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Officielle dokumenter til regeringskonferencen offentliggøres på regerings-  
konferencens hjemmeside, hvor også danske oversættelser løbende bringes.  
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**CONFERENCE  
OF THE REPRESENTATIVES  
OF THE GOVERNMENTS  
OF THE MEMBER STATES**

**Brussels, 10 February 2004 (11.02)  
(OR. fr)**

**CIG 67/04**

**NOTE**

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from : IGC Secretariat  
dated : 10 February 2004  
to : Working Party of IGC Legal Experts

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***Subject : IGC 2003: Protocol on the repeal of the acts and treaties which have  
supplemented or amended the EC and EU Treaties***

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Following the meeting on 9 February, delegates will find attached an alternative version of the Protocol on the repeal of the acts and treaties which have supplemented or amended the EC and EU Treaties.

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**PROTOCOL**

**ON THE REPEAL <sup>1</sup> OF THE ACTS AND TREATIES WHICH HAVE  
SUPPLEMENTED OR AMENDED THE EC AND EU TREATIES**

THE HIGH CONTRACTING PARTIES,

WHEREAS Article IV-2(1) of the Constitution repeals the Treaty establishing the European Community (EC Treaty) and the Treaty on European Union (EU Treaty) and the acts and treaties which have supplemented or amended them,

WHEREAS a list must be drawn up of the acts and treaties referred to in Article IV-2(1),

RECALLING that the Act of 20 September 1976 concerning the election of representatives of the European Parliament by direct universal suffrage and the acts which have amended it are to remain in force,

HAVE agreed upon the following provisions, which shall be annexed to the Treaty establishing a Constitution for Europe and the Treaty establishing the European Atomic Energy Community:

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<sup>1</sup> The title of the Protocol in Article IV-2(1) will have to be adapted accordingly.

I. The following acts and treaties which have supplemented or amended the Treaty establishing the European Community are hereby repealed:

- (1) the Protocol of 8 April 1965 on the privileges and immunities of the European Communities annexed to the Treaty establishing a single Council and a single Commission (OJ L 152, 13.7.1967, p. 13);
- (2) the Treaty of 22 April 1970 amending certain budgetary provisions of the Treaties establishing the European Communities and of the Treaty establishing a single Council and a single Commission of the European Communities (OJ L 2, 2.1.1971, p. 1);
- (3) the Treaty of 22 July 1975 amending certain financial provisions of the Treaties establishing the European Communities and of the Treaty establishing a single Council and a single Commission of the European Communities (OJ L 359, 31.12.1977, p. 4);
- (4) the Treaty of 10 July 1975 amending certain provisions of the Protocol on the Statute of the European Investment Bank (OJ L 91, 6.4.1978, p. 1);
- (5) the Treaty of 13 March 1984 amending, with regard to Greenland, the Treaties establishing the European Communities (OJ L 29, 1.2.1985, p. 1);
- (6) the Single European Act of 17 February 1986 and 28 February 1986 (OJ L 169, 29.6.1987, p. 1);
- (7) the Act of 25 March 1993 amending the Protocol on the Statute of the European Investment Bank, empowering the Board of Governors to establish a European Investment Fund (OJ L 173, 7.7.1994, p. 14);

- (8) Decision 2003/223/EC of the Council, meeting in the composition of the Heads of State or Government of 21 March 2003 on an amendment to Article 10.2 of the Statute of the European System of Central Banks and of the European Central Bank (OJ L 83, 1.4.2003, p. 66).
- II. The Treaty of Amsterdam of 2 October 1997 amending the Treaty on European Union, the Treaties establishing the European Communities and certain related acts is hereby repealed (OJ C 340, 10.11.1997, p. 1), with the exception of Article 5 thereof.
- III. The Treaty of Nice of 26 February 2001 amending the Treaty on European Union, the Treaties establishing the European Communities and certain related acts is hereby repealed (OJ C 80, 10.3.2001, p. 1).
- IV. The Act concerning the election of representatives of the European Parliament by direct universal suffrage, annexed to Council Decision 76/787/ECSC, EEC, Euratom of 20 September 1976 (OJ L 278, 8.10.1976, p. 1), as amended by Article 5 of the Treaty of Amsterdam and by Council Decision 2002/772/EC, Euratom of 25 June 2002 and 23 September 2002 (OJ L 283, 21.10.2002, p. 1), remains in force. In order to bring it into line with the provisions of the Constitution, this Act is hereby amended as follows:
- (1) Article 1(3) shall be deleted;
  - (2) does not concern the English text;
  - (3) in Article 4(2), the words "of 8 April 1965" shall be deleted; the words "European Communities" shall be replaced by "European Union";

(4) Article 6 is hereby amended as follows:

(a) in paragraph 1:

- (i) in the second indent, the words "Commission of the European Communities" shall be replaced by "European Commission";
- (ii) in the third indent, the words "Court of Justice of the European Communities or of the Court of First Instance" shall be replaced by "Court of Justice of the European Union";
- (iii) in the fifth indent, the words "Court of Auditors of the European Communities" shall be replaced by "Court of Auditors of the European Union";
- (iv) in the sixth indent, the words "Ombudsman of the European Communities" shall be replaced by "European Ombudsman";
- (v) in the seventh indent, the words "of the European Economic Community and of the European Atomic Energy Community" shall be replaced by "of the European Union";
- (vi) in the eighth indent, the words "pursuant to the Treaties establishing the European Economic Community and the European Atomic Energy Community" shall be replaced by "pursuant to the Treaty establishing a Constitution for Europe and the Treaty establishing the European Atomic Energy Community";
- (vii) in the tenth indent, the words "institutions of the European Communities or of the specialised bodies attached to them or of the European Central Bank" shall be replaced by "bodies, offices or agencies of the European Union";
- (viii) the indents of this paragraph shall become points (a) to (j) respectively;

- (b) in the second subparagraph of paragraph 2:
  - (i) does not concern the English text;
  - (ii) the first and second indents shall become the letters (a) and (b) respectively;
  
- (5) Article 10 is hereby amended as follows:
  - (a) in the second subparagraph of paragraph 2, the word "Community" shall be replaced by "Union"; the word "determine" shall be replaced by "adopt a European decision and shall determine"; the words "preceding subparagraph" shall be replaced by "first subparagraph";
  
  - (b) in paragraph 3, the phrase "without prejudice to Article 139 of the Treaty establishing the European Community" shall be replaced by "without prejudice to Article III-238 of the Constitution";
  
- (6) in Article 13, the word "Assembly" shall be replaced by "European Parliament"; the words "a proposal" shall be replaced by "an initiative"; and the words "adopt such measures" shall be replaced by "adopt the necessary European regulations or decisions".

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**CONFERENCE  
OF THE REPRESENTATIVES  
OF THE GOVERNMENTS  
OF THE MEMBER STATES**

**Brussels, 18 February 2004 (19.02)  
(OR. fr)**

**CIG 68/04**

**NOTE**

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from : IGC Secretariat  
dated : 10 February 2004  
to : Working Party of IGC Legal Experts

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**Subject :** *IGC 2004: Protocol on the acts and treaties which have supplemented or amended the EC and EU Treaties*

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Following the meeting on 13 February, delegations will find attached a new version of the Protocol on the acts and treaties which have supplemented or amended the EC and EU Treaties.

With regard to Point IV on the 1976 Act and the amendments needed to align the text on the Constitution, two versions of these amendments have been prepared. The first version shows the amendments – of which there are a relatively large number – needed without taking account of Decision 2002/772/EC. Since it is likely though that Decision 2002/72/EC will enter into force before the Constitution is signed, a second version of the necessary amendments to the 1976 Act which takes account of the amendments introduced by the 2002 Decision is also attached. The choice between these two versions will be dictated by the entry into force of the 2002 Decision, which would mean that the second version could be used, or, if this Decision has still not entered into force when the Constitution is signed, by the need to incorporate the amendments required to take account of the Decision, which would mean that the first version would have to be used.

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**PROTOCOL**

**ON THE ACTS AND TREATIES WHICH HAVE  
SUPPLEMENTED OR AMENDED THE EC AND EU TREATIES**

THE HIGH CONTRACTING PARTIES,

WHEREAS Article IV-2(1) of the Constitution repeals the Treaty establishing the European Community (EC Treaty) and the Treaty on European Union (EU Treaty) and the acts and treaties which have supplemented or amended them,

WHEREAS a list should be drawn up of the acts and treaties referred to in Article IV-2(1),

RECALLING that the Act of 20 September 1976 concerning the election of representatives of the European Parliament by direct universal suffrage and the acts which have amended it are to remain in force,

HAVE AGREED upon the following provisions, which are annexed to the Treaty establishing a Constitution for Europe and to the Treaty establishing the European Atomic Energy Community:

I. The following acts and treaties which have supplemented or amended the Treaty establishing the European Community are hereby repealed:

- (1) the Protocol of 8 April 1965 on the privileges and immunities of the European Communities annexed to the Treaty establishing a single Council and a single Commission (OJ L 152, 13.7.1967, p. 13);
- (2) the Treaty of 22 April 1970 amending certain budgetary provisions of the Treaties establishing the European Communities and of the Treaty establishing a single Council and a single Commission of the European Communities (OJ L 2, 2.1.1971, p. 1);
- (3) the Treaty of 22 July 1975 amending certain financial provisions of the Treaties establishing the European Communities and of the Treaty establishing a single Council and a single Commission of the European Communities (OJ L 359, 31.12.1977, p. 4);
- (4) the Treaty of 10 July 1975 amending certain provisions of the Protocol on the Statute of the European Investment Bank (OJ L 91, 6.4.1978, p. 1);
- (5) the Treaty of 13 March 1984 amending, with regard to Greenland, the Treaties establishing the European Communities (OJ L 29, 1.2.1985, p. 1);
- (6) the Single European Act of 17 February 1986 and 28 February 1986 (OJ L 169, 29.6.1987, p. 1);
- (7) the Act of 25 March 1993 amending the Protocol on the Statute of the European Investment Bank, empowering the Board of Governors to establish a European Investment Fund (OJ L 173, 7.7.1994, p. 14);

(8) Decision 2003/223/EC of the Council, meeting in the composition of the Heads of State or Government of 21 March 2003 on an amendment to Article 10.2 of the Statute of the European System of Central Banks and of the European Central Bank (OJ L 83, 1.4.2003, p. 66).

II. The Treaty of Amsterdam of 2 October 1997 amending the Treaty on European Union, the Treaties establishing the European Communities and certain related acts is hereby repealed (OJ C 340, 10.11.1997, p. 1).

III. The Treaty of Nice of 26 February 2001 amending the Treaty on European Union, the Treaties establishing the European Communities and certain related acts is hereby repealed (OJ C 80, 10.3.2001, p. 1).

IV. The Act concerning the election of representatives of the European Parliament by direct universal suffrage, annexed to Council Decision 76/787/ECSC, EEC, Euratom of 20 September 1976 (OJ L 278, 8.10.1976, p. 1), as it stands at the time of entry into force of the Treaty establishing a Constitution for Europe remains in force. In order to bring it into line with the provisions of the Constitution, this Act is hereby amended as follows:

#### **Version 1**

(1) The word "Community" shall be replaced by "Union"; the words "European Communities annexed to the Treaty establishing a single Council and a single Commission of the European Communities" shall be replaced by "European Union"; and the word "Communities" shall be replaced by "Union's".

(2) The word "Assembly" shall be replaced by "European Parliament"; the words "Commission of the European Communities" shall be replaced by "European Commission"; the words "Court of Justice of the European Communities" shall be replaced by "Court of Justice of the European Union"; and the words "Court of Auditors of the European Communities" shall be replaced by "Court of Auditors of the European Union".

- (3) The words "member of the Consultative Committee of the European Coal and Steel Community or" shall be deleted; the words "European Economic Community and of the European Atomic Energy Community" shall be replaced by "European Union"; and the words "pursuant to the Treaties establishing the European Coal and Steel Community, the European Economic Community and the European Atomic Energy Community" shall be replaced by "pursuant to the Treaty establishing a Constitution for Europe".
- (4) The words "institutions of the European Communities or of the specialised bodies attached to them" shall be replaced by "bodies, offices and agencies of the European Union".
- (5) The phrase "without prejudice to Article 22 of the Treaty establishing the European Coal and Steel Community, Article 139 of the Treaty establishing the European Economic Community and Article 109 of the Treaty establishing the European Atomic Energy Community" shall be replaced by "without prejudice to Article III-238 of the Constitution".
- (6) The word "determine" shall be replaced by "adopt a European decision determining"; this amendment does not concern the English text; the words "a proposal" shall be replaced by "an initiative"; and the words "adopt such measures" shall be replaced by "adopt the necessary European regulations or decisions".
- (7) Article 7 (1) shall be amended as follows: "The European Parliament shall, in accordance with Article III-232 of the Constitution, draft an initiative to enable the election of members of the European Parliament by direct universal suffrage under a uniform procedure."

## Version 2

- (1) The word "Assembly" shall be replaced by "European Parliament".
- (2) Article 1(3) shall be deleted.
- (3) This amendment does not concern the English text.
- (4) In Article 6(2), the words "of 8 April 1965" shall be deleted; and the words "European Communities" shall be replaced by "European Union".
- (5) In the second indent of Article 7(1), the words "Commission of the European Communities" shall be replaced by "European Commission".
- (6) In the third indent of Article 7(1), the words "Court of Justice of the European Communities or of the Court of First Instance" shall be replaced by "Court of Justice of the European Union".
- (7) In the fifth indent of Article 7(1), the words "Court of Auditors of the European Communities" shall be replaced by "Court of Auditors of the European Union".
- (8) In the sixth indent of Article 7(1), the words "Ombudsman of the European Communities" shall be replaced by "European Ombudsman".
- (9) In the seventh indent, the words "of the European Economic Community and of the European Atomic Energy Community" shall be replaced by "of the European Union".

- (10) In the ninth indent of Article 7(1), the words "pursuant to the Treaties establishing the European Economic Community and the European Atomic Energy Community" shall be replaced by "pursuant to the Treaty establishing a Constitution for Europe and the Treaty establishing the European Atomic Energy Community"; and the word "Communities' " shall be replaced by "Union's".
- (11) In the eleventh indent of Article 7(1), the words "institutions of the European Communities or of the specialised bodies attached to them or of the European Central Bank" shall be replaced by "bodies, offices or agencies of the European Union".
- (12) The indents of Article 7(1) shall become points (a) to (k) respectively.
- (13) In the second subparagraph of Article 7(2), this amendment does not concern the English text; the indents of this second subparagraph shall become points (a) and (b) respectively.
- (14) In the second subparagraph of Article 11(2), the word "Community" shall be replaced by "Union"; the word "determine" shall be replaced by "adopt a European decision and shall determine"; and the words "preceding subparagraph" shall be replaced by "first subparagraph".
- (15) In Article 11(3), the phrase "without prejudice to Article 139 of the Treaty establishing the European Community" shall be replaced by "without prejudice to Article III-238 of the Constitution".
- (16) In Article 14, this amendment does not concern the English text; the words "a proposal" shall be replaced by "an initiative"; and the words "adopt such measures" shall be replaced by "adopt the necessary European regulations or decisions".

**CONFERENCE  
OF THE REPRESENTATIVES  
OF THE GOVERNMENTS  
OF THE MEMBER STATES**

**Brussels, 17 February 2004 (18.02)  
(OR. fr)**

**CIG 69/04**

**NOTE**

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from : IGC Secretariat  
dated : 17 February 2004  
to : Working Party of IGC Legal Experts  
Subject : IGC 2003: Suggested amendments to the Euratom Protocol (CIG 50/03 ADD 1  
and COR 2)

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It is suggested that the following amendments be made to the Euratom Protocol as set out in CIG 50/03 ADD 1 and COR 2<sup>1</sup>.

**1. Effects of repealing the treaties and acts of primary legislation**

Insertion in Article 1 of the Euratom Protocol of a second paragraph reading as follows:

"Notwithstanding the provisions of Article IV-2 of the Treaty establishing a Constitution for Europe and without prejudice to the other provisions of this Protocol, the legal effects of the amendments made to the Treaty establishing the European Atomic Energy Community by the treaties and acts repealed pursuant to Article IV-2 of the Treaty establishing a Constitution for Europe, and the legal effects of the acts in force adopted on the basis of the Treaty establishing the European Atomic Energy Community, are not affected."

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<sup>1</sup> Without prejudice to any later suggestions made following the discussions on the Protocol on the Treaty and Act of Accession of 2003.



## **2. Budget**

Addition of a new provision to the Euratom Protocol:

"Article 10

The income and expenditure of the European Atomic Energy Community, with the exception of those of the Supply Agency and the joint undertakings, shall be entered in the Union's budget."

## **3. Geographical scope of the Euratom Treaty**

Addition of a new provision to the Euratom Protocol:

"Article 7

Article 198 is replaced by the following text:

"Except as otherwise provided, the stipulations of this Treaty shall apply to the European territories of the Member States and to the non-European territories under their jurisdiction.

They shall also apply to the European territories for whose external relations a Member State is responsible.

The provisions of this Treaty shall apply to the Åland Islands with the derogations which were originally set out in the Treaty referred to in Article IV-2(2)(d) of the Treaty establishing a Constitution for Europe and which were incorporated in the Protocol on the Treaties and Acts of Accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland, of the Hellenic Republic, of the Kingdom of Spain and the Portuguese Republic, and of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden.

Notwithstanding the preceding paragraphs:

- (a) this Treaty shall not apply to the Faroe Islands;  
this Treaty shall not apply to Greenland;
- (b) this Treaty shall not apply to the Sovereign Base Areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus;
- (c) this Treaty shall not apply to the overseas countries and territories having special relations with the United Kingdom of Great Britain and Northern Ireland which are not mentioned in the list in Annex II to the Treaty establishing a Constitution for Europe;
- (d) this Treaty shall apply to the Channel Islands and the Isle of Man only to the extent necessary to ensure the implementation of the arrangements for those islands originally set out in the Treaty referred to in Article IV-2(2)(a) of the Treaty establishing a Constitution for Europe and which was incorporated in the Protocol on the Treaties and Acts of Accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland, of the Hellenic Republic, of the Kingdom of Spain and the Portuguese Republic, and of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden."

#### **4. Authentic texts of the Euratom Treaty**

- Complete Article 106a(1) of the Euratom Treaty (inserted by Article 3 of the Euratom Protocol) by a reference to Article IV-10 of the Constitutional Treaty; and
- complete Article 3b of the Euratom Protocol by a reference to Article 225 of the Euratom Treaty.

#### **5. Legal instruments**

Amendment of Article 5(5) of the Euratom Protocol:

"In Articles 38 and 82, the word "directive" should be replaced by "European decision".  
In Articles 96 and 98, the word "directive" should be replaced by "European regulation"."