

THE MAASTRICHT TREATY

**FINAL ACT
AND
DECLARATIONS**

MAASTRICHT

7 FEBRUARY 1992

FINAL ACT

1. The Conferences of the Representatives of the Governments of the Member States convened in Rome on 15 December 1990 to adopt by common accord the amendments to be made to the Treaty establishing the European Economic Community with a view to the achievement of political union and with a view to the final stages of economic and monetary union, and those convened in Brussels on 3 February 1992 with a view to amending the Treaties establishing respectively the European Coal and Steel Community and the European Atomic Energy Community as a result of the amendments envisaged for the Treaty establishing the European Economic Community have adopted the following texts:

I.

THE TREATY ON EUROPEAN UNION

II.

PROTOCOLS

1. Protocol on the acquisition of property in Denmark;
2. Protocol concerning Article 119 of the Treaty establishing the European Community;
3. Protocol on the Statute of the European System of Central Banks and of the European Central Bank;
4. Protocol on the Statute of the European Monetary Institute;
5. Protocol on the excessive deficit procedure;
6. Protocol on the convergence criteria referred to in Article 109j of the Treaty establishing the European Community;
7. Protocol amending the Protocol on the privileges and immunities of the European Communities;
8. Protocol on Denmark;
9. Protocol on Portugal;
10. Protocol on the transition to the third stage of economic and monetary union;
11. Protocol on certain provisions relating to the United Kingdom of Great Britain and Northern Ireland;
12. Protocol on certain provisions relating to Denmark;
13. Protocol on France;
14. Protocol on social policy, to which is annexed an agreement concluded between the Member States of the European Community with the exception of the United

Kingdom of Great Britain and Northern Ireland, to which two declarations are attached;

15. Protocol on economic and social cohesion;
16. Protocol on the Economic and Social Committee and the Committee of the Regions;
17. Protocol annexed to the Treaty on European Union and to the Treaties establishing the European Communities.

The Conferences agreed that the Protocols referred to in 1 to 16 above will be annexed to the Treaty establishing the European Community and that the Protocol referred to in 17 above will be annexed to the Treaty on European Union and to the Treaties establishing the European Communities.

2. At the time of signature of these texts, the Conferences adopted the declarations listed below and annexed to this Final Act:

III.

DECLARATIONS

1. Declaration on civil protection, energy and tourism;
2. Declaration on nationality of a Member State;
3. Declaration on Part Three, Titles III and VI, of the Treaty establishing the European Community;
4. Declaration on Part Three, Title VI, of the Treaty establishing the European Community;
5. Declaration on monetary co-operation with non-Community countries;
6. Declaration on monetary relations with the Republic of San Marino, the Vatican City and the Principality of Monaco;
7. Declaration on Article 73d of the Treaty establishing the European Community;
8. Declaration on Article 109 of the Treaty establishing the European Community;
9. Declaration on Part Three, Title XVI, of the Treaty establishing the European Community;
10. Declaration on Articles 109, 130r and 130y of the Treaty establishing the European Community;
11. Declaration on the Directive of 24 November 1988 (Emissions);
12. Declaration on the European Development Fund;
13. Declaration on the role of national parliaments in the European Union;
14. Declaration on the Conference of the Parliaments;
15. Declaration on the number of members of the Commission and of the European Parliament;
16. Declaration on the hierarchy of Community Acts;

17. Declaration on the right of access to information;
18. Declaration on estimated costs under Commission proposals;
19. Declaration on the implementation of Community law;
20. Declaration on assessment of the environmental impact of Community measures;
21. Declaration on the Court of Auditors;
22. Declaration on the Economic and Social Committee;
23. Declaration on co-operation with charitable associations;
24. Declaration on the protection of animals;
25. Declaration on the representation of the interests of the overseas countries and territories referred to in Article 227(3) and (5)(a) and (b) of the Treaty establishing the European Community;
26. Declaration on the outermost regions of the Community;
27. Declaration on voting in the field of the common foreign and security policy;
28. Declaration on practical arrangements in the field of the common foreign and security policy;
29. Declaration on the use of languages in the field of the common foreign and security policy;
30. Declaration on Western European Union;
31. Declaration on asylum;
32. Declaration on police co-operation;
33. Declaration on disputes between the ECB and the EMI and their servants.

Done at Maastricht this seventh day of February in the year one thousand nine hundred and ninety-two.

DECLARATIONS

DECLARATION ON CIVIL PROTECTION, ENERGY AND TOURISM

The Conference declares that the question of introducing into the Treaty establishing the European Community Titles relating to the spheres referred to in Article 3(t) of that Treaty will be examined, in accordance with the procedure laid down in Article N(2) of that Treaty on European Union, on the basis of a report which the Commission will submit to the Council by 1996 at the latest.

The Commission declares that Community action in those spheres will be pursued on the basis of the present provisions of the Treaties establishing the European Communities.

DECLARATION ON NATIONALITY OF A MEMBER STATE

The Conference declares that, wherever in the Treaty establishing the European Community reference is made to nationals of the Member States, the question whether an individual possesses the nationality of a Member State shall be settled solely by reference to the national law of the Member State concerned. Member States may declare, for information, who are to be considered their nationals for Community purposes by way of a declaration lodged with the Presidency and may amend any such declaration when necessary.

DECLARATION ON PART THREE, TITLES III AND VI, OF THE TREATY ESTABLISHING THE EUROPEAN COMMUNITY

The Conference affirms that, for the purposes of applying the provisions set out in Part Three, Title III, Chapter 4 on capital and payments, and Title VI on economic and monetary policy, of this Treaty, the usual practice, according to which the Council meets in the composition of Economic and Finance Ministers, shall be continued, without prejudice to Article 109j(2) to (4) and Article 109k(2).

**DECLARATION
ON PART THREE, TITLE VI, OF THE TREATY
ESTABLISHING THE EUROPEAN COMMUNITY**

The Conference affirms that the President of the European Council shall invite the Economic and Finance Ministers to participate in European Council meetings when the European Council is discussing matters relating to Economic and Monetary Union.

**DECLARATION
ON MONETARY CO-OPERATION WITH NON-COMMUNITY COUNTRIES**

The Conference affirms that the Community shall aim to contribute to stable international monetary relations. To this end the Community shall be prepared to co-operate with other European countries and with those non-European countries with which the Community has close economic ties.

**DECLARATION
ON MONETARY RELATIONS
WITH THE REPUBLIC OF SAN MARINO, THE VATICAN CITY
AND THE PRINCIPALITY OF MONACO**

The Conference agrees that the existing monetary relations between Italy and San Marino and the Vatican City and between France and Monaco remain unaffected by the Treaty establishing the European Community until the introduction of the ECU as the single currency of the Community.

The Community undertakes to facilitate such renegotiations of existing arrangements as might become necessary as a result of the introduction of the ECU as a single currency.

**DECLARATION
ON ARTICLE 73d
OF THE TREATY ESTABLISHING THE EUROPEAN COMMUNITY**

The Conference affirms that the right of Member States to apply the relevant provisions of their tax law as referred to in Article 73(d)(1)(a) of this Treaty will apply only with respect to the relevant provisions which exist at the end of 1993. However, this Declaration shall apply only to capital movements between Member States and to payments effected between Member States.

**DECLARATION
ON ARTICLE 109 OF THE TREATY
ESTABLISHING THE EUROPEAN COMMUNITY**

The Conference emphasizes that use of the term ‘formal agreements’ in Article 109(1) is not intended to create a new category of international agreement within the meaning of Community law.

**DECLARATION
ON PART THREE, TITLE XVI, OF THE TREATY
ESTABLISHING THE EUROPEAN COMMUNITY**

The Conference considers that, in view of the increasing importance of nature conservation at national, Community and international level, the Community should, in exercising its powers under the provisions of Part Three, Title XVI, take account of the specific requirements of this area.

**DECLARATION
ON ARTICLES 109, 130r AND 130y OF THE TREATY
ESTABLISHING THE EUROPEAN COMMUNITY**

The Conference considers that the provisions of Article 109(5), Article 130r(4), second subparagraph, and Article 130y do not affect the principles resulting from the judgement handed down by the Court of Justice in the AETR case.

**DECLARATION
ON THE DIRECTIVE OF 24 NOVEMBER 1988 (Emissions)**

The Conference declares that changes in Community legislation cannot undermine the derogations granted to Spain and Portugal until 31 December 1999 under the Council Directive of 24 November 1988 on the limitation of emissions of certain pollutants into the air from large combustion plants.

**DECLARATION ON
THE EUROPEAN DEVELOPMENT FUND**

The Conference agrees that the European Development Fund will continue to be financed by national contributions in accordance with the current provisions.

**DECLARATION
ON THE ROLE OF NATIONAL PARLIAMENTS
IN THE EUROPEAN UNION**

The Conference considers that it is important to encourage greater involvement of national Parliaments in the activities of the European Union.

To this end, the exchange of information between national Parliaments and the European Parliament should be stepped up. In this context, the governments of the Member States will ensure, *inter alia*, that national Parliaments receive Commission proposals for legislation in good time for information or possible examination.

Similarly, the Conference considers that it is important for contacts between the national Parliaments and the European Parliament to be stepped up, in particular through the granting of appropriate reciprocal facilities and regular meetings between Members of Parliament interested in the same issues.

**DECLARATION
ON THE CONFERENCE OF THE PARLIAMENTS**

The Conference invites the European Parliament and the national Parliaments to meet as necessary as a Conference of the Parliaments (or 'Assises').

The Conference of the Parliaments will be consulted on the main features of the European Union, without prejudice to the powers of the European Parliament and the rights of the national Parliaments. The President of the European Council and the President of the Commission will report to each session of the Conference of the Parliaments on the state of the Union.

**DECLARATION
ON THE NUMBER OF MEMBERS OF THE COMMISSION AND
OF THE EUROPEAN PARLIAMENT**

The Conference agrees that the Member States will examine the questions relating to the number of members of the Commission and the number of members of the European Parliament no later than at the end of 1992, with a view to reaching an agreement which will permit the establishment of the necessary legal basis for fixing the number of members of the European Parliament in good time for the 1994 elections. The decisions will be taken in the light, *inter alia*, of the need to establish the overall size of the European Parliament in an enlarged Community.

**DECLARATION
ON THE HIERARCHY OF COMMUNITY ACTS**

The Conference agrees that the Intergovernmental Conference to be convened in 1996 will examine to what extent it might be possible to review the classification of Community acts with a view to establishing an appropriate hierarchy between the different categories of act.

**DECLARATION
ON THE RIGHT OF ACCESS TO INFORMATION**

The Conference considers that transparency of the decision-making process strengthens the democratic nature of the institutions and the public's confidence in the administration. The Conference accordingly recommends that the Commission submit to the Council no later than 1993 a report on measures designed to improve public access to the information available to the institutions.

**DECLARATION
ON ESTIMATED COSTS UNDER COMMISSION PROPOSALS**

The Conference notes that the Commission undertakes, by basing itself where appropriate on any consultations it considers necessary and by strengthening its system for evaluating Community legislation, to take account in its legislative proposals of costs and benefits to the Member States' public authorities and all the parties concerned.

**DECLARATION
ON THE IMPLEMENTATION OF COMMUNITY LAW**

1. The Conference stresses that it is central to the coherence and unity of the process of European construction that each Member State should fully and accurately transpose into national law the Community Directives addressed to it within the deadlines laid down therein.

Moreover, the Conference, while recognizing that it must be for each Member State to determine how the provisions of Community law can best be enforced in the light of its own particular institutions, legal system and other circumstances, but in any event in compliance with Article 189 of the Treaty establishing the European Community, considers it essential for the proper functioning of the Community that the measures taken by the different Member States should result in Community law being applied with the same effectiveness and rigour as in the application of their national law.

2. The Conference calls on the Commission to ensure, in exercising its powers under Article 155 of this Treaty, that Member States fulfil their obligations. It asks the

Commission to publish periodically a full report for the Member States and the European Parliament.

**DECLARATION
ON ASSESSMENT OF THE ENVIRONMENTAL IMPACT OF
COMMUNITY MEASURES**

The Conference notes that the Commission undertakes in its proposals, and that the Member States undertake in implementing those proposals, to take full account of their environmental impact and of the principle of sustainable growth.

**DECLARATION
ON THE COURT OF AUDITORS**

The Conference emphasizes the special importance it attaches to the task assigned to the Court of Auditors by Articles 188a, 188b, 188c and 206 of the Treaty establishing the European Community.

It requests the other Community institutions to consider, together with the Court of Auditors, all appropriate ways of enhancing the effectiveness of its work.

**DECLARATION
ON THE ECONOMIC AND SOCIAL COMMITTEE**

The Conference agrees that the Economic and Social Committee will enjoy the same independence with regard to its budget and staff management as the Court of Auditors has enjoyed hitherto.

**DECLARATION
ON CO-OPERATION WITH CHARITABLE ASSOCIATIONS**

The Conference stresses the importance, in pursuing the objectives of Article 117 of the Treaty establishing the European Community, of co-operation between the latter and charitable associations and foundations as institutions responsible for social welfare establishments and services.

**DECLARATION
ON THE PROTECTION OF ANIMALS**

The Conference calls upon the European Parliament, the Council and the Commission, as well as the Member States, when drafting and implementing Community legislation

on the common agricultural policy, transport, the internal market and research, to pay full regard to the welfare requirements of animals.

**DECLARATION
ON THE REPRESENTATION OF THE INTERESTS OF THE OVERSEAS
COUNTRIES AND TERRITORIES REFERRED TO IN ARTICLE 227(3)
AND (5)(a) AND (b) OF THE TREATY ESTABLISHING THE
EUROPEAN COMMUNITY**

The Conference, noting that in exceptional circumstances divergences may arise between the interests of the Union and those of the overseas countries and territories referred to in Article 227(3) and (5)(a) and (b), agrees that the Council will seek to reach a solution which accords with the position of the Union. However, in the event that this proves impossible, the Conference agrees that the Member State concerned may act separately in the interests of the said overseas countries and territories, without this affecting the Community's interests. The Member State concerned will give notice to the Council and the Commission where such a divergence of interests is likely to occur and, when separate action proves unavoidable, make it clear that it is acting in the interests of an overseas territory mentioned above.

This declaration also applies to Macao and East Timor.

**DECLARATION
ON THE OUTERMOST REGIONS OF THE COMMUNITY**

The Conference acknowledges that the outermost regions of the Community (the French overseas departments, Azores and Madeira and Canary Islands) suffer from major structural backwardness compounded by several phenomena (remoteness, island status, small size, difficult topography and climate, economic dependence on a few products), the permanence and combination of which severely restrain their economic and social development.

It considers that, while the provisions of the Treaty establishing the European Community and secondary legislation apply automatically to the outermost regions, it is none the less possible to adopt specific measures to assist them inasmuch and as long as there is an objective need to take such measures with a view to the economic and social development of those regions. Such measures should have as their aim both the completion of the internal market and a recognition of the regional reality to enable the outermost regions to achieve the average economic and social level of the Community.

**DECLARATION
ON VOTING IN THE FIELD OF THE COMMON FOREIGN AND
SECURITY POLICY**

The Conference agrees that, with regard to Council decisions requiring unanimity, Member States will, to the extent possible, avoid preventing a unanimous decision where a qualified majority exists in favour of that decision.

**DECLARATION
ON PRACTICAL ARRANGEMENTS IN THE FIELD OF THE COMMON
FOREIGN AND SECURITY POLICY**

The Conference agrees that the division of work between the Political Committee and the Committee of Permanent Representatives will be examined at a later stage, as will the practical arrangements for merging the Political Co-operation Secretariat with the General Secretariat of the Council and for co-operation between the latter and the Commission.

**DECLARATION
ON THE USE OF LANGUAGES IN THE FIELD
OF THE COMMON FOREIGN AND SECURITY POLICY**

The Conference agrees that the use of languages shall be in accordance with the rules of the European Communities.

For Coreu communications, the current practice of European Political Co-operation will serve as a guide for the time being.

All common foreign and security policy texts which are submitted to or adopted at meetings of the European Council and of the Council as well as all texts which are to be published are immediately and simultaneously translated into all the official Community languages.

**DECLARATION
ON WESTERN EUROPEAN UNION**

The Conference notes the following declarations:

I. DECLARATION

by Belgium, Germany, Spain, France, Italy, Luxembourg, the Netherlands, Portugal and the United Kingdom of Great Britain and Northern Ireland, which are members of the Western European Union and also members of the European Union

on

**THE ROLE OF THE WESTERN EUROPEAN UNION AND ITS RELATIONS
WITH THE EUROPEAN UNION AND WITH THE ATLANTIC ALLIANCE**

Introduction

1. WEU Member States agree on the need to develop a genuine European security and defence identity and a greater European responsibility on defence matters. This identity will be pursued through a gradual process involving successive phases. WEU will form an integral part of the process of the development of the European Union and will enhance its contribution to solidarity within the Atlantic Alliance. WEU Member States agree to strengthen the role of WEU, in the longer term perspective of a common defence policy within the European Union which might in time lead to a common defence, compatible with that of the Atlantic Alliance.

2. WEU will be developed as the defence component of the European Union and as a means to strengthen the European pillar of the Atlantic Alliance. To this end, it will formulate common European defence policy and carry forward its concrete implementation through the further development of its own operational role.

WEU Member States take note of Article J.4 relating to the common foreign and security policy of the Treaty on European Union which reads as follows:

- ‘1. The common foreign and security policy shall include all questions related to the security of the Union, including the eventual framing of a common defence policy, which might in time lead to a common defence.*
- 2. The Union requests the Western European Union (WEU), which is an integral part of the development of the Union, to elaborate and implement decisions and actions of the Union which have defence implications. The Council shall, in agreement with the institutions of the WEU, adopt the necessary practical arrangements.*
- 3. Issues having defence implications dealt with under this Article shall not be subject to the procedures set out in Article J.3.*
- 4. The policy of the Union in accordance with this Article shall not prejudice the specific character of the security and defence policy of certain Member States and shall respect the obligations of certain Member States under the North Atlantic Treaty and be compatible with the common security and defence policy established within that framework.*

5. *The provisions of this Article shall not prevent the development of closer co-operation between two or more Member States on a bilateral level, in the framework of the WEU and the Atlantic Alliance, provided such co-operation does not run counter to or impede that provided for in this Title.*
6. *With a view to furthering the objective of this Treaty, and having in view the date of 1998 in the context of Article XII of the Brussels Treaty, the provisions of this Article may be revised as provided for in Article N(2) on the basis of a report to be presented in 1996 by the Council to the European Council, which shall include an evaluation of the progress made and the experience gained until then.'*

A. WEU's Relations with European Union

3. The objective is to build up WEU in stages as the defence component of the European Union. To this end, WEU is prepared, at the request of the European Union, to elaborate and implement decisions and actions of the Union which have defence implications.

To this end, WEU will take the following measures to develop a close working relationship with the Union:

- as appropriate, synchronization of the dates and venues of meetings and harmonization of working methods;
- establishment of close co-operation between the Council the Secretariat-General of WEU on the one hand, and the Council of the Union and General Secretariat of the Council on the other;
- consideration of the harmonization of the sequence and duration of the respective Presidencies;
- arranging for appropriate modalities so as to ensure that the Commission of the European Communities is regularly informed and, as appropriate, consulted on WEU activities in accordance with the role of the Commission in the common foreign and security policy as defined in the Treaty on European Union;
- encouragement of closer co-operation between the Parliamentary Assembly of WEU and the European Parliament.

The WEU Council shall, in agreement with the competent bodies of the European Union, adopt the necessary practical arrangements.

B. WEU's Relations with the Atlantic Alliance

4. The objective is to develop WEU as a means to strengthen the European pillar of the Atlantic Alliance. Accordingly WEU is prepared to develop further the close working links between WEU and the Alliance and to strengthen the role, responsibilities and contributions of WEU Member States in the Alliance. This will be undertaken on the basis of the necessary transparency and complementarity between the emerging European security and defence identity and the Alliance. WEU will act in conformity with the positions adopted in the Atlantic Alliance.

- WEU Member States will intensify their co-ordination on Alliance issues which represent an important common interest with the aim of introducing joint positions agreed in WEU into the process of consultation in the Alliance which will remain the essential forum for consultation among its members and the venue for agreement on policies bearing on the security and defence commitments of Allies under the North Atlantic Treaty.
- Where necessary, dates and venues of meetings will be synchronized and working methods harmonized.

- Close co-operation will be established between the Secretariats-General of WEU and NATO.

C. Operational Role of WEU

5. WEU's operational role will be strengthened by examining and defining appropriate missions, structures and means, covering in particular:

- WEU planning cell;
- closer military co-operation complementary to the Alliance in particular in the fields of logistics, transport, training and strategic surveillance;
- meetings of WEU Chiefs of Defence Staff,
- military units answerable to WEU.

Other proposals will be examined further, including:

- enhanced co-operation in the field of armaments with the aim of creating a European armaments agency;
- development of the WEU Institute into a European Security and Defence Academy.

Arrangements aimed at giving WEU a stronger operational role will be fully compatible with the military dispositions necessary to ensure the collective defence of all Allies.

D. Other Measures

6. As a consequence of the measures set out above, and in order to facilitate the strengthening of WEU's role, the seat of the WEU Council and Secretariat will be transferred to Brussels.

7. Representation on the WEU Council must be such that the Council is able to exercise its functions continuously in accordance with Article VIII of the modified Brussels Treaty. Member States may draw on a double-hatting formula, to be worked out, consisting of their representatives to the Alliance and to the European Union.

8. WEU notes that, in accordance with the provisions of Article J.4(6) concerning the common foreign and security policy of the Treaty on European Union, the Union will decide to review the provisions of this Article with a view to furthering the objective to be set by it in accordance with the procedure defined. The WEU will re-examine the present provisions in 1996. This re-examination will take account of the progress and experience acquired and will extend to relations between WEU and the Atlantic Alliance.

II. DECLARATION

by Belgium, Germany, Spain, France, Italy, Luxembourg, the Netherlands, Portugal and the United Kingdom of Great Britain and Northern Ireland which are members of the Western European Union

'The Member States of WEU welcome the development of the European security and defence identity. They are determined, taking into account the role of WEU as the defence component of the European Union and as the means to strengthen the European pillar of the Atlantic Alliance, to put the relationship between WEU and the

other European States on a new basis for the sake of stability and security in Europe. In this spirit, they propose the following:

States which are members of the European Union are invited to accede to WEU on conditions to be agreed in accordance with Article XI of the modified Brussels Treaty, or to become observers if they so wish. Simultaneously, other European Member States of NATO are invited to become associate members of WEU in a way which will give them the possibility of participating fully in the activities of WEU.

The Member States of WEU assume that treaties and agreements corresponding with the above proposals will be concluded before 31 December 1992.'

DECLARATION ON ASYLUM

1. The Conference agrees that, in the context of the proceedings provided for in Articles K.1 and K.3 of the provisions on co-operation in the fields of justice and home affairs, the Council will consider as a matter of priority questions concerning Member States' asylum policies, with the aim of adopting, by the beginning of 1993, common action to harmonize aspects of them, in the light of the work programme and timetable contained in the report on asylum drawn up at the request of the European Council meeting in Luxembourg on 28 and 29 June 1991.
2. In this connection, the Council will also consider, by the end of 1993, on the basis of a report, the possibility of applying Article K.9 to such matters.

DECLARATION ON POLICE CO-OPERATION

The Conference confirms the agreement of the Member States on the objectives underlying the German delegation's proposals at the European Council meeting in Luxembourg on 28 and 29 June 1991.

For the present, the Member States agree to examine as a matter of priority the drafts submitted to them, on the basis of the work programme and timetable agreed upon in the report drawn up at the request of the Luxembourg European Council, and they are willing to envisage the adoption of practical measures in areas such as those suggested by the German delegation, relating to the following functions in the exchange of information and experience:

- support for national criminal investigation and security authorities, in particular in the co-ordination of investigations and search operations;
- creation of databases;
- central analysis and assessment of information in order to take stock of the situation and identify investigative approaches;
- collection and analysis of national prevention programmes for forwarding to Member States and for drawing up Europe-wide prevention strategies;
- measures relating to further training, research, forensic matters and criminal records departments.

Member States agree to consider on the basis of a report, during 1994 at the latest, whether the scope of such co-operation should be extended.

**DECLARATION
ON DISPUTES BETWEEN THE ECB AND THE EMI
AND THEIR SERVANTS**

The Conference considers it proper that the Court of First Instance should hear this class of action in accordance with Article 168a of the Treaty establishing the European Community. The Conference therefore invites the institutions to adapt the relevant rules accordingly.

Done at Maastricht on the seventh day of February in the year one thousand nine hundred and ninety-two.

The signatures of the plenipotentiaries of the twelve Member States now follow.