

TREATY OF NICE, pages 1-28

Provisional text approved by the
Intergovernmental Conference
on institutional reform ¹

¹ Provisional text which will undergo legal and linguistic editing.

PREAMBLE

THE HIGH CONTRACTING PARTIES

RECALLING the historic importance of the ending of the division of the European continent;

DESIRING to complete the process started by the Amsterdam Treaty of preparing the institutions of the Union to function in an enlarged Union;

DETERMINED on this basis to press ahead with the accession negotiations in order to bring them to a successful conclusion in accordance with the procedure laid down in the Treaty,

HAVE AGREED on the following adaptations of the Treaty on the European Union and the Treaties on the European Communities as well as the Protocol on the enlargement of the European Union.

FUNDAMENTAL RIGHTS

ARTICLE 7 TEU

1. On a reasoned proposal by one third of the Member States, by the European Parliament or by the Commission, the Council, acting by a majority of four-fifths of its Members after obtaining the assent of the European Parliament, may determine that there is a clear risk of a serious breach by a Member State of the principles mentioned in Article 6(1), and address appropriate recommendations to that State. Before making such a determination, the Council shall hear the Member State concerned and, acting in accordance with the same procedure, may call on independent persons to submit within a reasonable time limit a report on the situation in the Member State in question.

The Council shall regularly verify that the grounds for that situation continue to apply.

2.-3. *Paragraphs 1 and 2 of the current Article 7 remain unchanged and become paragraphs 2 and 3 respectively.*

4. *In the current paragraph 3, replace "paragraph 2" by "paragraph 3".*

5. *The second sentence of the first subparagraph would read:*

"Abstentions by members present in person or represented shall not prevent the adoption of decisions referred to in paragraph 2".

In the second subparagraph replace "paragraph 2" by "paragraph 3".

6. For the purposes of paragraphs 1 and 2, the European Parliament shall act by a two-thirds majority of the votes cast, representing a majority of its members.

ARTICLE 309 TEC

In paragraph 1 the reference should read "Article 7(3) of the Treaty on European Union"

In paragraph 2 the reference should read "Article 7(2) of that Treaty".

SECURITY AND DEFENCE

ARTICLE 17 TEU

1. The common foreign and security policy shall include all questions relating to the security of the Union, including the progressive framing of a common defence policy [*phrase deleted*], which might lead to a common defence, should the European Council so decide. It shall in that case recommend to the Member States the adoption of such a decision in accordance with their respective constitutional requirements.

[Second subparagraph deleted]

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, which see their common defence realised in the North Atlantic Treaty Organisation (NATO), under the North Atlantic Treaty and be compatible with the common security and defence policy established within that framework.

The progressive framing of a common defence policy will be supported, as Member States consider appropriate, by cooperation between them in the field of armaments.

2. Questions referred to in this Article shall include humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking.

[Former first, second and third subparagraphs of paragraph 3 deleted]

3. Decisions having defence implications dealt with under this **Article** shall be taken without prejudice to the policies and obligations referred to in paragraph 1, **second** subparagraph.

4. The provisions of this Article shall not prevent the development of closer cooperation between two or more Member States on a bilateral level, in the framework of the WEU and the Atlantic Alliance, provided such cooperation does not run counter to or impede that provided for in this Title.

5. With a view to furthering the objectives of this Article, the provisions of this Article will be reviewed in accordance with Article 48.

APPOINTMENT OF CFSP SPECIAL REPRESENTATIVES

ARTICLE 23 TEU

1. *Paragraph 1 unchanged.*
2. By derogation from the provisions of paragraph 1, the Council shall act by a qualified majority:
 - when adopting joint actions, common positions or taking any other decision on the basis of a common strategy;
 - when adopting any decision implementing a joint action or a common position;
 - **when appointing a special representative in accordance with Article 18(5) ¹.**

If a member of the Council declares that, for important and stated reasons of national policy, it intends to oppose the adoption of a decision to be taken by qualified majority, a vote shall not be taken. The Council, acting by a qualified majority, may request that the matter be referred to the European Council for decision by unanimity.

The votes of the members of the Council shall be weighted in accordance with Article 205(2) of the Treaty establishing the European Community. For their adoption, decisions shall require at least 62 votes in favour, cast by at least 10 members.

This paragraph shall not apply to decisions having military or defence implications.

3. *Paragraph 3 unchanged.*

¹ Article 18(5) remains unchanged.

**CONCLUSION OF INTERNATIONAL AGREEMENTS IN
CFSP/JHA FIELDS FOR WHICH A QUALIFIED MAJORITY IS REQUIRED
FOR THE ADOPTION OF INTERNAL DECISIONS OR MEASURES**

ARTICLE 24 TEU

1. When it is necessary to conclude an agreement with one or more States or international organisations in implementation of this Title, the Council [*phrase deleted*] may authorise the Presidency, assisted by the Commission as appropriate, to open negotiations to that effect. Such agreements shall be concluded by the Council [*phrase deleted*] on a recommendation from the Presidency.
2. **The Council shall act unanimously when the agreement covers an issue for which unanimity is required for the adoption of internal decisions.**
3. **When the agreement is envisaged to implement a joint action or common position, the Council shall act by a qualified majority in accordance with Article 23(2).**
4. The provisions of this Article shall also apply to matters falling under Title VI. **When the agreement covers an issue for which a qualified majority applies for the adoption of internal decisions or measures, the Council shall act by a qualified majority in accordance with Article 34(3).**
5. No agreement shall be binding on a Member State whose representative in the Council states that it has to comply with the requirements of its own constitutional procedure; the other members of the Council may agree that the agreement shall **nevertheless** apply provisionally.
6. **Agreements concluded under the conditions set out in this Article shall be binding on the institutions of the Union.**

SECURITY AND DEFENCE

ARTICLE 25 TEU

Without prejudice to Article 207 of the Treaty establishing the European Community, a Political and Security Committee shall monitor the international situation in the areas covered by the common foreign and security policy and contribute to the definition of policies by delivering opinions to the Council at the request of the Council or on its own initiative. It shall also monitor the implementation of agreed policies, without prejudice to the responsibility of the Presidency and the Commission.

Within the scope of this Title, this Committee shall exercise, under the responsibility of the Council, political control and strategic direction of crisis management operations.

The Council may authorise the Committee, for the purpose and for the duration of a crisis management operation **as determined by the Council**, to take the relevant decisions concerning the political control and strategic direction of the operation, without prejudice to Article 47.

Declaration annexed to the Final Act of the Intergovernmental Conference, concerning the European security and defence policy

In accordance with the texts approved by the European Council in Nice concerning the European security and defence policy (Presidency report, plus Annexes), the objective for the European Union is to become operational quickly. A decision to that end will be taken by the European Council as soon as possible in 2001 and no later than at its meeting in Laeken/Brussels, on the basis of the existing Treaty provisions. Consequently, the ratification of the revised Treaty does not constitute a precondition.

COMBATING CRIME – ROLE OF EUROJUST

ARTICLE 29 TEU

Without prejudice to the powers of the European Community, the Union's objective shall be to provide citizens with a high level of safety within an area of freedom, security and justice by developing common action among the Member States in the fields of police and judicial cooperation in criminal matters and by preventing and combating racism and xenophobia.

That objective shall be achieved by preventing and combating crime, organised or otherwise, in particular terrorism, trafficking in persons and offences against children, illicit drug trafficking and illicit arms trafficking, corruption and fraud, through:

- closer cooperation between police forces, customs authorities and other competent authorities in the Member States, both directly and through the European Police Office (Europol), in accordance with the provisions of Articles 30 and 32;
- closer cooperation between judicial and other competent authorities of the Member States, **including cooperation through the European Judicial Cooperation Unit (Eurojust)**, in accordance with the provisions of **Articles 31 and 32**;
- approximation, where necessary, of rules on criminal matters in the Member States, in accordance with the provisions of Article 31(e).

COMBATING CRIME – ROLE OF EUROJUST

ARTICLE 31 TEU

1. Common action on judicial cooperation in criminal matters shall include:
 - (a) facilitating and accelerating cooperation between competent ministries and judicial or equivalent authorities of the Member States, **including, where appropriate, cooperation through Eurojust**, in relation to proceedings and the enforcement of decisions;
 - (b) facilitating extradition between Member States;
 - (c) ensuring compatibility in rules applicable in the Member States, as may be necessary to improve such cooperation;
 - (d) preventing conflicts of jurisdiction between Member States;
 - (e) progressively adopting measures establishing minimum rules relating to the constituent elements of criminal acts and to penalties in the fields of organised crime, terrorism and illicit drug trafficking.

2. **The Council shall promote cooperation through Eurojust by:**
 - (a) **enabling Eurojust to facilitate proper coordination between Member States' national prosecuting authorities;**
 - (b) **promoting support by Eurojust for criminal investigations in cases of serious cross-border crime, particularly organised crime, taking account, in particular, of analyses carried out by Europol;**
 - (c) **facilitating close cooperation between Eurojust and the European Judicial Network, in particular, in order to facilitate the execution of letters rogatory and extradition requests.**

**Declaration to be included in the Final Act of the Conference
on Article 31(2) TEU**

The Conference recalls that:

- **the decision to set up a unit composed of national prosecutors and magistrates (or police officers of equivalent competence) detached from each Member State (Eurojust), having the task of facilitating proper coordination between national prosecuting authorities and of supporting criminal investigations in organised crime cases was provided for in the Presidency conclusions of the European Council at Tampere on 15 and 16 October 1999;**
- **the European Judicial Network was set up by Joint Action 98/428/JHA adopted by the Council on 29 June 1998 (OJ L 191, 7.7.1998, p. 4).**

AMENDMENT IN CONNECTION WITH ARTICLE 7 TEU

ARTICLE 46

The provisions of the Treaty establishing the European Community, the Treaty establishing the European Coal and Steel Community and the Treaty establishing the European Atomic Energy Community concerning the powers of the Court of Justice of the European Communities and the exercise of those powers shall apply only to the following provisions of this Treaty:

- (a) provisions amending the Treaty establishing the European Economic Community with a view to establishing the European Community, the Treaty establishing the European Coal and Steel Community and the Treaty establishing the European Atomic Energy Community;
- (b) provisions of Title VI, under the conditions provided for by Article 35;
- (c) provisions of Title VIII, under the conditions provided for by Article 11 of the Treaty establishing the European Community and Article 40 of this Treaty;
- (d) Article 6(2) with regard to action of the institutions, insofar as the Court has jurisdiction under the Treaties establishing the European Communities and under this Treaty;
- (e) Articles 46 to 53;
- (f) **the purely procedural stipulations in Article 7, with the Court of Justice acting at the request of the Member State concerned within one month from the date of the determination by the Council provided for in that Article.**

ENHANCED COOPERATION

GENERAL PRINCIPLES ¹

CLAUSE A

General conditions

Member States which intend to establish enhanced cooperation between themselves may make use of the institutions, procedures and mechanisms laid down by this Treaty and by the Treaty establishing the European Community provided that the proposed cooperation:

- (a) is aimed at furthering the objectives of the Union and the Community, at protecting and serving its interests and at reinforcing its process of integration;**
- (b) respects the Treaties and the single institutional framework of the Union;**
- (c) respects the *acquis communautaire* and the measures adopted under the other provisions of the Treaties;**
- (d) remains within the limits of the powers of the Union or of the European Community and does not cover areas falling within the exclusive competence of the Community;**
- (e) does not undermine the internal market as defined in Article 14(2) of the Treaty establishing the European Community, or the economic and social cohesion established in accordance with Title XVII of that Treaty;**
- (f) does not constitute a barrier to or discrimination of trade between the Member States and does not distort competition between them;**
- (g) involves a minimum of eight Member States;**
- (h) does not affect the competences, rights and obligations of those Member States which do not participate therein;**
- (i) is without prejudice to the provisions of the Protocol integrating the Schengen *acquis* into the framework of the European Union;**
- (j) is open to all the Member States, in accordance with Clause C.**

¹ This section of the arrangements for enhanced cooperation will be inserted in Title VII of the TEU.

CLAUSE B

Last resort clause

Enhanced cooperation may be engaged in only as a last resort, when it has been established within the Council that the objectives of such cooperation cannot be attained within a reasonable period by applying the relevant provisions of the Treaties.

CLAUSE C

Participation of Member States

When enhanced cooperation is established, it shall be open to all Member States. It shall also be open to them at any time, in accordance with Clauses H, M and P, subject to compliance with the basic decision and with the decisions taken within that framework. The Commission and the Member States parties to enhanced cooperation shall ensure that as many Member States as possible are encouraged to take part.

CLAUSE D

Institutional procedures

1. For the purposes of the adoption of the acts and decisions necessary for the implementation of enhanced cooperation referred to in Clause A, the relevant institutional provisions of this Treaty and of the Treaty establishing the European Community shall apply. However, while all members of the Council shall be able to take part in the deliberations, only those representing participating Member States shall take part in the adoption of decisions. The qualified majority shall be defined as the same proportion of the weighted votes and the same proportion of the number of the members of the Council concerned as laid down in Article 205(2) of the Treaty establishing the European Community, and in the second and third subparagraphs of Article 23(2) of this Treaty as regards enhanced cooperation established on the basis of Clause K. Unanimity shall be constituted by only those Council members concerned.

Such acts and decisions shall not form part of the Union acquis.

2. Member States shall apply, as far as they are concerned, the acts and decisions adopted for the implementation of the enhanced cooperation to which they are party. Such acts and decisions shall be binding only on those Member States which are party to such cooperation and shall be directly applicable only in those States. Member States which are not party to such cooperation shall not impede the implementation thereof by the participating Member States.

CLAUSE E

Financing

Expenditure resulting from implementation of enhanced cooperation, other than administrative costs entailed for the institutions, shall be borne by the participating Member States, unless all members of the Council, acting unanimously after consulting the European Parliament, decide otherwise.

CLAUSE F

Consistency of the Union's policies

The Council and the Commission shall ensure the consistency of activities undertaken on the basis of this Title and the consistency of such activities with the policies of the Union and the Community, and shall cooperate to that end.

ENHANCED COOPERATION UNDER THE TREATY ESTABLISHING THE EUROPEAN COMMUNITY¹

CLAUSE G

Procedure for establishing enhanced cooperation

1. Member States which intend to establish enhanced cooperation between themselves in one of the areas referred to in the Treaty establishing the European Community shall address a request to the Commission, which may submit a proposal to the Council to that effect. In the event of the Commission not submitting a proposal, it shall inform the Member States concerned of the reasons for not doing so.

2. Authorisation to establish the enhanced cooperation referred to in paragraph 1 shall be granted, in compliance with Clauses A to F, by the Council, acting by a qualified majority on a proposal from the Commission after consulting the European Parliament. When enhanced cooperation relates to an area covered by the procedure referred to in Article 251, the assent of the European Parliament shall be required.

A member of the Council may request that the matter be referred to the European Council. After that referral, the Council may take a decision in accordance with the provisions of the first subparagraph.

3. The acts and decisions necessary for the implementation of enhanced cooperation activities shall be subject to all the relevant provisions of the Treaty establishing the European Community, save as otherwise provided in this Clause and in Clauses A to F.

CLAUSE H

Procedure allowing other Member States to participate

Any Member State which wishes to become a party to enhanced cooperation established in accordance with Clause G shall notify its intention to the Council and to the Commission, which shall give an opinion to the Council within three months of receipt of that notification. Within four months of receipt of that notification, the Commission shall take a decision on it, and on such specific arrangements as it may deem necessary.

¹ This section of the arrangements for enhanced cooperation will be inserted in Part 1 of the TEC.

ENHANCED COOPERATION UNDER TITLE V OF THE TEU ¹

CLAUSE I

General objectives

1. Enhanced cooperation in any of the areas referred to in Title V shall be aimed at safeguarding the values and serving the interests of the Union as a whole by asserting its identity as a coherent force on the international scene. It shall respect:

- the principles, objectives, general guidelines and consistency of the common foreign and security policy and the decisions taken within the framework of that policy;**
- the powers of the European Community;**
- consistency between all the Union's policies and its external activities.**

2. The provisions of Articles 11 to 28 shall apply to the enhanced cooperation provided for in this Clause, save as otherwise provided in Clause K and Clauses A to F.

CLAUSE J

Object

Enhanced cooperation pursuant to Title V shall relate to implementation of a joint action or a common position. It shall not relate to matters having military or defence implications.

¹ This section of the arrangements for enhanced cooperation will be inserted in Title V of the TEU.

CLAUSE K

Procedure for establishing enhanced cooperation

Member States which intend to establish enhanced cooperation between themselves under Clause J shall address a request to the Council to that effect.

The request shall be forwarded to the Commission and to the European Parliament for information. The Commission shall give its opinion particularly on whether the enhanced cooperation proposed is consistent with Union policies *[phrase deleted]*. Authorisation shall be granted by the Council, acting in accordance with the second and third subparagraphs of Article 23(2) and in compliance with Clauses A to F.

[Paragraph deleted]

CLAUSE L

Role of the Secretary-General/High Representative

Without prejudice to the powers of the Presidency or of the Commission, the Secretary-General of the Council, High Representative for the common foreign and security policy, shall in particular ensure that all members of the Council and the European Parliament are kept fully informed of the implementation of enhanced cooperation in the CFSP area.

CLAUSE M

Procedure allowing other Member States to participate

Any Member State which wishes to become a party to enhanced cooperation established in accordance with Clause K shall notify its intention to the Council and inform the Commission. *[Phrase deleted]* The Commission shall give an opinion to the Council within three months of receipt of that notification. Within four months of receipt of that notification, the Council shall take a decision on the request and on such specific arrangements as it may deem necessary. The decision shall be deemed to be taken unless the Council, acting by a qualified majority, decides to hold it in abeyance; in that case, the Council shall state the reasons for its decision and set a deadline for re-examining it. For the purposes of this Clause, the Council shall act by a qualified majority. The qualified majority shall be defined as the same proportion of the weighted votes and the same proportion of the number of the members of the Council concerned as laid down in the third subparagraph of Article 23(2) of this Treaty.

ENHANCED COOPERATION UNDER TITLE VI OF THE TEU ¹

CLAUSE N

Objectives

- 1. Enhanced cooperation in any of the areas referred to in Title VI shall have the aim of enabling the Union to develop more rapidly into an area of freedom, security and justice, while respecting the powers of the European Community and the objectives laid down in Title VI.**
- 2. The provisions of Articles 29 to 41 shall apply to the enhanced cooperation provided for by this Clause, save as otherwise provided in Clause O and in Clauses A to F.**
- 3. The provisions of the Treaty establishing the European Community concerning the powers of the Court of Justice of the European Communities and the exercise of those powers shall apply to Clauses N to P.**

CLAUSE O

Procedure for establishing enhanced cooperation

- 1. Member States which intend to establish enhanced cooperation between themselves under Clause N shall address a request to the Commission, which may submit a proposal to the Council to that effect. In the event of the Commission not submitting a proposal, it shall inform the Member States concerned of the reasons for not doing so. Those Member States may then submit an initiative to the Council designed to obtain authorisation for the cooperation concerned.**

¹ This section of the arrangements for enhanced cooperation will be inserted in Title VI of the TEU.

2. The authorisation referred to in paragraph 1 shall be granted by the Council, acting by a qualified majority after consulting the European Parliament on a proposal from the Commission or at the initiative of at least eight Member States, in compliance with Clauses A to F. The votes of the members of the Council shall be weighted in accordance with Article 205(2) of the Treaty establishing the European Community.

A member of the Council may request that the matter be referred to the European Council. After that referral, the Council may take a decision in accordance with the provisions of the first subparagraph.

CLAUSE P

Procedure allowing other Member States to participate

Any Member State which wishes to become a party to enhanced cooperation established in accordance with Clause O shall notify its intention to the Council and to the Commission, which shall give an opinion to the Council within three months of receipt of that notification, possibly accompanied by a recommendation for such specific arrangements as it may deem necessary for that Member State to become a party to the cooperation in question. The Council shall take a decision on the request within four months of the date of that notification. The decision shall be deemed approved unless the Council, acting by a qualified majority within the same period, decides to hold it in abeyance; in this case, the Council shall state the reasons for its decision and set a deadline for reexamining it. For the purposes of this Clause, the Council shall act under the conditions set out in Clause D(1).

INTERINSTITUTIONAL AGREEMENTS

Declaration to be included in the Final Act of the Conference on Article 10 TEC

The Conference recalls that the duty of sincere cooperation which is reflected in Article 10 of the Treaty establishing the European Community and governs relations between the Member States and the Community institutions also governs relations between the Community institutions themselves. In relations between those institutions, when it proves necessary, in the context of that duty of cooperation, to facilitate the application of the provisions of the Treaty establishing the European Community, the European Parliament, the Council of the European Union and the Commission may conclude interinstitutional agreements. Such agreements may not amend or supplement the provisions of the treaties and may be concluded only with the agreement of these three institutions.

ANTI-DISCRIMINATION MEASURES

ARTICLE 13 TEC

1. Without prejudice to the other provisions of this Treaty and within the limits of the powers conferred by it upon the Community, the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

2. By way of derogation from paragraph 1, when the Council adopts Community incentive measures, excluding any harmonisation of the laws and regulations of the Member States, to support action taken by the Member States in order to contribute to the achievement of the objectives referred to in this Article, it shall act in accordance with the procedure referred to in Article 251.

**PROVISIONS FACILITATING THE EXERCISE OF THE RIGHT OF CITIZENS
OF THE UNION TO MOVE AND RESIDE WITHIN THE TERRITORY
OF THE MEMBER STATES**

ARTICLE 18 TEC

1. Every citizen of the Union shall have the right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in this Treaty and by the measures adopted to give it effect.

2. **If action by the Community should prove necessary to attain this objective and this Treaty has not provided the necessary powers**, the Council may adopt provisions with a view to facilitating the exercise of the rights referred to in paragraph 1; *[phrase deleted]* the Council shall act in accordance with the procedure referred to in Article 251. *[sentence deleted]*.

3. **Paragraph 2 shall not apply to provisions on passports, identity cards, residence permits or any other such document or to provisions on social security or social protection.**

**REPLYING WITHIN A REASONABLE PERIOD TO WRITTEN REQUESTS
MADE TO THE INSTITUTIONS AND BODIES OF THE UNION**

**Declaration to be included in the Final Act of the Conference
on the third paragraph of Article 21 TEC**

The Conference calls upon the institutions and bodies referred to in the third paragraph of Article 21 or in Article 7 to ensure that the reply to any written request by a citizen of the Union is made within a reasonable period.

VISAS, ASYLUM, IMMIGRATION AND OTHER POLICIES RELATING TO THE FREE MOVEMENT OF PERSONS

ARTICLE 67 TEC

1. During a transitional period of five years following the entry into force of the Treaty of Amsterdam, the Council shall act unanimously on a proposal from the Commission or on the initiative of a Member State and after consulting the European Parliament.
2. After this period of five years:
 - the Council shall act on proposals from the Commission; the Commission shall examine any request made by a Member State that it submit a proposal to the Council;
 - the Council, acting unanimously after consulting the European Parliament, shall take a decision with a view to providing for all or parts of the areas covered by this Title to be governed by the procedure referred to in Article 251 and adapting the provisions relating to the powers of the Court of Justice.
3. By derogation from paragraphs 1 and 2, measures referred to in Article 62(2)(b)(i) and (iii) shall, from the entry into force of the Treaty of Amsterdam, be adopted by the Council acting by a qualified majority on a proposal from the Commission and after consulting the European Parliament.
4. By derogation from paragraph 2, measures referred to in Article 62(2)(b)(ii) and (iv) shall, after a period of five years following the entry into force of the Treaty of Amsterdam, be adopted by the Council acting in accordance with the procedure referred to in Article 251.
5. **By derogation from paragraph 1, the Council shall adopt, in accordance with the procedure provided for in Article 251:**
 - **the measures provided for in Article 65 with the exception of aspects relating to family law;**
 - **the measures provided for in Article 63(1)(a), (b), (c) and (d) and in Article 63(2)(a) provided that the Council has previously adopted, in accordance with the provisions of paragraph 1 of this Article, Community legislation defining the common rules and basic principles governing this issue.**

Declaration to be included in the Final Act of the Conference on Article 67 TEC

The High Contracting Parties agree that the Council,

- in the decision it is required to take pursuant to the second indent of Article 67(2) of the Treaty establishing the European Community, will decide, as from 1 May 2004, to act in accordance with the procedure referred to in Article 251 in order to adopt the measures referred to in Article 62(3) and Article 63(3)(b);**
- will decide, as from that date, to act by a qualified majority on a proposal from the Commission after consulting the European Parliament in order to adopt the measures referred to in Article 66.**
- will decide to act by a qualified majority in order to adopt the measures referred to in Article 62(2)(a), as soon as agreement has been reached on the scope of the measures concerning the crossing by persons of the external borders of the Member States of the European Union.**

The Council will, moreover, endeavour to make the procedure referred to in Article 251 applicable at that date or as soon as possible thereafter to the other areas covered by Title IV or to parts of them.

**COMMUNITY FINANCIAL ASSISTANCE, UNDER CERTAIN CONDITIONS,
TO A MEMBER STATE WHICH IS IN DIFFICULTIES OR IS
SERIOUSLY THREATENED WITH SEVERE DIFFICULTIES CAUSED BY
EXCEPTIONAL OCCURRENCES BEYOND ITS CONTROL**

ARTICLE 100 TEC

1. Without prejudice to any other procedures provided for in this Treaty, the Council, **acting by a qualified majority** on a proposal from the Commission, may decide upon the measures appropriate to the economic situation, in particular if severe difficulties arise in the supply of certain products.

2. Where a Member State is in difficulties or is seriously threatened with severe difficulties caused by **natural disasters or** exceptional occurrences beyond its control, the Council, **acting by a qualified majority** on a proposal from the Commission, may grant, under certain conditions, Community financial assistance to the Member State concerned. *[Sentence deleted]*. The President of the Council shall inform the European Parliament of the decision taken.

Declaration to be included in the Final Act of the Conference on Article 100 TEC

The Conference recalls that decisions regarding financial assistance, such as are provided for in Article 100 and are compatible with the no bail-out rule laid down in Article 103, must comply with the 2000–2006 financial perspective, and in particular paragraph 11 of the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure, and with the corresponding provisions of future interinstitutional agreements and financial perspectives.

**REPRESENTATION OF THE EUROPEAN COMMUNITY
AT INTERNATIONAL LEVEL IN THE EMU SPHERE**

ARTICLE 111(4) TEC

4. Subject to paragraph 1, the Council, **acting by a qualified majority** on a proposal from the Commission and after consulting the ECB, shall decide on the position of the Community at international level as regards issues of particular relevance to economic and monetary union and, *[phrase deleted]* on its representation in compliance with the allocation of powers laid down in Articles 99 and 105.

Declaration to be included in the Final Act of the Conference on Article 111 TEC

The Conference agrees that procedures must be such as to enable all the Member States in the euro area to be fully involved in each stage of preparing the position of the Community at international level as regards issues of particular relevance to economic and monetary union.