11

1. In each country or territory where import quotas exist, one year after this Convention enters into force, the quotas open to States other than the State with which such country or territory has special relations shall be converted into global quotas open without discrimination to the other Member States. As from the same date, these quotas shall be increased annually in accordance with Article 32 and Article 33 (1), (2), (4), (5), (6) and (7) of this Treaty.

2. Where, in the case of a product which has not been liberalised, the global quota does not amount to 7% of total imports into a country or territory, a quota equal to 7% of such imports shall be introduced not later than one year after the entry into force of this Convention, and shall be increased annually in accordance with paragraph 1.

3. Where, in the case of certain products, no quota has been opened for imports into a country or territory, the Commission shall, by means of a decision, determine the manner in which the quotas to be offered to other Member States shall be opened and increased.

Article 12

Where import quotas established by Member States cover both imports from a State having special relations with a country or territory and imports from the country or territory concerned, the share of imports from the countries and territories shall be the subject of a global quota based on import statistics. Any such quota shall be established during the first year in which this Convention is in force and shall be increased as provided for in Article 10.

Article 13

The provisions of Article 10 shall not preclude prohibitions or restrictions on imports, exports or goods in transit justified on grounds of public morality; public policy or public security; the protection of health and life of humans, animals or plants; the protection of national treasures possessing artistic, historic or archaeological value; or the protection of industrial and commercial property. Such prohibitions or restrictions shall not, however, constitute a means of arbitrary discrimination or a disguised restriction on trade.

Article 14

After the date of expiry of this Convention and until provisions covering association for a further period have been adopted, quotas for imports into the countries and territories on the one hand, and into the Member States on the other, of products originating in the countries and territories shall remain at the level set for the fifth year. The arrangements in respect of the right of establishment in force at the end of the fifth year shall also be maintained.

Article 15

1. Tariff quotas for imports from third countries of raw coffee into Italy and the Benelux countries, and of bananas into the Federal Republic of Germany, shall be introduced in accordance with the Protocols annexed to this Convention.

2. If this Convention expires before the conclusion of a new agreement, the Member States shall, pending such new agreement, enjoy tariff quotas for bananas,

cocoa beans and raw coffee at the rates of duty applying at the beginning of the second stage; such quotas shall be equal to the volume of imports from third countries in the course of the latest year for which statistics are available.

Such quotas shall, where appropriate, be increased in proportion to the increase in consumption within the importing countries.

3. Member States enjoying tariff quotas at the rates of duty applied when this Treaty enters into force under the Protocols relating to imports of raw coffee and bananas from third countries may require that, instead of the treatment provided for in paragraph 2, the tariff quotas for these products be maintained at the level reached at the date of expiry of this Convention.

Such quotas shall, where appropriate, be increased as provided in paragraph 2.

4. The Commission shall, at the request of the States concerned, determine the size of the tariff quotas referred to in the preceding paragraphs.

Article 16

The provisions contained in Articles 1 to 8 of this Convention shall apply to Algeria and the French overseas departments.

Article 17

Without prejudice to cases in which the provisions of Articles 14 and 15 apply, this Convention is concluded for a period of five years.

Done at Rome this twenty-fifth day of March in the year one thousand nine hundred and fifty-seven.

P. H. Spaak. J. Ch. Snoy et d'Oppuers.
Adenauer. Hallstein.
Pineau. M. Faure.
Antonio Segni. Gaetano Martino.
Bech. Lambert Schaus.
J. Luns. J. Linthorst Homan.

Annex A referred to in Article 1 of the Convention

Annex B referred to in Article 3 of the Convention

**Treaty establishing the EEC - Protocol on the tariff quota for imports of bananas
(ex 08.01 of the Brussels Nomenclature)**

THE HIGH CONTRACTING PARTIES,

HAVE AGREED upon the following provisions, which shall be annexed to this Convention:

1. From the first approximation of external duties provided for in Article 23 (1) (b) of this Treaty until the end of the second stage, the Federal Republic of Germany shall enjoy an annual duty-free import quota equal to 90% of the quantities imported in 1956, less the quantities coming from the countries and territories referred to in Article 131 of this Treaty.

2. From the end of the second stage until the end of the third stage, the quota shall be 80% of the quantity defined above.

3. The annual quotas determined in paragraphs 1 and 2 shall be increased by 50% of the difference between the total quantities imported during each preceding year and the quantities imported in 1956.

If total imports decrease in comparison with those for 1956, the annual quotas provided for above shall not exceed 90% of the imports for each preceding year during the period referred to in paragraph 1, or 80% of the imports for each preceding year during the period referred to in paragraph 2.

4. As soon as the common customs tariff applies in its entirety, the quota shall be 75% of the imports for 1956. This quota shall be increased as provided in the first subparagraph of paragraph 3.

If imports have decreased in comparison with those for 1956, the annual quota provided for above shall not exceed 75% of the imports for each preceding year.

Any decision to abolish or amend this quota shall be taken by the Council, acting by a qualified majority on a proposal from the Commission.

5. The figure for imports for 1956, less imports from the countries and territories referred to in Article 131 of this Treaty, which in accordance with the above provisions is to serve as the basis for calculating quotas, is 290,000 metric tons.

6. If the countries and territories are unable to supply in full the quantities requested by the Federal Republic of Germany, the Member States concerned declare their readiness to agree to a corresponding increase in the German tariff quota.

Done at Rome this twenty-fifth day of March in the year one thousand nine hundred and fifty-seven.

P. H. Spaak. J. Ch. Snoy et d'Oppuers.
Adenauer. Hallstein.
Pineau. M. Faure.
Antonio Segni. Gaetano Martino.
Bech. Lambert Schaus.
J. Luns. J. Linthorst Homan.

At the time of signature of this Protocol, the Plenipotentiary of the Federal Republic of Germany made, on behalf of his Government, the following declaration, of which the other Plenipotentiaries took note:

The Federal Republic of Germany declares its readiness to support any measures that may be taken by German private interests to encourage sales of bananas from the associated overseas countries and territories within the Federal Republic.

For this purpose, negotiations shall be started as soon as possible between business circles in the various countries concerned in the supply and sale of bananas.

Treaty establishing the EEC - Protocol on the tariff quota for imports of raw coffee (ex 09.01 of the Brussels nomenclature)

THE HIGH CONTRACTING PARTIES,

HAVE AGREED upon the following provisions, which shall be annexed to this Convention:

A. Italy

During the first period of association of the overseas countries and territories with the Community and after the first change in customs duties in accordance with Article 23 of this Treaty, raw coffee imported from third countries into the territory of Italy, within an annual quota equal to the total imports into Italy of raw coffee from third countries in 1956, shall be subject to the customs duties applicable at the date of entry into force of this Treaty.

From the sixth year after the entry into force of this Treaty until the end of the second stage, the initial quota provided for in the preceding paragraph shall be reduced by 20%.

From the beginning of the third stage and throughout that stage, the quota shall be 50% of the initial quota.

For four years after the end of the transitional period, customs duties on raw coffee imported into Italy may, up to an amount not exceeding 20% of the initial quota, continue to be charged at the rate applied in that country at the date of entry into force of this Treaty.

The Commission shall examine whether the percentage and the period provided for in the preceding paragraph are justified.

The provisions of this Treaty shall apply to any quantities imported in excess of the quotas provided for above.

B. The Benelux Countries

From the beginning of the second stage and throughout that stage, raw coffee imported from third countries into the territories of the Benelux countries may continue to be imported free of customs duty, up to a tonnage of 85% of the total quantity of raw coffee imported during the last year for which statistics are available.

From the beginning of the third stage and throughout that stage, the duty-free imports referred to in the preceding paragraph shall be reduced to 50% of the total tonnage of raw coffee imported during the last year for which statistics are available.

The provisions of this Treaty shall apply to any quantities imported in excess of the quotas provided for above.

Done at Rome this twenty-fifth day of March in the year one thousand nine hundred and fifty-seven.

P. H. Spaak. J. Ch. Snoy et d'Oppuers.
Adenauer. Hallstein.

Pineau. M. Faure.
Antonio Segni. Gaetano Martino.
Bech. Lambert Schaus.
J. Luns. J. Linthorst Homan.

Treaty establishing the EEC - Protocol on the statute of the Court of Justice of the European Economic Community

THE HIGH CONTRACTING PARTIES TO THE TREATY ESTABLISHING THE EUROPEAN ECONOMIC COMMUNITY,

DESIROUS of fixing the Statute of the Court laid down in Article 188 of this Treaty,

HAVE DESIGNATED as their Plenipotentiaries for this purpose:

HIS MAJESTY THE KING OF THE BELGIANS:

Baron J. CH. SNOY et d'OPPUERS, Secretary-General of the Ministry of Economic Affairs, Head of the Belgian delegation to the Intergovernmental Conference;

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY:

Professor Dr. Carl Friedrich OPHÜLS, Ambassador of the Federal Republic of Germany, Head of the German delegation to the Intergovernmental Conference;

THE PRESIDENT OF THE FRENCH REPUBLIC:

Mr. Robert MARJOLIN, Professor of Faculties of Law, Deputy Head of the French delegation to the Intergovernmental Conference;

THE PRESIDENT OF THE ITALIAN REPUBLIC:

Mr. V. BADINI CONFALONIERI, Under-Secretary of State in the Ministry of Foreign Affairs, Head of the Italian delegation to the Intergovernmental Conference;

HER ROYAL HIGHNESS THE GRAND DUCHESS OF LUXEMBOURG:

Mr. Lambert SCHAUS, Ambassador of the Grand Duchy of Luxembourg, Head of the Luxembourg delegation to the Intergovernmental Conference;

HER MAJESTY THE QUEEN OF THE NETHERLANDS:

Mr. J. LINTHORST HOMAN, Head of the Netherlands delegation to the Intergovernmental Conference;

WHO, having exchanged their full powers, found in good and due form,

HAVE AGREED upon the following provisions annexed to the Treaty establishing the European Economic Community.

Article 1

The Court established by Article 4 of this Treaty shall be constituted and shall perform its duties in accordance with the provisions of this Treaty and of this Statute.

TITLE ONE - Status of the judges and the advocates-general

Article 2

Before entering upon his duties each judge shall in open court take an oath to perform his duties impartially and conscientiously and to preserve the secrecy of the Court's deliberations.

Article 3

The judges shall be immune from legal process. They shall continue to benefit from such immunity after their functions have ceased for all acts performed by them in their official capacity, including their words spoken or written.

The Court, in plenary session, may suspend this immunity.

Only an agency competent to judge the members of the highest national judiciary in each Member State shall have jurisdiction in criminal proceedings against judges whose immunity has been suspended.

Article 4

The judges may not hold any political or administrative office.

They may not engage in any paid or unpaid professional activities, except by special exemption granted by the Council.

When entering upon their duties, they shall give a solemn undertaking that, both during and after their term of office, they will respect the obligations resulting therefrom, in particular the duty of exercising honesty and discretion as regards the acceptance, after their term of office, of certain functions or advantages.

In case of doubt a decision shall be made by the Court.

Article 5

Apart from retirements in regular rotation and the case of death the duties of a judge shall be terminated in individual cases by resignation.

Where a judge resigns, his letter of resignation shall be addressed to the President of the Court for transmission to the President of the Council. This notification shall constitute vacation of office.

Except for instances in which Article 6 applies, a judge shall continue to hold office until his successor enters upon his duties.

Article 6

The judges may be deprived of office or of their right to a pension or alternative advantages only if, in the unanimous opinion of the judges and advocates-general of the Court, they no longer fulfil the required conditions or meet the obligations resulting from their office. The judge concerned shall not take part in these deliberations.

The registrar of the Court shall communicate the Court's decision to the President of the Assembly and to the President of the Commission and shall notify it to the President of the Council.

In the case of decision removing a judge from his office, such notification shall constitute vacation of office.

Article 7

A judge appointed to replace a member whose term of office has not expired shall be appointed for the remainder of that member's term of office.

Article 8

The provisions of Articles 2 to 7 inclusive shall apply to the advocates-general.

TITLE TWO - Organisation

Article 9

The registrar shall take an oath before the Court to perform his duties impartially and conscientiously and to preserve the secrecy, of the Court's deliberations.

Article 10

The Court shall arrange for the registrar to be replaced if he is unable to carry out his duties.

Article 11

The Court shall have officials and other employees to ensure its functioning. They shall be responsible to the registrar under the authority of the President.

Article 12

The Council, acting by means of a unanimous vote on a proposal of the Court, may provide for the appointment of assistant rapporteurs and lay down their statute of service. The assistant rapporteurs may be required under conditions to be fixed by the rules of procedure to participate in the examination of cases pending before the Court and to collaborate with the reporting judge.

The assistant rapporteurs shall be chosen from among persons who are of indisputable independence and who possess the necessary legal qualifications; they shall be appointed by the Council. They shall take an oath before the Court to perform their duties impartially and conscientiously and to preserve the secrecy of the Court's deliberations.

Article 13

The judges, advocates-general and the registrar shall reside at the seat of the Court.

Article 14

The Court shall sit permanently. The length of judicial recesses shall be fixed by the Court with due regard for its judicial obligations.

Article 15

The Court may sit validly only with an uneven number of members. The deliberations of the Court meeting in plenary session shall be valid if five members are present. The deliberations of the chambers are valid only if they are conducted by three judges; in

the event of one of the judges of a chamber being unable to carry out his duties, a judge of another chamber may be asked to sit in accordance with conditions which shall be laid down by the rules of procedure.

Article 16

The judges and advocates-general may not participate in the settlement of any case in which they have previously participated as a representative, counsel or advocate of one of the parties, or on which they have been called upon to decide as a member of a tribunal, of a commission of inquiry or in any other capacity.

If, for some special reason, any judge or advocate-general considers that he should not take part in the judgment or examination of a particular case, he shall so inform the President. If the President considers that any judge or advocate-general should not, for some special reason, sit or submit conclusions in a particular case, he shall give notice thereof to the person concerned.

The Court shall decide in case of any difficulties arising from the application of this Article.

A party may not invoke either the nationality of a judge or the absence from the bench or from one chamber of a judge of his own nationality, in order to ask for a change in the composition of the Court or of one of its chambers.

TITLE THREE - Procedure

Article 17

The States and the institutions of the Community shall be represented before the Court by a representative appointed for each case; the representative may be assisted by counsel or by an advocate who is a member of the Bar of one of the Member States.

Other parties shall be represented by an advocate member of the Bar of one of the Member States.

The representatives, counsel and advocates appearing before the Court shall have the rights and guarantees necessary for the independent performance of their duties, under conditions to be laid down by the rules of procedure.

The Court shall have, with respect to the counsel and advocates who appear before it, the powers normally accorded to courts and tribunals, under conditions to be laid down by the same rules.

Professors being nationals of the Member States whose municipal law accords to them the right to plead shall have the same rights before the Court as are accorded by this Article to advocates.

Article 18

The procedure before the Court entails two stages: one written and the other oral.

The written procedure shall include communication to the parties as well as to the institutions of the Community whose decisions are in dispute, of the petitions, memoranda, defence and observations and answers, if any, as well as of all documentary evidence and supporting papers or of certified copies thereof.

Such communications shall be made by the registrar in the sequence and within the time-limits fixed by the rules of procedure.

The oral procedure shall include the reading of the report presented by a reporting judge, the hearing by the Court of representatives, counsel and advocates and of the conclusions of the advocate-general as well as the hearing, if necessary, of witnesses and experts.

Article 19

Matters shall be referred to the Court by a petition addressed to the registrar. The petition shall contain the name and the domicile of the petitioner and the capacity of the signatory, the name of the party against whom the petition is lodged, the subject-matter of the dispute, the arguments and a short summary of the grounds on which the petition is based.

The petition shall be accompanied, where appropriate, by the act whose annulment is sought or, in the case mentioned in Article 175 of this Treaty, by documentary evidence of the date of issue of the invitation referred to in that Article. If these documents are not annexed to the petition, the registrar shall ask the party concerned to produce them within a reasonable period; in that case the rights of the party shall not lapse even if such documents are produced after the expiry of the time-limit set for the appeal.

Article 20

In cases provided for under Article 177 of this Treaty, the decision of the domestic court or tribunal which suspends its proceedings and makes a reference to the Court shall be notified to the Court by the domestic court or tribunal concerned. Such decision shall then be notified by the registrar to the parties in the case, to the Member States and to the Commission, and also to the Council if the act whose validity or interpretation is in dispute originates from the Council.

The parties, the Member States, the Commission and, where appropriate, the Council are entitled to submit to the Court, within a period of two months after the latter notification, memoranda or written comments.

Article 21

The Court may request the parties to produce all documents and to supply all information which the Court considers desirable. In case of refusal, the Court shall take judicial notice thereof.

The Court may also request Member States and institutions not being parties to the case to supply all information which the Court considers necessary for the proceedings.

Article 22

The Court may at any time charge any person, body, office, commission or organ of its own choice with the duty of making an expert study.

Article 23

Witnesses may be heard under the conditions which shall be determined by the rules of procedure.

Article 24

The Court shall have, with respect to defaulting witnesses, the powers generally accorded to courts and tribunals and may impose pecuniary sanctions under conditions to be laid down by the rules of procedure.

Article 25

Witnesses and experts may be heard under oath in the form laid down by the rules of procedure or in the manner fixed by the municipal law of the witness or expert.

Article 26

The Court may order that a witness or expert be heard by the judicial authority of his domicile.

This order shall be sent for execution to the competent judicial authority under conditions laid down by the rules of procedure. The documents resulting from the execution of this rogatory commission shall be sent to the Court under the same conditions.

The Court shall be responsible for the expenses incurred, subject to the right to charge these expenses, where appropriate, to the parties concerned.

Article 27

Each Member State shall regard any violation of an oath by witnesses and experts as if the same offence had been committed before a domestic court or tribunal dealing with a case in civil law. When the Court reports such a violation the Member State concerned shall prosecute the offender before the competent domestic court or tribunal.

Article 28

Hearings shall be public unless the Court, ex officio or at the request of the parties, shall, for substantial reasons, decide otherwise.

Article 29

During the hearings the Court may examine the experts, the witnesses and the parties themselves. The latter may only plead through their representative.

Article 30

Minutes shall be kept of each bearing, signed by the President and the registrar.

Article 31

The list of cases shall be fixed by the President.

Article 32

The Court's deliberations shall be and shall remain secret.

Article 33

Judgments shall be supported by reasons. They shall state the names of the judges who have deliberated.

Article 34

Judgments shall be signed by the President and the registrar. They shall be read in open court.

Article 35

Costs shall be determined by the Court.

Article 36

The President of the Court may, in accordance with a summary procedure which derogates, as far as necessary, from certain provisions of this Statute and under conditions which shall be laid down in the rules of procedure, rule either upon submissions for the granting of suspension of execution, as provided for in Article 185 of this Treaty, or for the application of interim orders pursuant to Article 186, or for the suspension of forced execution in accordance with Article 192, last paragraph.

In the event of the President being prevented from carrying out his duties, he shall be replaced by another judge under conditions laid down by the rules of procedure.

The ruling of the President or of his alternate shall be provisional and shall in no way prejudge the decision of the Court on the substance.

Article 37

The Member States and the institutions of the Community may intervene in cases before the Court.

The same right is given to any other person establishing an interest in the result of any case referred to the Court except in cases between Member States, between institutions of the Community or between Member States and institutions of the Community.

The submission of third parties intervening in a case shall be limited to the support of the arguments of either party.

Article 38

Where the defendant, after having been duly notified, fails to file written conclusions, a judgment may be made on his case in default. This judgment may be appealed against within a period of one month after the date of notification. Such appeal shall not stay the execution of the judgment by default unless the Court decides otherwise.

Article 39

The Member States, the institutions of the Community and any other natural or legal persons may, in cases and under conditions to be determined by the rules of procedure, institute third party proceedings to contest judgments which have been

given without their having been heard, where such judgments are prejudicial to their rights.

Article 40

In case of difficulty as to the meaning or scope of a judgment, it shall be to the Court to interpret such judgment upon the request of any party or any institution of the Community establishing an interest therein.

Article 41

The Court may be asked to review a judgment only on grounds of the discovery of a fact capable of exerting a decisive influence and which was unknown to the Court and to the party requesting such review prior to the pronouncement of such judgment.

The procedure for review shall commence by a judgment of the Court explicitly finding that a new fact exists, recognising therein the characteristics giving rise to review and holding the request for review to be admissible for that reason.

No request for review may be introduced after the expiry of a period of ten years after the date of the judgment.

Article 42

Periods of grace on grounds of distance shall be determined by the rules of procedure.

There shall be no lapse of rights through the expiry of time-limits if the party concerned proves the existence of an Act of God or force majeure.

Article 43

Proceedings against the Community in matters arising from non-contractual responsibility shall be statute-barred after a period of five years from the occurrence of the circumstance giving rise thereto. This limitation is superseded by a petition to the Court or by a previous request which the injured party may direct to the relevant institution of the Community. In this last case, the petition must be filed within the period of two months provided for in Article 173; the provisions of Article 175, paragraph 2, shall apply, where appropriate.

Article 44

The rules of procedure of the Court provided for under Article 188 of this Treaty shall contain, apart from the provisions contemplated by this Statute, any other provisions necessary for its application and, where necessary, for its completion.

Article 45

The Council, acting by means of a unanimous vote, may make such further amendments to the provisions of this Statute as may be required by reason of measures taken by the Council under the terms of Article 165, last paragraph of this Treaty.

Article 46

Immediately after the taking of the oath, the President of the Council shall proceed to choose by lot the judges and the advocates-general whose term of office is to expire at the end of the first period of three years in accordance with Article 167, second and third paragraphs, of this Treaty.

IN FAITH WHEREOF, the undersigned Plenipotentiaries have placed their signatures at the end of the present Protocol.

Done at Brussels, on the seventeenth day of April in the year one thousand nine hundred and fifty-seven.

J. CH. SNOY et d'OPPUERS.

C. F. OPHÜLS.

Robert MARJOLIN.

Vittorio BADINI.

Lambert SCHAUS.

J. LINTHORST HOMAN.

Treaty establishing the EEC - Protocol on the privileges and immunities of the European Economic Community

THE HIGH CONTRACTING PARTIES TO THE TREATY ESTABLISHING THE EUROPEAN ECONOMIC COMMUNITY,

CONSIDERING that, in accordance with Article 218 of this Treaty, the Community shall enjoy in the territories of the Member States such privileges and immunities as are necessary for the performance of its tasks, under the conditions laid down in a separate Protocol,

CONSIDERING also that, in accordance with Article 28 of the Protocol on the Statute of the European Investment Bank, the Bank shall enjoy the privileges and immunities laid down in the Protocol referred to in the preceding paragraph,

HAVE DESIGNATED as their Plenipotentiaries to draw up this Protocol:

HIS MAJESTY THE KING OF THE BELGIANS:

Baron J. Ch. SNOY et d'OPPUERS, Secretary General of the Ministry of Economic Affairs, Head of the Belgian Delegation to the Intergovernmental Conference;

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY:

Professor Dr. Carl Friedrich OPHÜLS, Ambassador of the Federal Republic of Germany, Head of the German Delegation to the Intergovernmental Conference;

THE PRESIDENT OF THE FRENCH REPUBLIC:

Mr. Robert MARJOLIN, Professor of Law, Deputy Head of the French Delegation to the Intergovernmental Conference;

THE PRESIDENT OF THE ITALIAN REPUBLIC:

Mr. V. BADINI CONFALONIERI, Under Secretary of State in the Ministry of Foreign Affairs, Head of the Italian Delegation to the Intergovernmental Conference;

HER ROYAL HIGHNESS THE GRAND DUCHESS OF LUXEMBOURG:

Mr. Lambert SCHAUS, Ambassador of the Grand Duchy of Luxembourg, Head of the Luxembourg Delegation to the Intergovernmental Conference;

HER MAJESTY THE QUEEN OF THE NETHERLANDS:

Mr. J. LINTHORST HOMAN, Head of the Netherlands Delegation to the Intergovernmental Conference;

WHO, having exchanged their Full Powers, found in good and due form,

HAVE AGREED on the following provisions which shall be annexed to the Treaty establishing the European Economic Community.

Chapter 1

PROPERTY, FUNDS, ASSETS AND OPERATIONS OF THE COMMUNITY

Article 1

The premises and buildings of the Community shall be inviolable. They shall be exempt from search, requisition, confiscation or expropriation. The property and assets of the Community shall not be the subject of any administrative or legal measure of constraint without the authorisation of the Court of Justice.

Article 2

The archives of the Community shall be inviolable.

Article 3

The Community, its assets, revenues and other property shall be exempt from all direct taxes.

The Governments of the Member States shall, wherever possible, take the appropriate measures to remit or refund the amount of indirect taxes or sales taxes included in the price of movable or immovable property, where the Community makes, for its official use, substantial purchases the price of which includes taxes of this kind. These provisions shall not be applied, however, so as to have the effect of distorting competition within the Community.

No exemption shall be granted in respect of taxes and dues which amount merely to charges for public utility services.

Article 4

The Community shall be exempt from all customs duties, prohibitions and restrictions on imports and exports in respect of articles intended for its official use; articles so imported shall not be disposed of, whether or not in return for payment, in the territory of the country into which they have been imported, except under conditions approved by the Government of that country.

The Community shall also be exempt from any customs duties and any prohibitions and restrictions on imports and exports in respect of its publications.

Chapter 2

COMMUNICATIONS AND LAISSEZ-PASSER

Article 5

For their official communications and the transmission of all their documents, the institutions of the Community shall enjoy in the territory of each Member State the treatment accorded by that State to diplomatic missions.

Official correspondence and other official communications of the institutions of the Community shall not be subject to censorship.

Article 6

Laissez-passer in a form to be prescribed by the Council, which shall be recognised as valid travel documents by the authorities of the Member States, may be issued to members and servants of the institutions of the Community by the Presidents of these institutions. These laissez-passer shall be issued to officials and other servants under conditions laid down in the Staff Regulations and Conditions of Employment provided for in Article 212 of this Treaty.

The Commission may conclude agreements for these laissez-passer to be recognised as valid travel documents within the territory of third countries.

Chapter 3 MEMBERS OF THE ASSEMBLY

Article 7

No administrative or other restriction shall be imposed on the free movement of members of the Assembly travelling to or from the place of meeting of the Assembly,

Members of the Assembly shall, in respect of customs and exchange control, be accorded:

- (a) by their own Government, the same facilities as those accorded to senior officials travelling abroad on temporary official missions;
- (b) by the Governments of other Member States, the same facilities as those accorded to representatives of foreign Governments on temporary official missions.

Article 8

Members of the Assembly shall not be subject to any form of inquiry, detention or legal proceedings in respect of opinions expressed or votes cast by them in the performance of their duties.

Article 9

During the sessions of the Assembly, its members shall enjoy:

- (a) in the territory of their own State, the immunities accorded to members of their parliament;
- (b) in the territory of any other Member State, immunity from any measure of detention and from legal proceedings.

Immunity shall likewise apply to members while they are travelling to and from the place of meeting of the Assembly.

Immunity cannot be claimed when a member is found in the act of committing an offence and shall not prevent the Assembly from exercising its right to waive the immunity of one of its members.

Chapter 4 REPRESENTATIVES OF MEMBER STATES TAKING PART IN THE WORK OF THE INSTITUTIONS OF THE COMMUNITY

Article 10

Representatives of Member States taking part in the work of the institutions of the Community, their advisers and technical experts shall, in the performance of their duties and during their travel to and from the place of meeting, enjoy the customary privileges, immunities and facilities.

This Article shall also apply to members of the advisory bodies of the Community.

Chapter 5 OFFICIALS AND OTHER SERVANTS OF THE COMMUNITY

Article 11

In the territory of each Member State and whatever their nationality, the officials and other servants of the Community referred to in Article 212 of this Treaty shall:

- (a) subject to the provisions of Articles 179 and 215 of this Treaty, be immune from legal proceedings in respect of acts performed by them in their official capacity, including their words spoken or written; they shall continue to enjoy this immunity after they have ceased to hold office;
- (b) together with their spouses and dependent members of their families, not be subject to immigration restrictions or to formalities for the registration of aliens;
- (c) in respect of currency or exchange regulations, be accorded the same facilities as are customarily accorded to officials of international organisations;
- (d) enjoy the right to import free of duty from the country of their last residence or from the country of which they are nationals, their furniture and effects at the time of first taking up their post in the country concerned, and the right to re-export free of duty their furniture and effects, on termination of their duties in that country, subject in either case to the conditions considered to be necessary by the Government of the country in which this right is exercised;
- (e) have the right to import free of duty a motor car for their personal use, acquired either in the country of their last residence or in the country of which they are nationals on the terms ruling in the home market in that country, and to re-export it free of duty, subject in either case to the conditions considered to be necessary by the Government of the country concerned.

Article 12

Officials and other servants of the Community shall be liable to a tax for the benefit of the Community on salaries, wages and emoluments paid to them by the Community, in accordance with the conditions and procedure laid down by the Council, acting on proposals submitted by the Commission within one year of the entry into force of this Treaty.

They shall be exempt from national taxes on salaries, wages and emoluments paid by the Community.

Article 13

In the application of income tax, wealth tax and death duties and in the application of conventions on the avoidance of double taxation concluded between Member States of the Community, officials and other servants of the Community who, solely by reason of the performance of their duties in the service of the Community, establish their residence in the territory of a Member State other than their country of domicile for tax purposes at the time of entering the service of the Community, shall be considered, both in the country of their actual residence and in the country of domicile for tax purposes, as having maintained their domicile in the latter country provided that it is a member of the Community. This provision shall also apply to a spouse, to the extent that the latter is not separately engaged in a gainful occupation, and to children dependent on and in the care of the persons referred to in this Article.

Movable property belonging to persons referred to in the preceding paragraph and situated in the territory of the country where they are staying shall be exempt from death duties in that country; such property shall, for the assessment of such duty, be considered as being in the country of domicile for tax purposes, subject to the rights of third countries and to the possible application of provisions of international conventions on double taxation.

Any domicile acquired solely by reason of the performance of duties in the service of other international organisations shall not be taken into consideration in applying the provisions of this Article.

Article 14

The Council shall, acting unanimously on a proposal which the Commission shall make within one year of the entry into force of this Treaty, lay down the scheme of social security benefits for officials and other servants of the Community.

Article 15

The Council shall, acting on a proposal from the Commission and after consulting the other institutions concerned, determine the categories of officials and other servants of the Community to whom the provisions of Article 11, the second paragraph of Article 12, and Article 13 shall apply, in whole or in part.

The names, grades and addresses of officials and other servants included in such categories shall be communicated periodically to the Governments of the Member States.

Chapter 6

PRIVILEGES AND IMMUNITIES OF MISSIONS ACCREDITED TO THE COMMUNITY

Article 16

The Member State in whose territory the Community has its seat shall accord the customary diplomatic immunities to missions of third countries accredited to the Community.

Chapter 7

GENERAL PROVISIONS

Article 17

Privileges, immunities and facilities shall be accorded to officials and other servants of the Community solely in the interests of the Community.

Each institution of the Community shall be required to waive the immunity accorded to an official or other servant wherever that institution considers that the waiver of such immunity is not contrary to the interests of the Community.

Article 18

The institutions of the Community shall, for the purpose of applying this Protocol, cooperate with the responsible authorities of the Member States concerned.

Article 19

Articles 11 to 14 and Article 17 shall apply to members of the Commission.

Article 20

Articles 11 to 14 and Article 17 shall apply to the Judges, the Advocates General, the Registrar and the Assistant Rapporteurs of the Court of Justice, without prejudice to the provisions of Article 3 of the Protocol on the Statute of the Court of Justice concerning immunity from legal proceedings of Judges and Advocates General.

Article 21

This Protocol shall also apply to the European Investment Bank, to the members of its organs, to its staff and to the representatives of the Member States taking part in its activities, without prejudice to the provisions of the Protocol on the Statute of the Bank.

The European Investment Bank shall in addition be exempt from any form of taxation or imposition of a like nature on the occasion of its formation and of any increase in its capital and from the various formalities which may be connected therewith in the State where the Bank has its seat. Similarly, its dissolution or liquidation shall not give rise to

any imposition. Finally, the activities of the Bank and of its organs carried on in accordance with its Statute, shall not be subject to any turnover tax.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries have signed this Protocol.

Done at Brussels this seventeenth day of April in the year one thousand nine hundred and fifty-seven.

J. Ch. Snoy et d'Oppuers.
Carl Friedrich Ophuels.
Robert Marjolin.
V. Badini Confalonieri.
Lambert Schaus.
J. Linthorst Homan.

Treaty establishing the EEC - Convention on certain institutions common to the European Communities

HIS MAJESTY THE KING OF THE BELGIANS, THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY, THE PRESIDENT OF THE FRENCH REPUBLIC, THE PRESIDENT OF THE ITALIAN REPUBLIC, HER ROYAL HIGHNESS THE GRAND DUCHESS OF LUXEMBOURG, HER MAJESTY THE QUEEN OF THE NETHERLANDS,

ANXIOUS to limit the number of institutions responsible for carrying out similar tasks in the European Communities which they have constituted,

HAVE DECIDED to create for these Communities certain single institutions and to this end have designated as their Plenipotentiaries:

HIS MAJESTY THE KING OF THE BELGIANS:

Mr Paul Henri SPAAK, Minister for Foreign Affairs;
Baron J. Ch. SNOY ET D'OPPUERS, Secretary General of the Ministry of Economic Affairs, Head of the Belgian Delegation to the Intergovernmental Conference;

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY:

Dr Konrad ADENAUER, Federal Chancellor;
Professor Dr Walter HALLSTEIN, State Secretary of the Federal Foreign Office;

THE PRESIDENT OF THE FRENCH REPUBLIC:

Mr Christian PINEAU, Minister for Foreign Affairs;
Mr Maurice FAURE, Under Secretary of State for Foreign Affairs;

THE PRESIDENT OF THE ITALIAN REPUBLIC:

Mr Antonio SEGNI, President of the Council of Ministers;
Professor Gaetano MARTINO, Minister for Foreign Affairs;

HER ROYAL HIGHNESS THE GRAND DUCHESS OF LUXEMBOURG:

Mr Joseph BECH, President of the Government, Minister for Foreign Affairs;
Mr Lambert SCHAUS, Ambassador, Head of the Luxembourg Delegation to the Intergovernmental Conference;

HER MAJESTY THE QUEEN OF THE NETHERLANDS:

Mr Josef LUNS, Minister for Foreign Affairs;
Mr J. LINTHORST HOMAN, Head of the Netherlands Delegation to the Intergovernmental Conference.

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

Section I
The Assembly

Article 1

The powers and jurisdiction which the Treaty establishing the European Economic Community and the Treaty establishing the European Atomic Energy Community confer upon the Assembly shall be exercised, in accordance with those Treaties, by a single Assembly composed and designated as provided in Article 138 of the Treaty establishing the European Economic Community and in Article 108 of the Treaty establishing the European Atomic Energy Community.

Article 2

1. Upon taking up its duties, the single Assembly referred to in Article 1 shall take the place of the Common Assembly provided for in Article 21 of the Treaty establishing the European Coal and Steel Community. It shall exercise the powers and jurisdiction conferred upon the Common Assembly by that Treaty in accordance with the provisions thereof.

2. To this end, Article 21 of the Treaty establishing the European Coal and Steel Community shall be repealed on the date when the single Assembly referred to in Article 1 takes up its duties, and the following provisions substituted therefor:

'Article 21

1. The Assembly shall consist of delegates who shall be designated by the respective Parliaments from among their members in accordance with the procedure laid down by each Member State.

2. The number of these delegates shall be as follows:

Germany	36
Belgium	14
France	36
Italy	36
Luxembourg	6
Netherlands	14

3. The Assembly shall draw up proposals for elections by direct universal suffrage in accordance with a uniform procedure in all Member States.

The Council shall, acting unanimously, lay down the appropriate provisions, which it shall recommend to Member States for adoption in accordance with their respective constitutional requirements.'

Section II

The Court of Justice

Article 3

The jurisdiction which the Treaty establishing the European Economic Community and the Treaty establishing the European Atomic Energy Community confer upon the Court of Justice shall be exercised, in accordance with those Treaties, by a single Court of Justice composed and appointed as provided in Articles 165 to 167 of the Treaty establishing the European Economic Community and in Articles 137 to 139 of the Treaty establishing the European Atomic Energy Community.

Article 4

1. Upon taking up its duties, the single Court of Justice referred to in Article 3 shall take the place of the Court provided for in Article 32 of the Treaty establishing the European

Coal and Steel Community. It shall exercise the jurisdiction conferred upon that Court by that Treaty in accordance with the provisions thereof.

The President of the single Court of Justice referred to in Article 3 shall take the place of the Court provided for in Article 32 of the Treaty establishing the European Coal and Steel Community. It shall exercise the jurisdiction conferred upon that Court by that Treaty in accordance with the provisions thereof.

The President of the single Court of Justice referred to in Article 3 shall exercise the powers conferred by the Treaty establishing the European Coal and Steel Community upon the President of the Court provided for in that Treaty.

2. To this end, on the date when the single Court of Justice referred to in Article 3 takes up its duties:

(a) Article 32 of the Treaty establishing the European Coal and Steel Community shall be repealed and the following provisions substituted therefor:

‘Article 32

The Court shall consist of seven Judges.

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

Whenever the Court hears cases brought before it by a Member State or by one of the institutions of the Community or has to give preliminary rulings on questions submitted to it pursuant to Article 41, it shall sit in plenary session.

Should the Court so request, the Council may, acting unanimously, increase the number of Judges and make the necessary adjustments to the second and third paragraphs of this Article and to the second paragraph of Article 32b.’

‘Article 32a

The Court shall be assisted by two Advocates-General.

It shall be the duty of the Advocate-General acting with complete impartiality and independence, to make, in open court, reasoned submissions on cases brought before the Court, in order to assist the Court in the performance of the task assigned to it in Article 31.

Should the Court so request, the Council may, acting unanimously, increase the number of Advocates-General and make the necessary adjustments to the third paragraph of Article 32b.’

‘Article 32b

The Judges and Advocates-General shall be chosen from persons whose independence is beyond doubt and who possess the qualifications required for appointment to the highest judicial offices in their respective countries or who are jurisconsults of recognized competence; they shall be appointed by common accord of the governments of the Member States for a term of six years.

Every three years there shall be a partial replacement of the Judges. Three and four Judges shall be replaced alternately. The three Judges whose terms of office are to expire at the end of the first three years shall be chosen by lot.

Every three years there shall be a partial replacement of the Advocates-General. The Advocate-General whose term of office is to expire at the end of the first three years shall be chosen by lot.

Retiring Judges and Advocates-General shall be eligible for reappointment.

The Judges shall elect the President of the Court from among their number for a term of three years. He may be re-elected.'

'Article 32c

The Court shall appoint its Registrar and lay down the rules governing his service.'

(b)The provisions of the Protocol on the Statute of the Court of Justice annexed to the Treaty establishing the European Coal and Steel Community, in so far as they are in conflict with Articles 32 to 32c of that Treaty, shall be repealed.

Section III

The Economic and Social Committee

Article 5

1. The functions which the Treaty establishing the European Economic Community and the Treaty establishing the European Atomic Energy Community confer upon the Economic and Social Committee shall be exercised, in accordance with those Treaties, by a single Economic and Social Committee composed and appointed as provided in Article 194 of the Treaty establishing the European Economic Community and in Article 166 of the Treaty establishing the European Atomic Energy Community.

2. The single Economic and Social Committee referred to in paragraph 1 shall include a section specialising in, and may include subcommittees competent for, the fields or questions dealt with in the Treaty establishing the European Atomic Energy Community.

3. The provisions of Articles 193 and 197 of the Treaty establishing the European Economic Community shall apply to the single Economic and Social Committee referred to in paragraph 1.

Section IV

The financing of these institutions

Article 6

The administrative expenditure of the single Assembly, the single Court of Justice and the single Economic and Social Committee shall be divided equally between the Communities concerned.

The manner in which the effect shall be given to this Article shall be determined by common accord of the competent authorities of each Community.

Final provisions

Article 7

This Convention shall be ratified by the High Contracting Parties in accordance with their respective constitutional requirements. The instruments of ratification shall be deposited with the Government of the Italian Republic.

This Convention shall enter into force at the same time as the Treaty establishing the European Economic Community and the Treaty establishing the European Atomic Energy Community.

Article 8

This Convention, drawn up in a single original in the Dutch, French, German and Italian languages, all four texts being equally authentic, shall be deposited in the archives of the Government of the Italian Republic, which shall transmit a certified copy to each of the governments of the other signatory States.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries have signed this Convention.

Done at Rome this twenty-fifth day of March in the year one thousand nine hundred and fifty-seven.

P. H. SPAAK J. Ch. SNOY ET D'OPPUERS
ADENAUER HALLSTEIN
PINEAU M. FAURE
Antonio SEGNI Gaetano MARTINO
BECH Lambert SCHAUS
J. LUNS J. LINTHORST HOMAN